

# Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 27 April 2022



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## 6. Branksome Beach Restaurant Kiosk

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Update to the Representation included on Page 4 of Appendix 5 is attached

Published: 25 April 2022

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Comments on the  
application for Premises Licence  
Licensing Act 2003  
Branksome Beach Restaurant Kiosk  
Pinecliff Road  
Poole  
BH13 6LP  
28<sup>th</sup> March 2022

Submitted by

[REDACTED]

[REDACTED] Branksome Grange  
Poole.

BH13 [REDACTED]

**1. Application for Premises Licence Branksome Beach Restaurant and Kiosk, Pinecliff Road, Poole. BH13 6LP by Rockwater Sandbanks & Branksome Limited (the “Applicant”) – application reference: 194927 (the “Application”)**

The Branksome Beach Shop, as currently branded, brings value to the locality, providing the services of a ‘bucket and spade’ shop that sells soft drinks, ice creams and coffee to residents in the local community and to visitors, adding to the tourist trade of Poole. The Branksome Beach Shop has achieved this, and more, unobtrusively as a ‘good neighbour’ causing minimal or no impact to the local residential area, including the occupiers of beach huts on the Branksome Beach front.

As owners of a property in Branksome Grange (BH13 [REDACTED]), one of the closest residential properties to the Branksome Beach Shop, restyled in the Application Branksome Beach Restaurant Kiosk (the “Kiosk”), while seeing the undoubted benefit of the proposed refurbishment of a landmark building (and asset), we would not wish this to be at the cost of losing a good neighbour.

Our comments on the Application are not intended to detract from those submitted by the resident owners of properties at Branksome Grange, or other properties in the local community. They are intended to support the comments of others while highlighting our personal concerns having listened to other residents in the locality, and with the benefit of having re-read the Application and the submissions made by others.

**2. The Application – Comments**

Comments on the Application are restricted to a general comment in relation to the description applied to the Application by the Applicant, and comments that are related to the four licensing objectives that must be taken into account by BCP when considering the Application; those of: crime prevention, public safety, public nuisance and, child protection.

**3. The description applied to the Application by the Applicant**

The Application states: -

*“The intention is to refurbish the kiosk and sell alcohol, soft drinks, teas/coffees and food for takeaway. The hope is to secure use of a decking structure on the beach where patrons who purchase takeaway food and drinks can consume them. Previously takeaway alcohol has been sold from the kiosk of Branksome Beach Bar & Restaurant and, if this application is granted as sought, this will cease in the long term. Hence, in effect, this application is to swap the locations for the takeaway sale of alcohol. Pre-application consultation has taken place with the Licensing Authority and the Police, albeit conditions have not yet been agreed.”*

The Applicant expresses ‘the hope’ of securing a decking structure on the beach where patrons who purchase takeaway food and drinks can consume them. It is a hope, it is not part of the Application.

If a structure was to be secured, it would be some way from the Kiosk and require appropriate licensing conditions to control and oversee the use of the decked structure.

The Applicant, in parallel with this Application, has applied to BCP for planning permission under ref: APP/22/00159/F (the **Planning Permission**) for the Branksome Beach Café, referred to in this Application as the “Branksome Beach Bar & Restaurant”.

The Planning Permission includes a provision for substantial increases in capacity on the main floor of Branksome Beach Café from 105 covers to 171 covers, with the potential for 66 covers externally, and for the first-floor roof terrace the potential for an additional 160 internal covers and 56 external covers. The Applicant has also indicated the intention to seek permission for a ‘beach deck’ with capacity for 120 covers.

Should BCP grant what is sought by way of the Planning Permission, this would result in an overall increase in the licensed floor space by a factor of four.

It is unclear whether ‘the hope’ of securing a decking structure on the beach in relation to the Kiosk is the same as ‘the intention to seek permission for a beach deck’ in relation to the Branksome Beach Bar & Restaurant.

While the Applicant states that, *‘... in effect, this application is to swap the locations for the takeaway sale of alcohol...’*, this is patently not the case.

The Applicant is seeking a new licence for the Kiosk.

The Applicant’s advisers appreciate the reality of this being a new licence application by using blue coloured paper for the licencing notice displayed on the face of the Kiosk.

In support of the suggestion that *‘... this application is to swap locations...’* the Applicant advises, *‘...if this application is granted as sought, this will cease in the long term...’*. As the Applicant is not surrendering the licence for the Branksome Beach Bar & Restaurant, nor is there a proposal by BCP to revoke the licence, there is no obligation for the Applicant to cease off sales from those premises.

In summary, granting the Application will create two licenced premises where currently there is one.

#### **4. The Prevention of Crime and Disorder**

Recognising an issue of crime and disorder, on the 1 July 2021, BCP brought into place a Public Space Protection Order (“**PSPO**”), this covers Branksome Chine Beach and surrounding areas. The PSPO gives authorised local authority officers and Dorset Police the ability to address alcohol related anti-social behaviour.

On the 8 June 2021 The Bournemouth Echo under the headline ‘*New BCP public power to seize alcohol from nuisance drinkers*’, which included copy from a BCP press release, noted: -

*‘Councillor May Haines, portfolio holder for community safety, said: “We want to ensure that people visiting, living and working in Bournemouth, Christchurch and Poole feel safe and that street based anti-social behaviour is addressed robustly. We also need to make sure we take a consistent and balanced approach, applying effective solutions to the complex issues around anti-social behaviour.*

*“We’ve seen from the operation of Community Safety Accreditation Scheme (CSAS) in our town centres that this approach is effective at addressing harmful behaviours of a few individuals through*

*the combination of support and enforcement, helping those most vulnerable and helping keep our communities safe.”*

*The PSPO proposal, which does not apply to licensed premises, follows a public consultation earlier this year.*

*Of the 294 respondents to the public consultations, 89 per cent strongly agreed or agreed that community safety should be improved with the introduction of the order.*

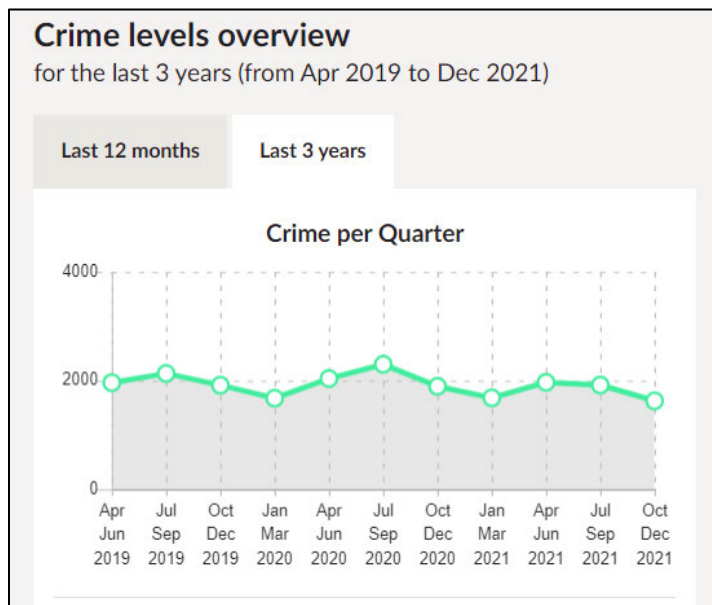
*In response to the plans, Dorset Police Superintendent Gavin Dudfield said: “The PSPO is an appropriate and lawful method to address Anti-Social Behaviour but it should not be used in isolation. Often Anti-Social Behaviour can manifest due to a gap in other services.*

*“I would welcome the PSPO being introduced alongside a Public Health problem solving approach to reduce Anti-Social Behaviour.” He added: “I note that within the Local Authority area there are acute ‘hot spots’ where there is evidence of high volumes of disorder, yet the PSPO application is for a broad area. The feedback that I have from operational staff is that this broad approach is welcomed, as previously, individuals have found areas where there is no PSPO in place, whereupon they have then caused further anti-social behaviour.”*

The issue of crime and disorder recognised by BCP is evident from publicly available data from Police UK, the national website for policing in England, Wales and Northern Ireland.

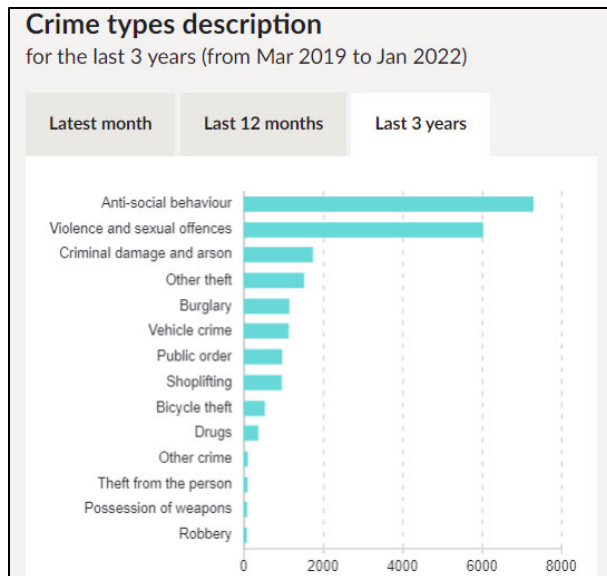
Branksome Chine Beach and surrounding areas is included in the Police UK data set for Poole South.

The chart below extracted from the data set charts crime levels in Poole South over a 3-year period, including a significant period of ‘lock down’ where it was illegal to travel to or visit the area.



Source: Poole South <https://www.police.uk/pu/your-area/dorset-police/poole-south/?tab=Statistics> accessed 28 March 2022

The chart below extracted from the same data set charts crime types in Poole South over that 3-year period, including a significant period of ‘lock down’ where it was illegal travel to or visit the area.



Source: Poole South <https://www.police.uk/your-area/dorset-police/poole-south/?tab=Statistics> accessed 28 March 2022

The chart supports the concern recognised by BCP in relation to anti-social behaviour in relation to crime and disorder. It gives weight to the comment of Councillor May Haines, portfolio holder for community safety, of ensuring people visiting, living and working in the BCP area feel safe and that street-based anti-social behaviour is addressed in a robust manner.

It also supports the views of the 294 respondents to the BCP consultation, 89 per cent strongly agreed or agreed that community safety should be improved.

Ensuring people visiting, living and working in the BCP area feel safe goes beyond anti-social behaviour. The chart, worryingly, highlights violent offences, and criminal damage.

As residents we have personal experience of disorder in the area of Branksome Chine Beach. This is usually at night and comes from users of the beach and the adjoining car park. The disorder is low-scale, involving noise and drivers using the car park for 'doughnut' turns. While appreciating the beach is patrolled and CCTV monitored by BCP, this does not stop the disorder. To our knowledge, on one occasion, where youths attempted to block Pinecliffe Road to traffic with signs and bollards from nearby road works, in their interest and that of the general public, the Police were called. The call, the circumstances, and the dispatch of three Police vehicles will have been recorded by Dorset Police.

## 5. The Prevention of Public Nuisance

The Applicant is seeking to operate the Kiosk as a 'takeaway' operating between 10:00am and 11:00pm 7-days a week, without regard to the seasons and/or beach use.

Operating as a 'takeaway' is likely to cause harm to the character of the area and the residential amenity in terms of noise, light and other emissions.

The Applicant will be fully aware of the fact that that there is limited public transport directly serving the site and Branksome Beach. Operating the Kiosk between 10:00am and 11:00pm, without regard to the seasons and/or beach use is likely to result in an increase in traffic movements and the need

for parking. BCP are aware of the parking issues that have and are experienced on roads around Dorset's beaches generally and, specifically, in relation to the Kiosk application, the Avenue, Lakeside Road, Pinecliffe Road and Westminster Road.

BCP will also be aware that parking issues will be significantly exasperated with the reduction of car parking spaces as a consequence of development works at the Beach Road Car Park.

The Applicant will be fully aware of the fact that that vehicular access to the site of the Kiosk is restricted. This is especially the case for delivery vehicles. Sustaining the business will consequently result in an increase in traffic movements, supplying products, removing waste etc.

The Applicant will be fully aware of the fact that there is no bespoke delivery access to or storage yard adjoining the Kiosk and does not in the Application address the impact of the increased traffic movement of delivery vehicles on the environment, the road infrastructure or by way of harm to the character of the area or of the residential amenity.

The Applicant fails to address the impact on the amenity of pedestrian access to Branksome Beach and the Poole and Bournemouth beach front generally. Similarly, the access for emergency vehicles, particularly given the proximity to the RNLI station, to the beach front that is immediately in front of the Kiosk which also acts as a turning circle for the beach land train.

## **6. Public Safety**

Operating the Kiosk between 10:00am and 11:00pm as a 'takeaway', without regard to seasonal demand and/or beach use, is likely to result in an increase in traffic movements to the Branksome Chine Car Park. Particularly, should BCP grant the Planning Permission sought in relation to the Branksome Beach Bar & Restaurant that would result in licensed floor space increasing by a factor of four.

BCP will be aware that the lay out of the Branksome Chine Car Park is not intuitive for many visitors, often leading to vehicles entering the car park coming into conflict with those exiting and with pedestrians who have been funnelled by Pinecliffe Road, The Avenue and Branksome Chine through the car park and the step-free access it provides to Branksome Beach.

This safety of pedestrians is compounded by the pedestrian crossing being alongside the entrance to the Branksome Chine Car Park which is on a 90-degree bend onto Pinecliffe Road creating distinct road safety issues for pedestrians and drivers.

BCP will also be aware that parking issues will be significantly exasperated with the reduction of car parking spaces as a consequence of development works at the Beach Road Car Park.

The Applicant will be fully aware of the fact that that vehicular access to the site of the Kiosk is restricted. This is especially the case for delivery vehicles. Sustaining the business will consequently result in an increase in traffic movements, both supplying and removing waste etc.

The Applicant will be fully aware of the fact that there is no bespoke delivery access to or storage yard adjoining the Kiosk. The Application fails to address the impact of the increased traffic movement of delivery vehicles on the environment, the road infrastructure or by way of harm to the character of the area or of the residential amenity.



The Applicant fails to address the impact on the amenity of pedestrian access to Branksome Beach and the Poole and Bournemouth beach front generally. Similarly, the access for emergency vehicles, particularly given the proximity to the RNLI station, to the beach front that is immediately in front of the Kiosk which also acts as a turning circle for the beach land train.

## **7. The Protection of Children from Harm**

BCP's 'Our Big Plan'\* is unequivocal, *'We want the BCP region to be world class – one of the best coastal places in the world in which to live, work, invest and play'.*

Included within the Plan is a specific commitment to children: -

*"We will ensure that the BCP region becomes one of the best places in which children can live, learn and grow up, with opportunities to stay in the area after they leave school, whether to go to university, to train or to work. This means supporting the health, wellbeing and development of children from birth, through their early years, right through their education and into adulthood.*

*Working in partnership, we will make a difference to the lives of children and young people living in, learning in or visiting the BCP area. This means becoming a child-friendly place in every local community and in every postcode.*

*A new, three-year Children and Young People's Plan puts children and young people at its heart, with programmes informed by their views and experiences. Having asked children and young people what makes them happy enables us to create an environment where happiness is not only possible but can flourish." \**

The Branksome Beach Shop, as currently branded, brings value to the locality, to children and young people living in, learning in or visiting the BCP area. It provides the services of a 'bucket and spade' shop selling soft drinks, ice creams and coffee for residents and for visitors, adding to the tourist trade of Poole.

The Branksome Beach Shop achieves this, and more, unobtrusively as a 'good neighbour' causing minimal or no impact to the local residential area.

The Branksome Beach shop is close to public toilets and beach huts, and in an area used by children and young people learning, practicing and competing in beach rescue skills.

The Application states: -

*"The intention is to refurbish the kiosk and sell alcohol, soft drinks, teas/coffees and food for takeaway."*

The Application is supported by a plan prepared by Accel Consulting Ltd titled Shack 4 – Branksome. The plan shows 4 windows, counters. Marked from left to right Coffee Shack; Bar Shack; Pizza Shack; and Fish Shack.

The refurbishment changes what has been for some years a 'bucket and spade' shop into a 'takeaway' operating between 10:00am and 11:00pm, without regard to the seasons and beach use.

The Avenue, Pinecliffe Road and the green corridor of the Branksome Chine, being one of the few step-free accesses to the beach front, effectively, 'funnels' pedestrians to the East and West sides of

the Branksome Beach Bar & Restaurant. While the footpath to the East side is clearly defined and set away from the car park, this is not the case on the West side. On the West side pedestrians must pass between the Kiosk and the Branksome Beach Bar & Restaurant. We question that the passing between two licenced premises, one operating as a 'takeaway' Bar Shack, meet BCP's unequivocal aim of being viewed as a child-friendly place in every local community and in every postcode. Especially, as the Kiosk is next to a public toilet block.

Children's attitudes to drinking are shaped by their family and formed relatively early in life. It is crucial for parents and society to set a good example. It's not just what or how much a parent drinks, it's about what children associate alcohol with, such as emotions and occasions\*\*. The emotions of the occasion of a visit to a beach, particularly the delight of Branksome Chine Beach, should not be associated with alcohol.

BCP's unequivocal aim of being viewed as a child-friendly place in every local community and in every postcode should be met with action at Branksome Chine Beach by not allowing an additional licensed premise.

## **8. Conclusion**

The Branksome Beach Shop brings value to the locality, providing services to residents and visitors, adding to the tourist trade of Poole. The Branksome Beach Shop has achieved this, and more, unobtrusively as a 'good neighbour' causing minimal or no impact to the local residential area.

As owners of a property in Branksome Grange, one of the closest residential properties to the Branksome Beach Shop, the Kiosk as referred to in the Application, while seeing the undoubted benefit of proposed refurbishment work to a landmark building (and asset), the Applicant's intention of operating the Kiosk 7-days a week between 10:00am and 11:00pm as a 'takeaway', without regard to seasonal demand and/or beach use is not consistent with the four licensing objectives that must be taken into account by BCP when considering the Application; those of: crime prevention, public safety, public nuisance and, child protection.

We see nothing in the Application for a new licence that addresses those licensing objectives. This fact coupled to the words used by the Applicant in the description of the Application, which are either misleading or incorrect, suggests that the local community will in all likelihood lose a good neighbour.

\* Source <https://www.bpcouncil.gov.uk/About-the-council/Our-Big-Plan/Communities-Culture-and-Children/Children.aspx> accessed 28 March 2022

\*\* Source <https://alcoholchange.org.uk/help-and-support/get-help-now/family-and-friends/alcohol-and-your-child> accessed 28 March 2022