
Consideration of an application for the Grant of a Premises Licence for Olive Bar and Kitchen

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Division / Local Member: Cllrs John Bailey and Emily Pearlstone

1. Summary

- 1.1 An application has been made by Old Dairy Group Ltd, in accordance with the Licensing Act 2003 (LA2003), for the grant of a premises licence in respect of Olive Bar and Kitchen, Martock Workspace, Stoke Road, Martock, TA12 6RR.
- 1.2 The Licensing Authority has received a relevant representation and must therefore hold a hearing for the Licensing Sub Committee to determine the application.

2. Issues for consideration/recommendations

- 2.1 The Sub Committee must, having regard to the representations, take one of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - a) Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives together with the mandatory conditions.
 - b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - c) Refuse to specify a person in the licence as the premises supervisor.
 - d) Reject the application.
- 2.2 In determining the application, the Sub Committee must have regard, and give appropriate weight, to the following:

- a) Any relevant representation (including supporting documentation received).
- b) Revised guidance issued under section 182 of the LA2003 by the Home Office (August 2023).
- c) The Licensing Authority's Statement of Licensing Policy, published in September 2023.
- d) Human Rights considerations, in particular Article 6, Article 8, and Article 1 of Protocol 1.

3. Background

- 3.1 The Licensing Authority received an application for the grant of a premises licence in respect of Olive Bar and Kitchen, Martock Workspace, Stoke Road, Martock, TA12 6RR. A copy of the application is attached at **Appendix 1**, and the plans of the proposed licensed premises are shown in **Appendix 2**.
- 3.2 The applicant is seeking authorisation for the supply of alcohol for consumption on the premises.
- 3.3 The Licensing Authority is satisfied that the applicant complied with Regulation 28 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, requiring the application to be advertised. The applicant provided photographs demonstrating that notices were on display at the premises. Furthermore, a notice was published in the Western Gazette on the Thursday 30th May.
- 3.4 No representations were received from responsible authorities.
- 3.5 A relevant representation was received from a member of the public (herein thereafter referred to as Other Person). A copy of this representation is attached at **Appendix 3**.
- 3.6 The Other Person has raised concerns in relation to noise from people in an outdoor environment, noise and disturbance from people exiting the premises in vehicles, potential anti-social behaviour and crime.
- 3.7 A copy of the representation has been given to the applicant. A meeting between the applicant and Other Person has been arranged to discuss the concerns, however, this had not taken place at the time of writing the report.
- 3.8 The applicant has provided some additional information about the application, premises and a plan showing the repositioning of the entrance to the site. This information can be seen in **Appendix 4**. The applicant has also offered to reduce the times which have been requested for the sale of alcohol and has put forward some additional information to address the Other Person's concerns.

- 3.9 The proposed reduced timings for the supply of alcohol are: Friday and Saturday with the finish time of 22:00 instead of 23:00.
- 3.10 The additional measures which have been offered by the applicant are:
- No food or drink will be served to customers sitting in the outside area after 21:00. Signage shall be displayed in a prominent position at the premises to make customers aware of this requirement. For clarity, there are benches located in the outside space and at no time will food or drink be served to customers who sit on these benches.
 - Alcoholic drinks will only be served with a meal.
- 3.11 The information in paragraphs 3.9 and 3.10 has been given to the other person, however, as this was on the same day as this report was written there is no further update at the time of writing.

4. Appeals

- 4.1 All relevant parties to the decision of the Licensing Authority have the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

5. Appendices

1. Application
2. Plans of premises
3. Representation from the Other Party.
4. Information submitted by the applicant

Note For sight of individual background papers please contact the report author.