

LICENSING SUB-COMMITTEE



Report subject	Application for a new Premises Licence, Juniper Tree Catering Ltd, 38 Salterns Way, Poole
Meeting date	7 June 2021
Status	Public Report
Executive summary	Mr Phillip Day on behalf of Juniper Tree Catering Ltd has made an application for a premises licence at 38 Salterns Way, Poole for the supply of alcohol on and off the premises between the hours of 08:00 - 23:00 Monday to Sunday
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none">a) Grant the application for a premises licence as madeb) Refuse the application for a premises licencec) Grant the premises licence subject to additional conditions <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received 4 representations from other persons on the grounds that if this application were granted it would undermine the licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that has been raised in the representations.</p> <p>Where representations have been received from a responsible authority or other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Councils Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment and Community
Report Authors	Nananka Randle – Licensing Manager Lesley Johnson – Licensing Officer
Wards	Penn Hill;
Classification	For Decision

Background

1. An application for a new premises licence under the Licensing Act 2003 was made on the 19th April 2021. See Appendix 1.
2. A plan is attached as Appendix 2 with a further plan of the cabin at Appendix 3.

Consultation

3. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The applicant prompted representations from four other persons on the grounds of the prevention of public nuisance and prevention of crime and disorder. A copy of these representations is attached at Appendix 4.

Mediation

5. Mr Day who represents the applicant has sent an email on the 24th May 2021 offering reduced hours of operating on Sundays to Thursdays by way of mediation to the 4 'other persons' who have made a representation. The proposal is that the application be amended so that the permitted hours for the sale of alcohol both on and off the premises be varied to:

From 8 a.m. until 10 p.m. on Sundays to Thursdays and from 8 a.m. until 11 p.m. on Fridays, Saturdays, days that are Bank Holidays and on Sundays immediately preceding a Bank Holiday Sunday.

Options Appraisal

6. Before making a decision, Members are asked to consider the following matters:
 - The representations made by other persons
 - The submissions made by or made on behalf of the applicant
 - The relevant licensing objective, namely the prevention of public nuisance and prevention of crime and disorder.
 - The Licensing Act 2003, Regulations, Guidance and the Councils Statement of Licensing Policy

Summary of financial implications

7. Not Applicable

Summary of legal implications

8. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

9. Not Applicable

Summary of sustainability impact

10. Not Applicable

Summary of public health implications

11. Not Applicable

Summary of equality implications

12. Not Applicable

Summary of risk assessment

13. Not Applicable

Background papers

BCP Council – Statement of Licensing Policy -
<https://www.bcpCouncil.gov.uk/Business/Licences-and-Permits/Documents/Licensing/solp-2020.pdf>

Hearing Regulations - <https://www.legislation.gov.uk/ukSI/2005/44/contents/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018.pdf

Appendices

Appendix 1 – Application Form

Appendix 2 – Plan

Appendix 3 – Cabin Plan

Appendix 4 – Representations

Appendix 5 – Mediation email from Mr Day