

# Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 12 May 2021



---

**8. Application for a Variation of a Premises Licence , Noisy Lobster, Avon ,Christchurch**

3 - 6

An application has been received for a variation of the premises licence for the premise known as 'Noisy Lobster', Avon Beach, Mundeford, Christchurch, BH23 LAN.

This matter is brought before the Sub-Committee for determination.

Response from Applicant.

Published: 05 May 2021

This page is intentionally left blank

## Representation from the Applicant

My name is Peter Hayward and I am one of the Director's of Avon Beach Ltd.

I am writing to clarify our application you we have submitted as a major variation to our Premises license at Avon Beach and address all of the concerns that have been raised.

The major variation to the license is to allow us to sell alcohol from our takeaway fish and chip shop, now called 'The Lobster Hatch'. This alcohol will only be served with the consumption of food. Alcohol will be dispensed in plastic containers or cans – no glass will be used at all. Bottles of wine are being decanted into plastic bottles also. As with the restaurant, a challenge 25 policy will be in place and all licensing objectives adhered to.

The current license and lease permits alcohol to be sold for takeaway with food in the restaurant. This was carried out by the previous tenants for many years. This application is to provide an improved service for customers and a more efficient serving system from the Lobster Hatch to reduce queues and congestion in the restaurant.

For the past 4 years the Fish and Chip Shop has served alcohol to take away with the consumption of food by using Temporary Events Notices and permission from BCP as landlord. The TEN'S have been assigned to the busiest days of the year during heatwaves and bank holidays in the summer. We have not received any complaints or concerns from the Police, Licensing, Environmental Health, or BCP council (or formerly Christchurch council) both in their capacity as local authority and landlord. There have not been any mentions of issues with litter, antisocial behaviour or crowding. This includes last year, where across the south coast record numbers of people frequented the beach. We sold alcohol in the same capacity as we propose today, and yet there were no scenes of antisocial behaviour, huge littering or drunk and disorderly members of the public. Bournemouth, Boscombe and Southbourne beach were blighted with issues and yet we had none.

Many other seaside establishments across Highcliffe, Southbourne, Boscombe, Bournemouth and Poole Beaches serve alcohol for takeaway. Cliffhanger Café, Boathouse, West Beach, Urban Reef, Jazz Café are to name a few establishments that are not restricted as we are. They are allowed to sell takeaway even without food. We are not looking for the food condition to be removed as we do not want a pub atmosphere. We were given the opportunity to put a pop up beach bar and café on Avon Beach this summer as part of BCP regeneration this summer. Whilst this is an option, we believe the proposal before you is less intrusive.

To refuse our application would be prejudice against us and reactive to the scaremongering that has been on going from local residents since our inception. Every improvement we have made at Avon Beach has come against attacks from local residents and doomsday predictions of what might transpire. Instead, our different applications have resulted in a hugely desirable and popular location that has much improved facilities and generates millions of pounds yearly to the local economy. We have no concerns with BCP council in their many departments, or the Police, with regards to our operation of Avon Beach Site.

I would now like to address the concerns that have been registered by local objectors:

Drunken and Antisocial behaviour – The sale of alcohol must be with food. This is not a pub as many objections have described. There will be a challenge 25 policy in place and in line with licensing rules thus protecting children from harm. No drunk customer will be served alcohol. This service is for people to enjoy a beer or glass of wine with their Fish and Chips. Alcohol served from our takeaway

has much more control and is safer than members of the public bringing copious amounts of alcohol (many in glass bottles) from local supermarkets. To reiterate, we have served alcohol from the takeaways for the past 4 years. During this time, the Police have not raised any concerns of antisocial behaviour linked to our operation.

Litter and Glass – no drinks will be served in glass containers. As mentioned, this takeaway has been used for the past 4 years and we have received no complaints with regards to litter. In fact, we are commended for the cleanliness of our beaches. In the peak seasons we employ full time litter collectors and bin emptiers from 8am – 9pm. The only overflowing bins that can be seen outside of these hours are on the Avon Beach Car Park which is the responsibility of BCP and not us, the tenant.

I see that photos have been submitted by objectors. To address; The photos are over 3 years old, I know this from the type of bins that are pictured. Most of the litter is not that generated by the takeaway or shop. There are photos of the car park, this is BCP responsibility. Since these photos were taken, we ensure our litter pickers are on site into the evening. The bins are emptied and put away after the take away outlets are closed and cleaned. I doubt the authenticity of the photo of the two half drunk beer cups. These cups would have been put in the bins by our staff on their rounds.

Large Queues – As mentioned, this application is to alleviate congestion in the restaurant and formalise the process we have had in place for the past 4 years. As alcohol will only be dispensed with food, there will still only be one queue for the take away hatch. This queue is managed constantly by a member of staff to ensure that it does not encroach on members of the public. Again, we have received no complaints from BCP with regards to the queues or congestion at Avon Beach. In fact, we have been commended on our effective management of the public areas. The queues at present are also socially distanced and we still have no issues.

All Day Drinking – This is not the case. Alcohol will only be served between 12 and 9pm. The need to consume food alleviates the risk of binge drinking. The drinks we offer are not cheap pints and shots. They are quality wines and beers that compliment the food.

Contravention of the lease – Our application is not in contravention to the lease. There are lease amendments that the public are not aware of or have not paid to download on the land registry. These amendments allow this proposed variation. As with everything we do on our location that is very much under the spotlight, we have informed BCP council of everything we do on site.

Public Toilets – Even though our lease stipulates we can close the toilets at 7pm, we close them after the takeaway is closed at 9pm

Some comments discuss the licencing objectives. In April 2000 the Government published a White Paper on reforming alcohol and entertainment licensing one of the key aims was to encourage tourism which we believe this proposal does to enhance the facilities on offer at Avon Beach.

I would also like to share some of the completely unrelated objections raised.

The Car Park's and local roads are busy. That a different age group of visitors will be attracted to Avon Beach. That more disposable BBQ's will be used. That the local police station is closed. That the car park isn't locked at 10pm.

All of these are examples of a few local residents having a vendetta against our business and everything we try to do. One email has been copied and pasted for over 10 objections an example of the co ordinated attacks we suffer.

In summary. This application is to provide an improved service to our customers. Our lease and license currently permits us to sell alcohol with food for takeaway from the restaurant. This application is to sell it from our takeaway hatch to reduce congestion in the restaurant and improve efficiency so that waiting times and queues are reduced.

Temporary Events Notices have been used for the past 4 years to serve alcohol to take away in the same format as are outline in this application. The concerns from objectors feature the words 'could' and 'would'. Our past 4 years of trading in the busiest periods the South Coast have ever experienced show that these reasons for objection will not happen materialise. The Police, Licensing, Environmental Health and BCP council have not registered any concerns in our past 4 years of carrying out the takeaway drinks or with the application you see before you.

We are a business that employees over 90 people (rising to over 100 this summer) and have invested heavily into improving the facilities and offerings for locals and visitors to enjoy. Our investment has resulted in Avon Beach being more popular than ever generating millions of pounds every year for the local economy. We are responsible, active operators who ensure that all licensing objectives are adhered to throughout all of our operations for the past 10 years of our ownership.

I urge the committee to look at the history of the past 10 years at Avon Beach, especially the past 4 years, and the lack of incidents relating to the sale of alcohol. I also urge the committee to consider what other sites on BCP beaches are permitted to do. Finally, I urge the committee to consider our professional and proactive management of Avon Beach and the thousands of visitors from both near and far that appreciate our endeavours.

This page is intentionally left blank