

Supplementary Papers for Licensing Committee

Date: Wednesday, 21 April 2021

Additional Information on Representations



4. Beach Wedding Area, West Undercliff

BCP Council has made an application to vary the premises licence to enable outdoor pop up catering sites across the Seafront to enhance the existing offering for the main season and therefore use the area for events other than beach weddings.

The application has requested the following:-

- To add the sale of alcohol every April – September from 10:00 to 22:00.
- To increase the live and recorded music timings to 10:00 to 22:00.
- To apply for plays, films, indoor sporting events and the performance of dance.

Out of the proposed times the site will continue to be a beach wedding area.

The application is brought before the Licensing Committee for determination.

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Published: 16 April 2021

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Dear Sarah

Thank you for your three emails and attached letters dated 5 April 2021 giving formal notice of hearing of the three applications 183679, 183680 and 183678 scheduled for 20-21 April 2021.

I attach completed notices of hearing in respect of the three applications. You will note that I have indicated that my current intention is to speak at the hearings and that I estimate that it will take me 20 minutes to make any oral representations. My oral representations will be the same for the three applications.

I am not sure why applications 183679 (East Cliff Beach) and 183680 (Tofts Beach) are being heard on 20 April, whereas application 183678 (Beach Wedding Area) is to be heard on 21 April. Since the issues appear to be the same, it would seem sensible for all three applications to be heard on the same date of 20 April. Is this possible and, if not, why not?

If there is any new information or documentation relied on by BCP Council, it should be emailed to myself and other objectors as soon as possible and in any event not less than 48 hours prior to the hearings to enable myself and other objectors to properly consider it, bearing in mind that the hearings are to be held remotely via Microsoft Teams.

I otherwise have the following additional comments on your attached letters:

1. The Seafront and Event departments are not the Applicant. The Applicant in each case is BCP Council. The Seafront and Event departments are merely part of BCP Council.
2. The Seafront and Event departments have not sought to commence mediation with me.

As you are aware, on 29 March 2021 Amy Harris (Admin and Finance Officer – Destination and Culture) sent me what was essentially her standard response to resident objections, to which I replied by email on the same date. Amy Harris responded on 1 April 2021, to which I again replied by email on the same date.

I would ask that the exchange of emails between Amy Harris and myself on 29 March and 1 April 2021, in respect of which you were copied in by me, should be included in the documentation to go on the relevant files and in the reports to the Licensing Committee, since I consider they will assist the Licensing Committee in understanding the issues relevant to the three applications.

Please let me have a copy of the reports to the Licensing Committee before the hearings.

3. Please confirm whether each of Dorset Police, Environmental Health and Bournemouth Town Watch had copies of the representations of objectors, including myself, before agreeing conditions.

Please let me have a copy of the Environmental Health representations to the applications which you say have been withdrawn.

Please let me have copies of any conditions agreed with Dorset Police and Bournemouth Town Watch in respect of the three applications.

4. I raised three preliminary matters in my representations dated 22 March 2021. The Licensing Committee may consider that the first issue of service of notices of the applications, and the second issue of procedural fairness and conflicts of interest (based on paragraphs 9.17 and 9.18 of the Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003), should be addressed at an early stage of the hearings.

In relation to the second issue of procedural fairness and conflicts of interest, as you are aware I have taken the point in my representations that it is important for BCP Council to demonstrate that there has been a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. These matters are solely within the knowledge of BCP Council and the Licensing Authority. I would therefore request that as soon as possible and not less than 48 hours prior to the hearings BCP Council and yourself should confirm in writing that there has been no breach of paragraphs 9.17 and 9.18 of the Guidance and if there have been any such communications that full disclosure is made of the communications as soon as possible and again not less than 48 hours before the hearings.

The third preliminary matter raised in my representations relating to non-compliance by BCP Council with paragraph 12.12 of the BCP Statement of Licensing Policy 2020-2025 and the issue of abuse of the licensing regime is relevant to the determination of the Council's applications on the merits and might be considered at the same time as the reasons for objection by reference to the four licensing objectives.

Finally, I would ask that a copy of this email and any response should also be included in the documentation to go on the relevant files and in the reports to the Licensing Committee.

Please acknowledge safe receipt by email.

Dear Mr Wulwik

Thank you for your response.

I shall make a note of your request to speak for 20 mins in support of your representations.

The reason why East Cliff and Tofts Beach are being heard on the 20th April 2021 is because they are the two new applications. The three variation applications will take place on the following day.

It is clear that the applicant is BCP Council but there must be a point of contact which is the Service Director for Destination and Culture, Mr C Saunders. He has been working closely with our Events department who manage the events on their sites which is why reference is made to them jointly.

I had been advised by Events that they were writing to all persons who had made a representation to further explain the purpose of the applications, the plans for the sites and an attempt to provide more detail and understanding. I have seen your email exchange with Amy Harris and will include this in my report to the Licensing Committee.

Once I have submitted my reports our Democratic Services Officers deal with distribution of the agenda papers and reports and will make contact with all those persons who have made a representation, to give them an invitation to the Team meeting. This is all arranged by them.

I understand that a number of conditions have been agreed with Dorset Police and Bournemouth Town Watch but there are one or two which are still being discussed. Details of this will be included in my report which you will have sight of.

With regard to the mediation between the applicant and Environmental Health the conditions I have copied to you are the extent of the mediation. They considered that the wording suggested by the applicant could be clearer and therefore submit a representation in the meantime to ensure that the matter is discussed. This happened to their satisfaction therefore the representation was withdrawn.

Legal and Democratic Services ensure at all times that procedural and compliance with the Council's Constitution is complied with and those matters where the Council are the applicant's to their own regulatory processes.

As with your request for your email exchange with events to be included in my report I shall also include this exchange.

Kind regards

Sarah



Sarah Rogers
Senior Licensing Officer
Communities

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Bournemouth Beaches Premises Licenses - information for resident enquiries

Thu, Apr 1, 2021 at 8:51 PM

To: Seafont Admin <seafont.admin@bcpcouncil.gov.uk>, Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>

Dear Amy

Thank you for your email dated 1 April.

I note that in your response to point (2) of my email dated 29 March you state "[BCP] have not restricted the type of event on the application as the flexibility will enable [BCP] to consider applications for a variety of purposes". I have two comments:

(1) Paragraph 12.12 of BCP's Statement of Licensing Policy 2020 - 2025 provides that the Licensing Authority will expect applicants to consider a number of matters in the context of promoting the four licensing objectives including, inter alia, "The precise nature, type and frequency of the proposed activities". The vagueness of the Council's proposals suggests that the Council is ignoring its own Statement of Licensing Policy.

(2) You appear to accept that the Council's intention in issuing the very general and wide ranging applications is to leave it to the Council to make use of the seafront as they see fit. This would prevent the Licensing Committee or Sub Committee giving any meaningful consideration to the precise nature, type and frequency of the proposed licensable activities in the case of objection by local residents. It is this which has caused alarm to residents, being an abuse of the licensing regime as well as falling foul of BCP's own Statement of Licensing Policy.

As before, I am copying this email to the Senior Licensing Officer Sarah Rogers for her information,

Yours sincerely

Peter Wulwik

On Thu, Apr 1, 2021 at 6:26 PM Seafont Admin <seafont.admin@bcpcouncil.gov.uk> wrote:

Good afternoon

Please see the response to your questions below in blue.

Kind regards



Amy Harris

Admin and Finance Officer

Destination and Culture

bcpcouncil.gov.uk

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From: Peter Wulwik
Sent: 29 March 2021 17:30
To: Seafront Admin <seafront.admin@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>
Subject: Re: Bournemouth Beaches Premises Licenses - information for resident enquiries

Dear Amy

Thank you for your email below dated 29 March 2021.

Unfortunately, your email does little to allay my concerns in relation to BCP's licence applications 183678, 183679 and 183680 for the following reasons:

(1) I note that rather than being a response to my representations dated 22 March, you have sent me what is essentially your standard response to resident objections. It might have been more helpful had you actually sought to answer the specific matters raised by me in my representations. We have received a number of representations in relation to the license variation applications on the Seafront and felt it would be useful to provide you with some background information around the reason for the variations as in many cases the objections were based on the misconception that we would be running events all along the Seafront on a regular basis.

(2) You state that "BCP Council have applied for new premises licences and variations on existing premises licences to allow for the increased provision of outside restaurants to operate along the beach over the summer to meet the expected demand from visitors. These would be a well- managed restaurant provision whereby alcohol is only available as part of a seated meal..." However you have not limited your applications to such activities. The applications are extremely general and in the widest terms. The proposed licensable activities referred to in the applications are numerous and varied. No detailed operating schedule has been produced and no details have been given as to what the Council actually intends to allow in relation to each location. The License application form does not allow for detailed operating schedules to be included. We have not restricted the type of event on the application as the flexibility will enable us to consider applications for a variety of purposes. However, as explained below any application to hold an event on this land has to go through a full application process whereby we work with organisers to ensure they will not cause a disruption to surrounding areas and comply with all conditions set by the Council. At the same time we work with multi agency partners to ensure full plans are in place so that residents and beach hut tenants are not disrupted.

(3) You state that "...there are times when [BCP Council] permit events to use the seafront...", but that "There are currently no plans for any events and the purpose of the licences is to be able to offer the seafront catering experience detailed above. Should this not continue, there would be the opportunity for public events should a request come in.....". In addition, you state that "... The premises licences can also be used for community event organisers who wish to put on an event with regulated entertainment". This serves to illustrate the extremely vague nature of the Council's proposals. Further the concern is that the effect of the applications, if granted, would be to permit the Council to have the unfettered ability to make use of the seafront as they see fit and to circumvent the controls and safeguards of having to make individual applications for each licensable activity. It is for that reason that the applications are an abuse of the licensing regime. Please see response to point 2.

I am copying this email to the Senior Licensing Officer Sarah Rogers for her information.

Yours sincerely

Peter Wulwik

On Mon, Mar 29, 2021 at 12:06 PM Seafront Admin <seafront.admin@bcpcouncil.gov.uk> wrote:

Dear Mr Wulwik

Following on from your objection in relation to licence applications 183678, 183679 and 183680 we wanted to give you some further details into the plans for the summer arrangements and also for any events which were to use this area in the future to hopefully allay your concerns.

Summer seafront operation

BCP Council have applied for new premises licenses and variations on existing premises licenses to allow for the increased provision of outside restaurants to operate along the beach over the summer to meet the expected demand from visitors. These would be a well-managed restaurant provision whereby alcohol is only available as part of a seated meal.

The operation of these will be under the direct supervision of the Council's contracts management team, ensuring compliance with licence agreements and operational regulations.

We are liaising with the police and our Environmental Health colleagues to ensure appropriate conditions are attached to any licences granted to make sure there is no disruption to local residents or beach goers and that the operation becomes an enhancement of the existing Seafront catering offer, complimenting the resort as a destination for all.

The wording that has been issued to potential suppliers for an overview of the proposed operation is detailed below:

BCP Council are tendering out for suppliers to operate stylish beach restaurants for the summer period to meet the growing demand that staycations will bring for 2021. The Council are looking for an easy-going beach restaurant that delivers simple yet delicious food in a relaxed environment, providing crafted menus designed to ensure there's something for everyone catering for breakfast, lunch and dinner (and everything in between) using sustainable and local produce where possible.

Within the tender it is specified that the restaurant and bar must be themed and/or an experience in keeping with the nature of the seafront and beach location. The experience and visual presentation of the restaurant and bar is extremely important.

The principle offering of the hospitality should be food with alcohol being the secondary offering to accompany food not a main attractor. Different food offerings must be provided and there must be at least three hot food

options.

The restaurants will close no later than 10pm each evening and only background music will be permitted to ensure there is no disruption to residents and beach hut tenants. Each restaurant will be fenced in and not in front of any beach huts, as per the maps attached. The chosen supplier will work closely with Council and multiagency departments to ensure a safe and undisruptive period of operation.

Other Events

As you may be aware, there are times when we permit events to take place on the seafront and some of these licences are extensions of what is currently in place for events. There are currently no plans for any events and the purpose of the licences is to be able to offer the seafront catering experience detailed above. Should this not continue, there would be the opportunity for public events should a request come in. There is no plan to actively look for them. Generally these are community events.

Should a major event come through which significantly differs from this then we would always consult with local Ward Councillors and often with resident groups if there was a chance the event would affect them. We are very mindful of the number of events on any one site and always work with any organisers to ensure a robust Event Management Plan is in place before giving any permissions. This would include a noise management plan agreed with Environmental Health should there be a significant event with music. On the same basis our multi agency safety advisory group would look at any plans in terms of alcohol to ensure the licensing objectives are met .

The premises licenses can also be used for community event organisers who wish to put on an event with regulated entertainment. Anyone who wishes to hold an event on BCP land needs to go through the event application process through which we work with organisers to ensure they will not cause a disruption to surrounding areas and comply with all conditions set by the Council. We work with multi agency partners within this assessment of events and ensure full plans are in place so that residents and beach hut tenants are not disrupted.

As well as the above we also conduct health and safety walk arounds and have members of the events team on call for any noise issues should they occur.

We hope that this information provides you with reassurance around the purpose for the premise licence, however should you require any further information please let us know.

Kind regards



Amy Harris
Admin and Finance Officer
Destination and Culture

bcpcouncil.gov.uk

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