

Notice of Licensing Committee

Date: Wednesday, 21 April 2021 at 10.00 am

Venue: Virtual Meeting



Membership:

Chairman:

Cllr J J Butt

Vice Chairman:

Cllr J Bagwell

Cllr S C Anderson
Cllr D Brown
Cllr R Burton
Cllr N Decent
Cllr B Dion

Cllr B Dove
Cllr G Farquhar
Cllr D Farr
Cllr D A Flagg
Cllr A Hadley

Cllr T Johnson
Cllr D Kelsey
Cllr L Williams

All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5108>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 01202 128581 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

13 April 2021



Available online and
on the Mod.gov app

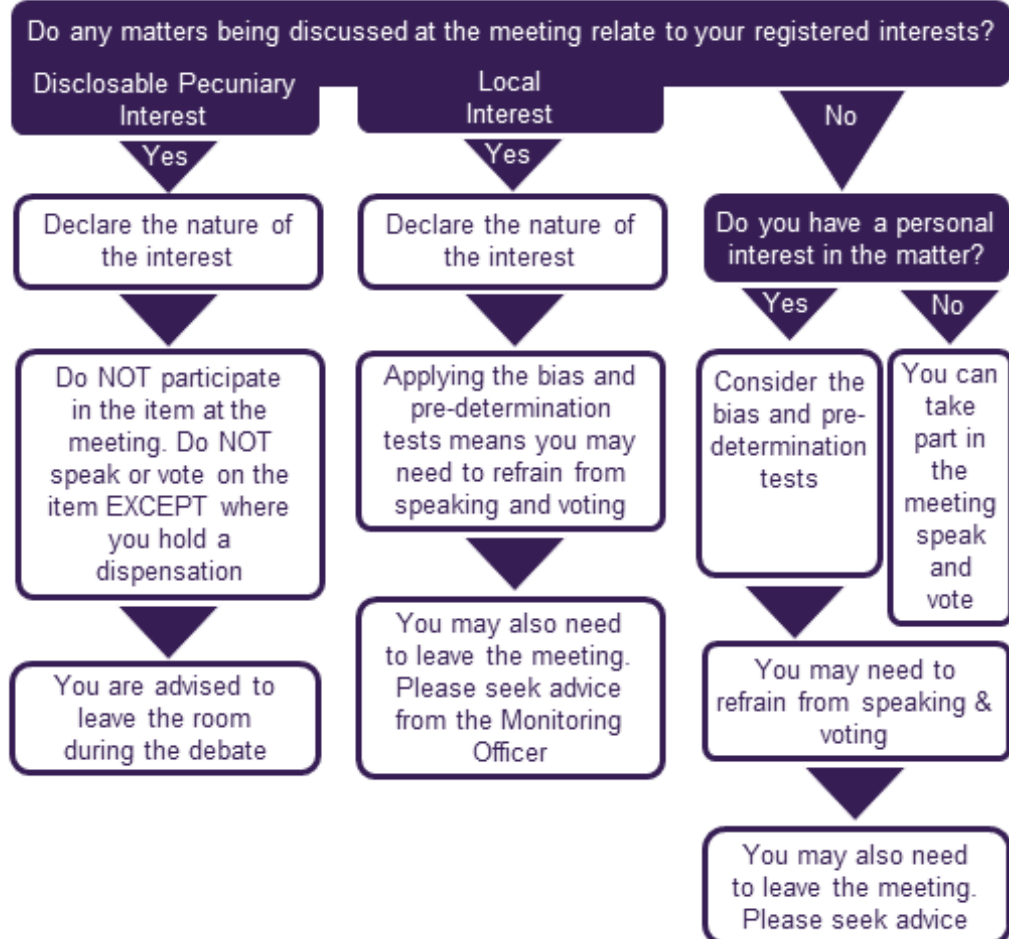


Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Councillors.

2. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

3. **Protocol for Public Representation at Virtual Meetings**

5 - 8

In response to the Government's guidance to limit the spread of Coronavirus and restrictions around the gathering of more than two people, the following items of business will be conducted as virtual hearings in accordance with Government Regulations and Article 16 of the Council's Constitution. This approach has been taken to ensure the Council is compliant with the current restrictions and is not putting participants and members of the public at risk.

A revised protocol for public representation at formal virtual meetings of the Licensing Committee/Sub Committee is included with the agenda sheet for this meeting.

4. **Beach Wedding Area, West Undercliff**

9 - 96

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.

5. **Boscombe Promenade and Beach**

97 - 136

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.

The application is to add the sale of alcohol every April – September from 10:00 to 22:00 (with the exception of the Air Festival each year where

alcohol would remain from 10:00 to 23:00.)

The application is brought before the Licensing Committee for determination.

6. Bournemouth Pier Approach

137 - 172

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.

The application is to add the sale of alcohol every April – September from 10:00 to 22:00 (with the exception of the Air Festival each year where alcohol would remain from 10:00 to 23:00.).

The application is brought before the Licensing Committee for determination.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.



LICENSING COMMITTEE AND SUB COMMITTEE

PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS

The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
2. The Chair identifies all parties present and makes introductions.
3. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
4. All persons who have given notice of their intention to speak are identified.
5. Identify if any person who wishes to withdraw a representation or wishes not to speak
6. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
7. Licensing Officer's report is presented.
8. Parties present their representations in the order agreed.
9. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
10. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.

11. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
12. Members will deliberate in private with the clerk and legal representative as appropriate present.
13. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
14. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democraticservices@bcpcouncil.gov.uk

Proposed procedure and order of speaking for virtual hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

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LICENSING COMMITTEE



Report subject	Beach Wedding Area, West Undercliff – Application for Variation to Premises Licence
Meeting date	21 April 2021
Status	Public Report
Executive summary	<p>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.</p> <p>The application has requested the following:-</p> <ul style="list-style-type: none"> • 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. <p>Out of the proposed times the site will continue to be a beach wedding area.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the variation application as made;</p> <p>b) Refuse the variation application;</p> <p>c) Grant the variation subject to additional conditions.</p> <p>Members of the Licensing 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 representations from 15 other persons on the grounds that to grant this application would undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</p>

	<p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</p> <p>Where representations have been received from any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Committee.</p> <p>However, as the premises are operated by BCP Council, as relevant representations have been received, the matter has been brought before the Licensing Committee in accordance with the Council's Constitution Scheme of Delegation at 3.2(f) for determination.</p>
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Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Westbourne & West Cliff
Classification	For Decision

Background

1. An application for variation to the premises licence under the Licensing Act 2003 was made on the 2nd March 2021. A copy of the application is attached at Appendix 1 together with the location plan in support showing the extent of the licensed area.
2. The premises are currently licensed under Premises Licence BH117978 which was granted on 13th April 2011. A copy of the current premises licence is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities by the Licensing Authority and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 15 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives. A copy of the representations received is attached at Appendix 3.
5. Environmental Health agreed conditions with the applicant which will form part of the operating schedule should the application be granted. A copy of these conditions is attached at Appendix 4.
6. Initial concerns were raised by Dorset Police but, following mediation, conditions were agreed which are attached at Appendix 5 and will also form part of the operating schedule should the application be granted.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The representations made by or on behalf of the 15 other persons.
 - The submissions made by or made on behalf of the applicant.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. 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.
10. Any other person who has made a relevant representation also has the right to appeal against the decision made by the Licensing Committee.

Summary of human resources implications

11. N/A

Summary of sustainability impact

12. N/A

Summary of public health implications

13. N/A

Summary of equality implications

14. N/A

Summary of risk assessment

15. N/A

Background papers

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-andpermits/Documents/Licensing/solp2020.pdf>

Hearing Regulations –

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

Licensing Act 2003 Guidance –

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

Responsibility of Functions under the Council's Constitution Scheme of Delegation (see 3.2(f) –

<https://democracy.bcpCouncil.gov.uk/documents/s22974/Part%203%20%20Responsibility%20for%20Functions.pdf>

Appendices

Appendix 1 – Copy application for variation and location plan

Appendix 2 – Current Premises Licence BH117978

Appendix 3 - Representations received

Appendix 4 – Conditions agreed with Environmental Health

Appendix 5 - Conditions agreed with Dorset Police

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We BCP Council

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

BH117978

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Beach Wedding Area, Undercliff Drive

Post town

Bournemouth

Postcode

BH5 1BN

Telephone number at premises (if any)

n/a

Non-domestic rateable value of premises

£n/a

Part 2 – Applicant details

Daytime contact
telephone number

01202 127669

E-mail address (optional)

Jon.weaver@bcpcouncil.gov.uk

Current postal address if
different from premises
address

Town Hall Annexe First Floor
St Stephens Road

Post town

Bournemouth

Postcode

BH2 6EA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To use the area for events other than beach weddings although this will continue to be a beach wedding site outside of these times.

To add in the supply of alcohol for this site every day from April – September 1000hrs – 2200hrs

To increase the live and recorded music timings to 1000hrs – 2200hrs

To apply for plays, films, indoor sporting events and performances of dance.

The purpose of the variation is to enable outdoor pop up catering sites across the Seafront to enhance the existing offering for the main season.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input checked="" type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input checked="" type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input checked="" type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input checked="" type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input checked="" type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input checked="" type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input checked="" type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>Please give further details here</u> (please read guidance note 5) Performances may be amplified from temporary stages or performance areas on the beach. To include general plays, children's entertainment and event specific performances.		
Tue	10:00	22:00			
Wed	10:00	22:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 5) 90% of events are between March and September		
Thur	10:00	22:00			
Fri	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	10:00	22:00	Due to the nature of the area there is no standard performance time, however, consideration is given to those residents living in close proximity to the venue.		
Sun	10:00	22:00			

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>Please give further details here</u> (please read guidance note 4) Performances may be amplified from temporary screens within the area, to include promotional and general entertainment films.		
Tue	10:00	22:00			
Wed	10:00	22:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) 90% of events are between March and September		
Thur	10:00	22:00			
Fri	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	10:00	22:00	Due to the nature of the area there is no standard performance time, however, consideration will be giving to those residents living in close proximity to the venue.		
Sun	10:00	22:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5) Sporting events under marquee cover such as beach rugby, volleyball, football
Day	Start	Finish	
Mon	10:00	22:00	
Tue	10:00	22:00	State any seasonal variations for indoor sporting events (please read guidance note 6) 90% of events will happen between May – September
Wed	10:00	22:00	
Thur	10:00	22:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7) Due to the nature of the area there is no standard performance time, however, consideration will be giving to those residents living in close proximity to the venue.
Fri	10:00	22:00	
Sat	10:00	22:00	
Sun	10:00	22:00	

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>Please give further details here</u> (please read guidance note 5) Performances from temporary stage/tent/marquee or open area on the beach. To include traditional and orchestral performances as well as folk, rock, pop and other music genres some using amplification.		
Tue	10:00	22:00			
Wed	10:00	22:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) 90% of events are between March and September.		
Thur	10:00	22:00			
Fri	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	22:00	Due to the nature of this area there is no standard performance time, however, consideration is given to those residents living in close proximity to the venue.		
Sun	10:00	22:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>Please give further details here</u> (please read guidance note 5) Amplified. Used as an accompaniment to childrens entertainment and as backing for singers. Music also provided as a 'filler' during events. Will take place from temporary stages and performance areas.		
Tue	10:00	22:00			
Wed	10:00	22:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) 90% of events are between March and September		
Thur	10:00	22:00			
Fri	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	22:00	Due to the nature of the area, there is no standard performance time, however, consideration is given to those residents living in close proximity to the venue		
Sun	10:00	22:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>Please give further details here</u> (please read guidance note 5) Amplification may be used. A range of dance performances will be allowed on the beach on a temporary stage or in a marquee.		
Tue	10:00	22:00			
Wed	10:00	22:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) 90% of events are between March and September		
Thur	10:00	22:00			
Fri	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	22:00	Due to the nature of the area, there is no standard performance time, however, consideration is given to those residents living in close proximity to the venue		
Sun	10:00	22:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing Processions, carnivals or mobile events		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	10:00	22:00		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	22:00	<u>Please give further details here</u> (please read guidance note 5) Performances may be amplified from mobile performance stages or vehicles.		
Wed	10:00	22:00			
Thur	10:00	22:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) 90% of events are between March and September		
Fri	10:00	22:00			
Sat	10:00	22:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	10:00	22:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) Alcohol to be supplied from April – September yearly.		
Tue	10:00	22:00			
Wed	10:00	22:00			
Thur	10:00	22:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	10:00	22:00			
Sat	10:00	22:00			
Sun	10:00	22:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
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Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Contracts with operators will be managed by the Seafront Contracts team who will be managing the site alongside Seafront Operations.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

All events will comply with Council Byelaws.

All events will have to comply with Council regulated event criteria in line with the HSE guidance for events 'The purple Guide'

All events will comply with Council Byelaws.

b) The prevention of crime and disorder

A CCTV system will be in place to cover all entry and exit points enabling frontal identification of every person in any light condition. The CCTV system will continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It will operate during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days with correct date and time stamping.

CCTV recordings will be made available immediately upon the request of Police or an authorised officer of the Council throughout the preceding 31 days period. The CCTV system will be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system will be on the premises at all times when the premises are open to the public.

There will be a refusals log kept onsite with all staff trained in its use. The refusals log will be accessible immediately when requested by the Police or an authorised officer of the Council.

A copy of the daily refusal and SIA log will be emailed to the Council daily and available on request to responsible authorities. This will allow for the Seafront Operations team to manage the contractors onsite.

Operators will have to use a Town Watch Radio and sign up to the scheme to ensure they are able to communicate with other properties on site.

A full risk assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 7 days in advance.

SIA licenced door supervisors shall be on duty at the entrance of the premises at peak times as identified within the risk assessment.

All staff will receive suitable training in order to meet with the requirements of the Licensing Act 2003. A record of this training will be required to be kept onsite at all times and produced to the Police or an authorised officer of the Council when requested.

There shall be no irresponsible drinks promotions onsite whereby mass drinking in a short time frame is encouraged.

Alcohol shall only be supplied for consumption in the areas which are licensed for sale of intoxicating liquor.

The bar area will be physically defined with a clear entrance and exit in line with the licensed area on the plan annexed with a clear counting in and out process.

Alcohol will be a secondary offering with a hot food element being the main attractor.

c) Public safety

For 2021 and 2022, a separate COVID risk assessment will be completed and agreed by the Council's Environmental Health Officer

All Health and Safety requirements shall be agreed prior with organisers and contractors prior to coming onto site and contracts drawn up confirming these requirements.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

Drinks will not be served in glass containers at any time.

d) The prevention of public nuisance

Where music is used, there will be a full plan provided to the Council's Environmental Health Officer 28 days prior to operation to include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents.

Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage contractors and events onsite.

Plans for effective dispersal will be requested for any supplier using the premise licence.

e) The protection of children from harm

Challenge 25 shall be operated at the premises where the only form of acceptable identification will be a recognised photographic identification cards, such as a driving licence of passport or holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

All staff will be fully trained in the Seafront's Lost Child procedure and use this process in the premise communicating with the Seafront Operations Team.

Children under the age of 18 must be accompanied by an adult when entering the premises and at all times whilst onsite.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or



- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Chris Saunders
Date	02.03.2021
Capacity	Service Director – Destination & Culture

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance



Premises License Map
Beach Wedding Area



Scale: 1:1000 @ A4
Date: 27 February 2021
Creator: USER NAME

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OS 100000019829 BCP Council

Part A

Premises Licence

Premises licence number **BH117978**

Postal address of premises, or if none, ordnance survey map reference or description:

Beach Wedding Area - Undercliff Drive

Post town: Bournemouth

Post Code: BH5 1BN

Telephone number: 01202 451737

Where the licence is time limited the dates: 1st April to 31st October each year

Licensable activities authorised by the licence:

Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Live Music: (Indoors & Outdoors)

Monday to Sunday - 05:00 to 23:30

Recorded Music: (Indoors & Outdoors)

Monday to Sunday - 05:00 to 23:30

Late Night Refreshment: (Indoors & Outdoors)

Monday to Sunday - 23:00 to 00:00

Supply of Alcohol:

Monday to Sunday - 05:00 to 23:30

Seasonal variations for the supply of alcohol

Only between 1st April - 31st October between the hours of 05:00 - 23:30

The opening hours of the premises:

Monday to Sunday - 00:00 to 23:59

Seasonal variations

Beach is open to the public 24 hours a day 365 days a year. Wedding site and Premises Licence only in operation 1st April to 31st October each year between 05:00 to 23:30 seven days a week.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Bournemouth Borough Council Town Hall Annexe St Stephen's Road Bournemouth BH2 6EA Tel: 01202 451737

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
--

Mr Jonathan Andrew Weaver

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
--

BH13087 Bournemouth Borough Council
--

Annex 1 - Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA2003)

- 1.1 There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 Any person used to carry out a security activity as required under conditions 2.11 and 2.21 below must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.4 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.6 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature

1.7 The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

- 1.8
- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

- 2.1 There shall be contracts with each wedding party and organiser limiting activities and timings to those agreed by the Council and stipulated within the site wedding licence.
- 2.2 All activities and events shall have to comply with Council regulated event criteria to include risk assessment and suitable insurance cover.
- 2.3 Activities outlined within this premises license application shall be limited to cordoned off area of beach as outlined in the attached scale site diagrams.
- 2.4 All activities shall also comply with Seafront byelaws.

Prevention of Crime & Disorder

- 2.5 An appropriate marshalling plan shall be agreed for each event.
- 2.6 Regular contact shall be maintained with Emergency Services including Police.
- 2.7 The site shall be managed on the day by the operator and Council wedding co-ordinator.
- 2.8 Supply of alcohol shall be in the form of light refreshment such as a glass of champagne after the wedding ceremony, but no later than up to 1 hour prior to the next wedding ceremony and shall be provided in plastic glasses. Serving of alcohol shall be ancillary to the main event.
- 2.9 There shall be no drinks promotions, serving of alcohol to non wedding guests or other beach users outside of the cordoned off wedding site or serving of alcohol to minors.
- 2.10 An SIA registered member of staff shall be present at all times.
- 2.11 An up to date record of incidents shall be kept at Bournemouth Beach Office and shall be available for inspection by an authorised officer on request.
- 2.12 The premises shall operate an effective dispersal policy

Public Safety

- 2.13 All event organisers shall be required to provide confirmation of public liability insurance and risk assessments for every aspect of the wedding event. All health and safety requirements shall be agreed prior with organisers and contractors prior to the event and contracts agreed, confirming these requirements.
- 2.14 HSE guidance shall be followed where applicable.
- 2.15 Access for emergency vehicles shall be kept clear in respect of the promenade, access routes and the premises license site.

Prevention of Public Nuisance

- 2.16 Throughout the duration of the events which continue after 2300 hours the music noise level measured over a 15 minute period at the boundary of any noise sensitive premises shall not exceed 55dB(A). (NB this means from the start of the event, even in daytime hours, the music noise level must not exceed this level).

- 2.17 The noise management plan submitted with the premises licence application dated 2 November 2015 shall be adhered to at all times and form part of the operating schedule under the licensing objective 'prevention of public nuisance'. Any variation to the noise management plan shall require written approval from the Environmental Health section.
- 2.18 A noise management plan shall be submitted to the Seafront Office, Undercliff Drive, Bournemouth, BH2 5AA
- 2.19 The performance of music (both live and recorded) shall be monitored and kept within the accepted Council guidelines.
- 2.20 Anti-social behaviour shall be dealt with by SIA registered staff.
- 2.21 The premises shall operate an effective dispersal policy.

Protection of Children from Harm

- 2.22 Event organisers shall be required to ask for ID before serving alcohol to persons who look under 21. Only ID acceptable shall be that approved by PASS: photo driving license or passport or other nationally recognised or official ID card.
- 2.23 The supply or consumption of alcohol is not allowed outside of the boundaries of the beach wedding site (see attached scale plan).

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

This licence is issued in accordance with the plan No's. M117978, submitted with the application, as attached.

**Premises Licence
Part B**

Premises licence number BH117978

Postal address of premises, or if none, ordnance survey map reference or description:	
Beach Wedding Area - Undercliff Drive	
Post town: Bournemouth	Post Code: BH5 1BN
Telephone number: 01202 451737	

Where the licence is time limited the dates: 1 st April to 31 st October each year

Licensable activities authorised by the licence:
Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Live Music: (Indoors & Outdoors) Monday to Sunday - 05:00 to 23:30 Recorded Music: (Indoors & Outdoors) Monday to Sunday - 05:00 to 23:30 Late Night Refreshment: (Indoors & Outdoors) Monday to Sunday - 23:00 to 00:00 Supply of Alcohol: Monday to Sunday - 05:00 to 23:30 Seasonal variations for the supply of alcohol Only between 1st April - 31st October between the hours of 05:00 - 23:30

The opening hours of the premises:
Monday to Sunday - 00:00 to 23:59 Seasonal variations Beach is open to the public 24 hours a day 365 days a year. Wedding site and Premises Licence only in operation 1st April to 31st October each year between 05:00 to 23:30 seven days a week.


Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Bournemouth Borough Council, Town Hall Annexe, Bourne Avenue, Bournemouth, BH2 6DY, Tel: 01202 451737

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Andrew Weaver

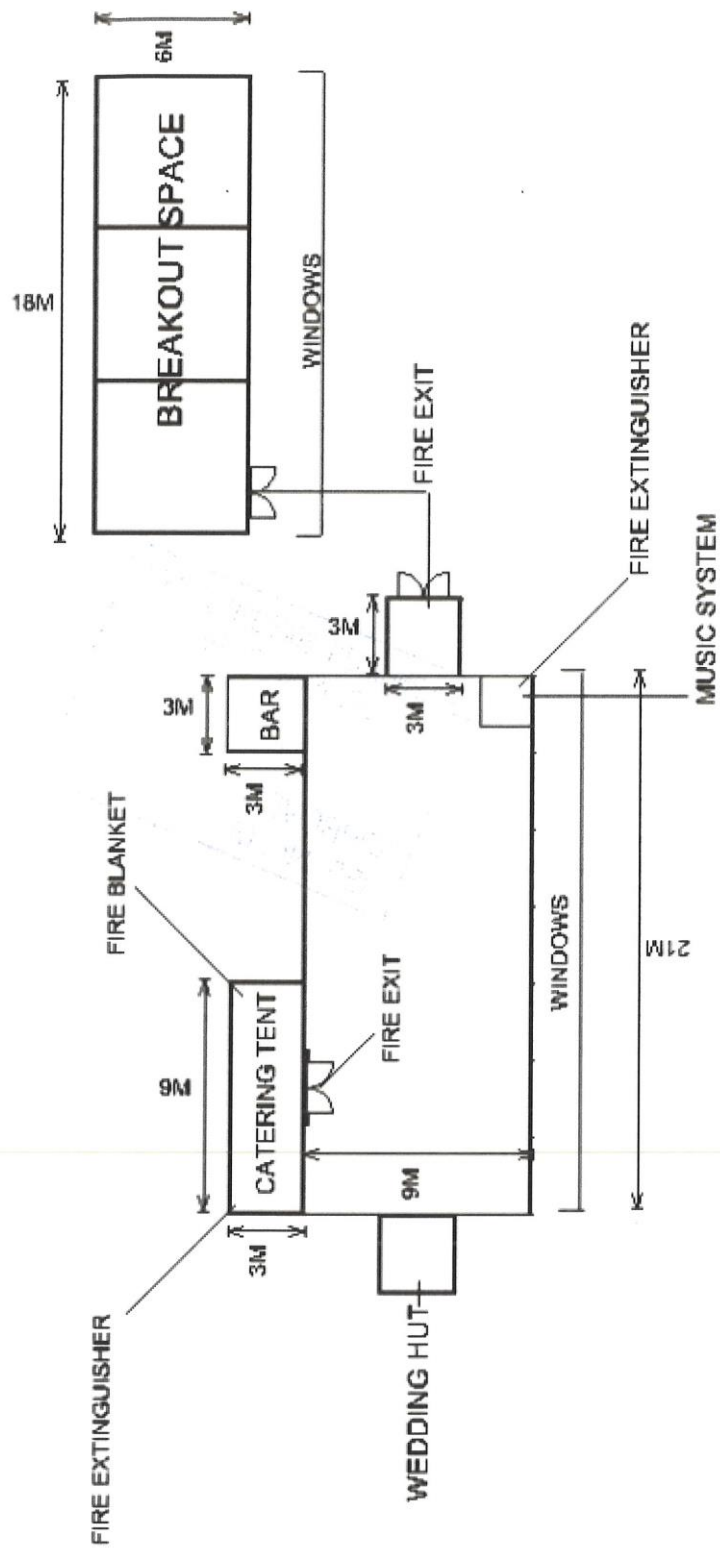
State whether access to the premises by children is restricted or prohibited:
N/A

Issued: 13 April 2011
Revised: 01 December 2015 [Full Variation]

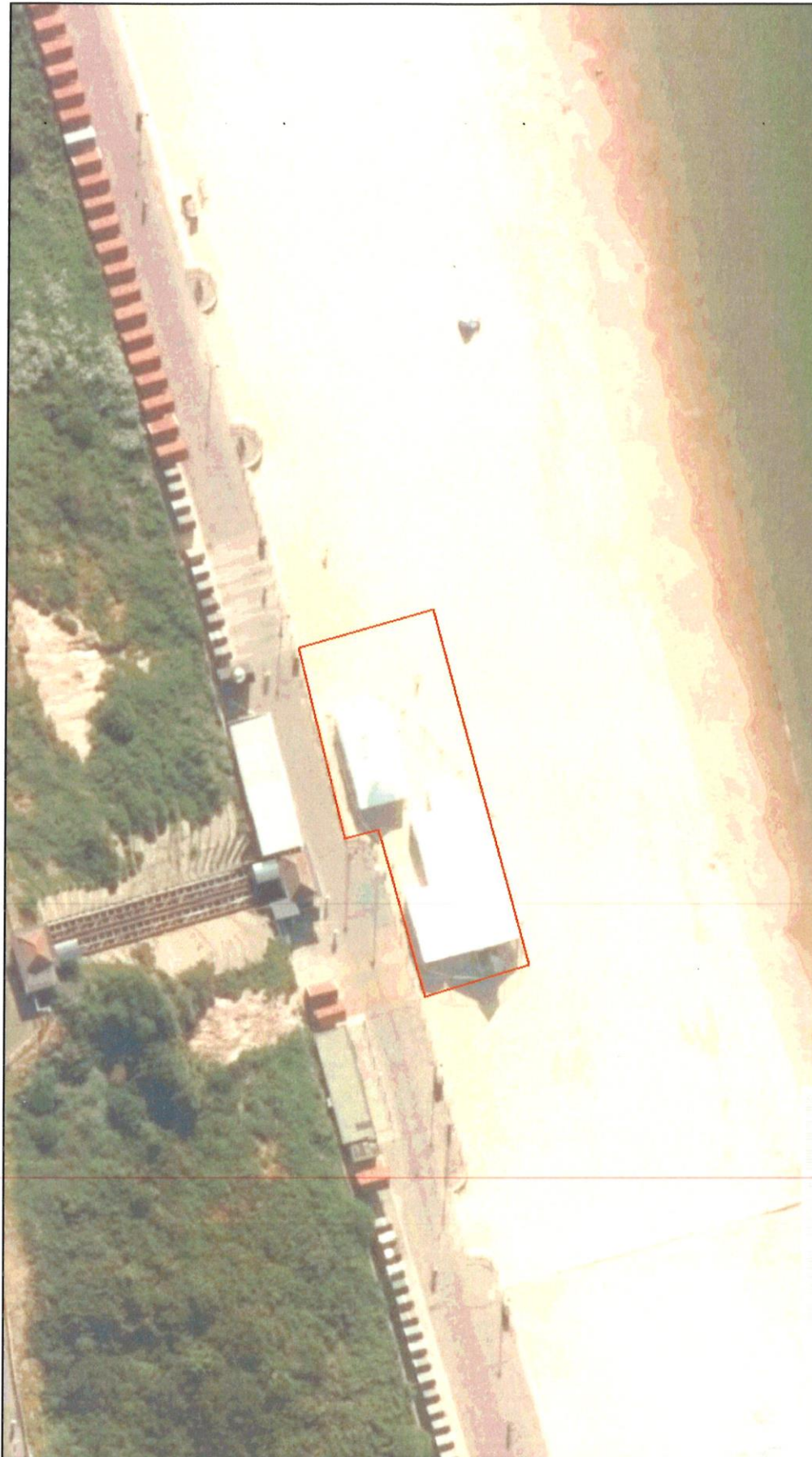


Mrs Louise Jones
Environmental Health & Licensing Manager

BEACH WEDDING FLOORPLAN



BOURNEMOUTH BOROUGH COUNCIL
LICENSING SECTION
01 DEC 2015
APPROVED
REF. No. M 117978



Scale 1/687

Centre = 408497 E 90582 N

Date 14/10/2015

1
2

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© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Bournemouth Borough Council - 100019829, 2015
The scale indicated on this drawing is approximate only and should not be used for taking accurate measurements.

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From ... Crag Head, 77 Manor Road, Bournemouth BH1 3JE

Email:

Home tel:

Mobile:

Dear Sirs

My husband and I have lived in Crag Head for 22 years. As our flats face directly on to East Overcliff Drive I wish to object to all three of the Council's applications. I am very concerned about the harmful and negative effects these would have on me and all the residents along Manor Road.

I cannot believe the Council would even consider these proposals.

I do not see any limitation on the numbers of people who may attend, or listen or watch free of charge. Visions of the overcrowded beaches which were televised worldwide last year immediately come to mind. The noise, day and night, would be unbearable. Where is everyone going to park? In our private car parks? Litter, smells and general antisocial behaviour are other problems. There are very few public toilets in the area.

It has been bad enough having to suffer the Air Show for all these years, which costs the Council, and us, thousands of pounds. We have to police our property which is abused by visitors.

The fact that 90% of activities are likely to take place between March and April means we shall not be able to keep our windows open during the good weather.

These notices of Application were done in a very underhand manner. There was nothing about them on East Overcliff Drive;

only on the promenade where many people are afraid to walk for fear of being knocked down by cyclists or scooter riders.

Also there was no chance of second home owners seeing them as they cannot visit under lockdown.

The applications include the ability to have off licence sales. Have you not considered the drunkenness which would continue well into the night, apart from drug usage and disorder? I am sure the cost of policing this would far outweigh any profits.

Please take note and put a stop to this foolishness.

I look forward to your reply

Dear Sirs

My family use all year round a holiday flat in Princes Gate, Grove Road, Bournemouth facing on to Overcliff Drive and immediately above one of the areas for which the Council is applying for licenses.

I am writing with my family's objections to the above applications.

Objections are limited to the 4 licensing objectives:

The Prevention of Crime and Disorder

There is concern about the size of the area to be affected, that events include open air and indoor events, the numbers of persons like to attend such events and the inability of the Council to police and control the beach area. This is best evidenced by the events of last summer when the police and Council lost control of the beach area.

During the Air Show directors of the block find it necessary to put security arrangements in place to protect the property from trespass, illegal parking and disorderly conduct. This is the result of experiences during the early years of the Air Show and is an expense of the block every year. It is not reasonable that residents must put similar arrangements in place every time there is a large event on the beach area.

The applications are to permit off licence sales of alcohol and the area allocated for sale is on the Undercliff immediately below Princes Gate. Residents of the block know from experience that during the summer months people gather on the Overcliff into the early hours and are noisy and often the worse for drink. Increased events and the sale of alcohol year round will become a regular inconvenience and annoyance to residents and it is difficult to see how this will be policed after hours on the beach and the adjacent areas.

It is observed that the Council has not indicated what steps will be taken to alleviate these concerns relating to the potential for drunken and disorderly behaviour, with regard also to the limited parking and toilet facilities on the Undercliff and Overcliff.

The Prevention of Public Disorder

All the comments above are repeated. There is a substantial likelihood of loud noise from live and amplified music with anti-social behaviour until the early hours as well as increased litter, obstruction of the highway and over-crowding on the beach and on the Overcliff.

The Council intends events to finish at 10pm but it is not realistic that any of these nuisances will finish at that time. Local residents will be seriously affected and must put up with these matters for 12 hours on every occasion.

Public Safety

Overcrowding on the beach and on the Overcliff with the likelihood of drunken behaviour, disorderly conduct and public nuisance are a real risk to public safety.

Protection of Children From Harm

The openness of the beach area, the inability to control such a large area effectively (before, during and after events) pose a significant risk to children with the availability of alcohol and no doubt the presence of drug dealers ready to do 'their business' during and after events.

Finally, it should be added generally that it is only by sheer accident the residents of the block discovered these applications were being made as, so far as we aware, no notices were posted on the Overcliff. Also, it should be noted that during lockdown many of the holiday apartments on the Overcliff are unoccupied so the Licensing Committee is prevented from receiving a wider range of representations.

Finally, looking at the minutes of previous Licensing Committee meetings it is noted that it purports to rely on the case of *Thwaites Plc v Wirral Borough Magistrates Court* as reason for dismissing fears of what may happen in the future should licences be granted. With respect, this is an incorrect interpretation of the decision and there is longstanding Court of Appeal authority that in determining these applications the Council is not bound by strict rules of evidence applicable in court cases.

If the Committee continues to rely on this authority erroneously without giving due and proper regard to the real concerns expressed above (which it is known from personal knowledge is a real and substantial fear of many residents on the Overcliff) there is the likelihood of judicial review of its decisions.

I declare that the information provided above is true and correct.

Yours faithfully

My address isGreenacres Close Bournemouth BH10 7DZ Michael Lucas

Sent from my iPhone

> On 21 Mar 2021, at 13:44, .> wrote:

>

> I wish to object to the above licence on the grounds of

> 1 lack of toilets in the nearby area

> 2 security concerns from a large group

> 3 extra rubbish and broken bottles on the beach

> 4 extra noise and disturbance

> .

>.

> -

>

> Sent from my iPhone

Address ... Crag Head, 77 Manor Road, Bournemouth, BH1 3JG

Email:

Mobile:

Dear Sirs

I have lived in Crag Head for 8 years. As our flats face directly on to East Overcliff Drive I wish to object to all three of the Council's applications. I am very concerned about the harmful and negative effects these would have on me and all the residents along Manor Road.

I cannot believe the Council would even consider these proposals.

I do not see any limitation on the numbers of people who may attend, or listen or watch free of charge. Visions of the overcrowded beaches which were televised worldwide last year immediately come to mind.

The noise, day and night, would be unbearable. Where is everyone going to park? In our private car parks? Litter, smells and general antisocial behaviour are other problems. There are very few public toilets in the area.

It has been bad enough having to suffer the Air Show for all these years, which costs the Council, and us, thousands of pounds. We have to police our property which is abused by visitors.

Still on the air show the days of repetitive annoyance you pump out of the cliff top speakers even when no one is there ?. I suggest you please give me your address so i can sit out side your house for days on end and play god dam awfull music with some washed up MC talking absolute b*****ks about and lets be realistic not so special planes !!!!!

The fact that 90% of activities are likely to take place between March and April means we shall not be able to keep our windows open during the good weather.

These notices of Application were done in a very underhand manner. There was nothing about them on East Overcliff Drive;

only on the promenade where many people are afraid to walk for fear of being knocked down by cyclists or scooter riders.

Also there was no chance of second home owners seeing them as they cannot visit under lockdown.

The applications include the ability to have off licence sales. Have you not considered the drunkenness which would continue well into the night, apart from drug usage and disorder? I am sure the cost of policing this would far outweigh

any profits.

Please take note and put a stop to this foolishness.

I look forward to your reply

Licensing Act 2003 – Representation Form

Personal Details of person making the representation	
Name:	[REDACTED]
Address:	Hinton Wood, 17 Grove Road
Town:	Bournemouth
Post Code:	BH1 3EA
Email:	[REDACTED]
Contact Telephone Number:	[REDACTED]

Premises Details
Application Ref: 183678
Name of Premises: Wedding Beach Hut, Beach Huts
Address of Premises: West Undercliff Promenade, Bournemouth, BH2 5AA

Reasons for representation
<i>This application is invalid as it fails to record the area for which the various licences are sought. It refers to Wedding Beach Hut and Beach Huts. It claims to be a variation of licence BH117978, but that is for an area of beach, not for one or more huts. Furthermore that licence already gives permission for some of the activities covered by the current application which gives no details of how the new requests are intended to fit with those already given.</i>
<i>The application should be returned to the applicant with a requirement for a new application which clearly designates the area where the performances, etc are to be licenced, and which explains what is to happen to licence 117978.</i>
The Prevention of Crime and Disorder:
The Prevention of Public Nuisance:
The application states consideration will be given to possible noise nuisance to those living in "close proximity". As the application does not explained where the noise will be created it is impossible to determine who lives in the area. It will be improper to consider only those residents living in "close proximity"; consideration must be given to all whose homes will be able to hear the amplified music for which a licence is sought. This is not an application for one, or a limited number of, events of limited duration, but applies for a licence to permit amplified music to be played from 10am to 10pm, 7 days a week, 365 days of the year.
Public Safety:
The Protection of Children from Harm:

I declare that the information I have provided is true and correct.

Signed [REDACTED]

Dated ...23 March 2021.....

Licensing Act 2003 – Representation Form

From:

[REDACTED]

Flat [REDACTED] Princes Gate, 55 Grove Road, Bournemouth BH1 3AW

Email: [REDACTED]

Tel: [REDACTED] Mobile [REDACTED]

Licensing Application No 183679 by BCP Council for an LA03 Premises Licence on the East Cliff Promenade.

Reasons for Representation

I write to register my objections to this application and ask you consider these in the consultation process. If you have a “public” session I would wish to be notified of the same and am prepared to come and make oral representations.

I have tried to group my representations in such a way as to relate to one or more of the four licensing objectives of the Licensing Act 2003, although there are clear overlaps. Many of these relate also to the **Protection of Children from Harm** and I do not repeat them specifically for that. There are also Procedural considerations that should be considered, and I conclude by a submission on the relevant law given the Team’s previously minuted remarks and, I believe, potentially erroneous interpretation of *Daniel Thwaites plc v Wirral Borough Magistrates’ Court* [2008] EWHC 838 (Admin)

Procedural

1. The notice of Application filed is different from the notice posted on lampposts outside in that:
 - a) The description of licensable activities that is anticipated is different on both documents, so that it is not possible to know precisely what is anticipated, in particular, the lines “Entertainment of a similar description e.g. parade or circus” and “indoor sporting event”, which are on the notices placed outside do not appear in the official application. As an aside, quite how you hold an “indoor sporting event” on a beach seems logically impossible.
 - b) In the outside notices the sale of alcohol is restricted to between April and September. No such restriction is mentioned on the official application.
 - c) It is also unclear from either notice whether the times given of between “10.00 and 22.00 each day of the week” refer to the timing of events, the sale of alcohol or both.
2. As a result of the above it is submitted that this application is too vague, wide ranging and erroneously described to be considered effectively and specific objections properly submitted.
3. There would appear to be a clear conflict of interest in the Licensing Team of BCP Council determining an application by and on behalf of BCP Council.
4. I understand that requests for clarification of how often such events are proposed is being met with silence, but this is a very important aspect that we, the public, need to know. Additionally, there are no limitations on the number of events or the dates on which they may held which seems unreasonable and excessive when what is under consideration is a public beach, not enclosed premises with physical limitations on the area involved.

Prevention of Public Nuisance

5. May I respectfully remind the team of the total and utter chaos of the August Bank Holiday of 2020 and the totally repellent state that an unchecked influx of people left on the beach. How are such scenes to be avoided in terms of open-air concerts and the other activities proposed?
6. In that regard, why pick an area of the promenade that has few toilet facilities?
7. There is also a noise/nuisance issue to be considered. Many of the proposed events would be quite loud and for those living immediately above the area, could well be intrusive and potentially harmful, in my block alone we have a centenarian, a nonagenarian and several people over 70, many of whom will be severely impacted by noise at night. Given that the block is immediately above the proposed site, there will be no amelioration of the noise and other disruptions caused.
8. There is also the effect on the environment in general, not only from refuse but also the potential for increased traffic, shortage of parking spaces and the sheer number of people who may be involved.

Prevention of Crime and Disorder

9. This is a self-evident issue. Allowing thousands of people to congregate in a relatively small area, selling alcohol and with ineffective crowd control is just asking for trouble. Policing such events will be extremely expensive and likely to substantially diminish any financial benefit to the Council in leasing out the area for these activities.
10. The application includes off licence sales of alcohol. This will inevitably lead to anti-social behaviour and the risk of people remaining on the beach late into the night, continuing to drink and being noisy, disruptive and causing a nuisance to residents.
11. There is also the issue of drugs and drug related crime, which would inevitably be increased by allowing this application.
12. I live in a block of flats directly above the proposed area and know only too well how much we have to do when large scale events such as the Air Show are held. It costs the management of the block quite a lot to erect barriers to block off entry to our premises from the East Cliff. If this application goes through and we need to do this far more often, are the Council going to pay for barriers? Of course not.

Public Safety

13. Why is this even being considered at this time? We are still in lockdown and nobody knows what is going to be the new norm for events thereafter. How is it proposed that social distancing, if required, will be enforced? Outdoor events will be particularly hard to monitor effectively.
14. We in Bournemouth have been reasonably lucky in the numbers of Covid related deaths and hospital admissions thus far. This will hugely increase risk by allowing large numbers of potentially (possibly) unvaccinated people to congregate in an area that has remained thus far relatively Covid free and is largely residential.
15. Until there are far more detailed Government guidelines in place and the threat of Covid has properly receded, this application would seem premature.
16. Is this the sensible and correct place for the proposed activities? I have already alluded to the lack of toilet facilities in the area and logically the most sensible place for this site would be closer to either Bournemouth or Boscombe pier, where there are better parking and other facilities. Indeed if it were by Bournemouth Pier sales of alcohol could be more easily controlled as there would be

no need for a separate alcohol area; it is closer to the main parts of Bournemouth, closer to the West Cliff, where there are more hotels and tourists, further away from residential areas and generally more sensible.

The Legal Position:

17. It is not the position in law that hard evidence needs to be available as to future risks. It is submitted that the legal position is that for a licensing application such as this there is a simply overwhelming cadre of authority that a licensing decision-maker is entitled to act on any material which appears to him to be logically probative, including his own local knowledge, hence the perceived conflict of interest. The only boundaries are rationality – a decision to admit evidence must not be perverse – and fairness, in the sense that a party must have the opportunity to comment on that which is being relied upon by others. It is no exaggeration to say that the opposite case – that only evidence admissible in a court is admissible before a licensing authority – is completely unarguable.
18. Not only is the position plain, but there is a good reason for it. Whether the decision-maker is making a judgment on whether a person should be allowed to wield a shotgun, drive a member of the public in his car, run a late-night burger joint or operate a nightclub, the judgment fundamentally involves an evaluation of risk. If there is no risk, there is no need for interference. If there is a significant risk – whether of physical harm or nuisance to the neighbours – then some form of interference, **be it by the imposition of conditions or outright refusal**, may be merited. The evaluation of risk can never be weighed as a matter of fact, as though one is weighing sugar for a recipe. It is a value judgment.
19. Every human activity involves risk, whether it is crossing the road or drilling for oil. Some risks we are not prepared to take. Others we take only with precautions. Others we deem acceptable even without precautions. **Licensing is the process of making such judgments in the public interest, for the protection of others.** There is rarely a single right answer. It is an exercise of local discretion, applying common sense and judgment to the material as it has been presented. **To dismiss material from consideration because it would not pass muster in a court of law is to abandon common sense, wisdom and judgment, and to place the public at risk by ignoring material which may well be probative.**
20. In many instances, there will be very little primary material – the case will turn almost entirely on a value judgment. **Imagine a large capacity nightclub wanting to open in a quiet residential street. What evidence would an experienced local councillor need before reaching a judgment that those departing the club in the middle of the night would be liable to awaken the neighbours? The answer may well be none, other than the primary facts just described. Certainly, it would not be necessary to await the opening of the club in order to test the proposition empirically, any more than a person carrying out a fire risk assessment needs to await an inferno before advising the installation of sprinklers.**
21. Therefore, once it is understood that the job of licensing is not to respond to harm once it has occurred, but to make rational judgments to avert risk, it becomes still clearer that to require evidence, in the sense understood by courts, is to encrust the system with rules which are liable to expose the public to unnecessary risk and work contrary to the pursuit of the objectives of the legislation conferring the discretion.
22. This has not changed following the decision in *Daniel Thwaites plc v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin). The general position in licensing is that authorities may act on any material appearing to them to be relevant, whether or not the material would be admitted evidentially in a court. Nothing in the Licensing Act 2003 alters that position. The judgment of Black J in *Thwaites* is often submitted to create some form of evidential threshold for regulatory

intervention, but in fact it was no more than a decision on the individual facts. The Learned Judge certainly did not intend to depart from several decades of binding Court of Appeal authority as summarised in paragraphs 16 – 20 above, and of course could not have done so, nor should the Licensing Team.

Yours Faithfully



Chairman of the Board of Directors
Princes Gate

Licensing Act 2003 – Representations re:

(1) BCP Application Reference No. 183679

Address: East Cliff Beach BH5 1BN (Sandy Beach to Shoreline)

and

**(2) Application: BCP Application Reference No. : 183680 Address: Toft Beach ,
Undercliff Drive BH5 1BN.**

and

**(3) Application: BCP Application Reference No. : 183678 Address: Beach Wedding
Area , Undercliff Drive BH5 1BN.**

From: [REDACTED], Flat [REDACTED], Princes Gate, 55 Grove Road, Bournemouth, BH1 3AW

Email: [REDACTED]

Home: [REDACTED]

Mobile: [REDACTED]

Dear Sirs,

I have already sent in representations relating to Application No 1 above. However, those were drafted before realising that there were other, similar representations affecting areas of Bournemouth beach that concern me and the residents of my block. They were further drafted before sight of the actual detailed planning applications, which have brought up further matters that I would seek to make representations about. I hope that you will append these representations to my original ones. For ease of reference I attach them again to this email.

Again, I will endeavour to follow the guidelines you have set out over the four headings of objections and then raise procedural matters.

Generally, it appears that the Council has not taken any account of the likely impact on the people who live in the area. I am very worried that the Notices of Application are in the widest terms and very vague as to what the Council actually intends to allow on the beach, when and how often. It looks as though the whole beachfront from the East Cliff zigzag to Boscombe Pier will be open to all kinds of events which are likely to create problems. The fact that the applications are drafted in the widest possible terms suggest that, rather than applying for already planned events which the public could understand and consider, the Council is seeking a blanket authority to put on any type of event, except wrestling and boxing, at any given part of the beach, without further application or scrutiny.

I also feel that it was very unfair to give notice of these applications at a time when the many elderly and vulnerable residents of the blocks likely to be affected were not going out. I only found out about the applications because a resident in another block alerted me to a Notice posted on the East Cliff Promenade and I made sure that residents in the block knew what was going on. Nothing was posted on East Overcliff Drive where residents might actually be able to read it and for Application No 1 there were only 2 notices, one of which was so low to the ground as to be unreadable.

These objections apply to all three applications. They apply to the Beach Wedding Area although the proposed period of operation is currently limited to April to September. The variation of the existing Beach Wedding Area licence to bring it into line with the new licence applications just means that the whole beach area between the East Cliff Beach and Boscombe is subject to the same rules and so will have the same adverse effect on residents.

The Prevention of Crime and Disorder

1. I repeat the observations that I have previously made and apply them to all 3 applications.
2. The applications include the ability to make off licence sales which is a positive encouragement to people to buy and consume alcohol on the beach and in the vicinity of the events and their access points, including East Overcliff Drive and the area adjacent to the zigzags, after the “official” closing times. This inevitably increases the risk of drunkenness and disorder.
3. The open character of the beachfront makes it different from a club or bar or even a festival, making it far harder to control noise, pollution, drunkenness, substance abuse and antisocial behaviour taking place. The beach becoming overcrowded and the visitors spreading all along it and causing problems late into the night is very likely and obvious as a matter of common sense.
4. There is limited parking in the area with relatively few spaces available for the public almost all along East Overcliff Drive. The availability of public transport is very limited indeed, especially at night and on Sundays, encouraging crowds to gather on East Overcliff Drive.

The Prevention of Public Nuisance

5. All the matters previously referred to are relevant to the issue of Public Nuisance and the likely increase of its incidence in and around the surrounding area, affecting the whole community particularly excessive noise, litter, smells general disturbances of the area, anti-social behaviour and obstruction of the highway.
6. Excessive noise is clearly likely from noisy events, especially music. There appears to be no opportunity to object to individual events even if we get some advance warning. The lack of any restriction on the number or frequency of these events is worrying and increases the risk of public nuisance.

7. Although, 22:00 appears a reasonable time for events to cease it ignores two factors:
 - i. The lack of any realistic likelihood that noise will, in fact, cease at that time;
 - ii. The fact that all those affected by the events may already have had to put up with noise and disturbance for upwards of 12 hours.
8. The increased congestion generated by what are likely to be large crowds are themselves generators of additional noise. In addition, the lack of parking and adequate public transport in the area will add to the problems of crowding and potential disorder on and around East Overcliff Drive.
9. I have previously referred to my own experiences of the Air Show and based on that, we know that large crowds will create similar problems, especially if people gather on East Overcliff Drive to listen, free, to music or other entertainment happening on the beach. The fact that the council does not ask for permission to allow more than 5,000 people at an event shows the unrealistic approach taken by this application. If a “popular” event is staged it must be self-evident that more than 5,000 people will attend, whether this is in a “designated” area, outside it on the beach or along the cliff top.
10. The number of people who come for the weekly firework displays in the summer confirms that this is a real risk. We, as a block, cannot be expected to take similar safety measures to those were forced to take for the Air Show (and the, thankfully, defunct car road show along East Overcliff Drive) every time a large event takes place on the beach, especially if we don’t get advance notice.
11. There is also the lack of permanent toilet facilities which increases the risk of the locality becoming used for those purposes which, apart from being a criminal offence, is also capable of constituting a public nuisance.
12. No proposals for reducing the risk of nuisance have been made by the Council so far.

Public Safety

13. In addition to the representations I have already sent in , I simply point out that the risk of overcrowding both on the beach and on East Overcliff Drive; the likelihood of drunkenness, disorder and public nuisance, together with the fact that access to the beach via the East Cliff and Toft zigzags will be very dangerous for large numbers of people, all pose public safety threats.
14. I also have no idea when the Council proposes to start using the beach area under any Licence it might obtain. The Beach Wedding Area’s expanded range of activities will start in April. The risk of COVID amongst large, unsocially distanced crowds once this lockdown ends is so obvious that it goes without saying.

Protection of Children from Harm

15. The open beachfront location and lack of ability to control such a large area, especially before and after the events, pose significant risk to children and young persons, particularly due to the ready access to alcohol if there are off sales and will make the beach and the surrounding area a target for drug dealers.

I declare that the information which I have provided is true and correct.

Yours faithfully

A solid black rectangular box used to redact a signature.

Chairman of the Board of Directors of Princes Gate Limited.

Personal Details

Name: [REDACTED]

Address:

(1) [REDACTED]

[REDACTED]

Old Redding, Harrow HA3 6SH

(2) Secondary home— [REDACTED]

Crag Head, 77 Manor Road,

Bournemouth BH1 3JF

Email: [REDACTED]

Contact telephone number: [REDACTED]

Premises Details

(1) Application ref: 183679

Name of Premises: East Cliff Beach (Sandy Beach to Shoreline)

Address of Premises: East Cliff Promenade, Bournemouth

(2) Application ref: 183680

Name of Premises: Tofts Beach (Sandy Beach to Shoreline)

Address of Premises: Tofts Beach, Bournemouth Promenade

(3) Application ref: 183678

Name of Premises: Beach Wedding Area

Address of Premises: Undercliff Drive, Bournemouth

Preliminary Matters

(A) Service of Notices of Applications

- (1) The Applicant BCP Council issued the applications dated 2 March 2021 during the Covid lockdown and when it was not permissible to travel to second homes.

I only became aware of the applications as a result of being informed by a resident of Princes Gate, a nearby block of flats similarly affected by the Council's proposals.

BCP Council do not appear to have had any regard for the Covid lockdown when making the applications and to have made no attempt to bring the applications to the attention of part time residents.

- (2) It is of serious concern that the applications were made during the Covid lockdown and that there are likely to have been many part-time residents who were unaware of the applications and the ability to make representations. This runs contrary to the rules of natural justice and the right to a fair hearing.

(B) Procedural Fairness and Conflicts of Interest

- (1) The Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003 makes provision for where licensing authorities are acting as responsible authorities for the purpose of the Licensing Act 2003.

- (2) In particular:

By paragraph 9.17 of the Guidance —

'in cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.....'

By paragraph 9.18 of the Guidance —

"In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case.

Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing”.

(3) 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.

(C)BCP Statement of Licensing Policy

(1) The Statement of Licensing Policy 2020 — 2025 issued by BCP Council in November 2020 is relevant to the determination of BCP Council's applications.

In particular, by paragraph 12.12 of the BCP Statement of Licensing Policy:

"The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four licensing objectives:-

The nature of the area where the premises are situated.

The precise nature, type and frequency of the proposed activities.

Where alcohol is to be sold for consumption on the premises, the extent of seating available.

Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation.

The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises.

Means of access to and exit from the premises.

The impact of the smoking ban, to include reference to noise pollution.

Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises.

Parking provision in the area.

The potential cumulative impact of licensable activities in the relevant local area.

Other means and resources available to mitigate any adverse impact particularly to local residents.

Such other matters as may be relevant to the application".

(2) There is nothing to suggest that BCP Council have considered these matters as they should have done. The applications cumulatively affect a considerable expanse of Bournemouth's beaches and local residents living close to those beaches. The applications are in the widest terms. The proposed licensable activities are numerous and varied. However, 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.

(3) it is understood that the applications have been driven by the Tourist team of BCP Council. The effect of the applications, if granted, would be to permit BCP Council to have carte blanche in making use of

the beachfront as they see fit without previously providing the specific details of what is actually proposed at each of the locations and to circumvent the controls and safeguards of having to make individual applications for each licensable activity. As such, the applications are an abuse of the licensing regime. It is hardly surprising in the circumstances that residents have been considerably alarmed by the applications.

(4) There appears to have been no regard (other than by way of lip service) to the likely impact on local residents of the Council's proposed licensable activities which are wide ranging and are able to include, in particular, live and recorded music, including amplification, seven days a week from 10am to 10pm and the sale of alcohol seven days a week from 10am to 10pm between April and September.

(5) The right of local residents to the quiet and peaceable enjoyment of their homes and the area in which they live should not be sacrificed to tourism and the financial interests and activities of business. If BCP Council wish to enhance the experience of visitors and to support local businesses, they would do better to focus their efforts on making use of the numerous empty shop premises which sadly have become a feature of the centre of Bournemouth.

(6) The East Cliff Beach application and the Tofts Beach application both propose that the licences start on 12 April 2021. The Wedding Beach area variation application asks that the proposed variation have effect as soon as possible. There is no regard for current Covid restrictions or the very real possibility of a spike in Covid cases if these applications are granted.

The Reasons for Objection by reference to the four Licensing Objectives

(A) The Prevention of Crime and Disorder

(1) The Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003 makes provision in Section 2 as to the licensing objectives.

(2) In particular, by paragraph 2.1 of the Guidance —

"Licensing authorities should look to the police as the main source on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)".

(3) The extent of the locations affected by the applications, the ability to hold both open air and indoor events and the likely number of people attending events does raise concerns for policing and crowd control. These concerns are real and not fanciful, as shown by what has previously occurred in relation to the Air Show and the inability of the Council to control the beach area last Summer, with a major incident being declared on 25 June 2020 after thousands of people descended on the Council's beaches. Illegal parking and disorderly conduct, including litter and using the street as a public toilet, are not something which local residents should have to tolerate.

(4) The applications in so far as they include the ability to make off licence sales would provide a positive encouragement to people to buy and consume alcohol on the beach and in the vicinity of events and their access and exit points, inevitably increasing the risk of drunkenness and disorder, even after official closing times.

(5) The open character of the beachfront makes it far harder for the Police and the Council to control noise, pollution, drunkenness, substance abuse and anti-social behaviour.

(6) The limited parking in the area is likely to result in illegal parking as evidenced by what happened last Summer. The availability of public transport is extremely limited, especially at night and on Sundays, which in itself encourages illegal parking and encourages crowds to gather, particularly on East Overcliff Drive.

(B) The Prevention of Public Nuisance

(1) The issue of public nuisance is related to the prevention of crime and disorder.

(2) The applications, if granted, are likely to affect local residents in the enjoyment of their homes and the surrounding areas, particularly with the occurrence of excessive noise, litter, general disturbances, anti-social behaviour, and obstruction and fouling of the highway.

(3) Excessive noise is likely from the range of proposed licensable activities, especially amplified music, which the Council proposes should be permitted from 10am to 10pm, seven days a week, twelve months of the year, and in each of the locations the subject of the applications. Drunken and rowdy behaviour is likely to result from the sale of alcohol from 10am to 10pm between April and September.

(4) There is no realistic likelihood that excessive noise or disturbance will cease at 10pm, with crowds likely to remain before they eventually disperse.

(5) Illegal parking, litter and the use of the street as a toilet are likely to result from the numerous and varied proposed licensable activities.

(6) It is not known what proposals the Council is putting forward to reduce the risk of public nuisance and to what extent it is proposed that there be additional policing.

(C) Public Safety

(1) The real risk of overcrowding on the beach, on access and exit routes, especially on East Overcliff Drive and the East Cliff and Toft zigzags, the likelihood of drunkenness, disorder and public nuisance all pose threats to public safety.

(2) The proposal in the East Cliff Beach application and the Tofts Beach application that the licences start on 12 April 2021 ignores current Covid restrictions.

(3) It is also extremely concerning that the applications appear to ignore the risk of Covid caused by large, not socially distanced crowds at the very time that the country needs to be cautious when emerging from lockdown.

(D) Protection of Children from Harm

(1) The open beachfront locations and inability to control such large areas before, during and after events poses a significant risk to children and young persons, with ready access to alcohol if there are off sales.

(2) The beaches and the surrounding areas are likely to become even more of a target for drug dealers than they already are.

For all the above reasons, BCP Council's applications should be refused.

I declare that the information I have provided is true and correct.

Signed:

A black rectangular box redacting the signature.

Dated: 30th March 2021

Licensing Act 2003 – Representations re:

(1) BCP Application Reference No. 183679

Address: East Cliff Beach BH5 1BN (Sandy Beach to Shoreline)

and

(2) Application: BCP Application Reference No: 183680 Address: Toft Beach,
Undercliff Drive BH5 1BN.

and

(3) Application: BCP Application Reference No.: 183678 Address: Beach
Wedding Area, Undercliff Drive BH5 1BN.

Please withhold my personal details from any public documents

From: [REDACTED]

Email: [REDACTED]

Principal Address [REDACTED] Elstree Herts WD63PN

Second Home: [REDACTED] Riviera, 63 Grove Road, Bournemouth BH13AE

Mobile: [REDACTED]

To whom it may concern

My flat faces directly onto East Overcliff Drive. The block is immediately above the proposed East Cliff Beach performance / restaurant site.

I am seriously concerned about the likely effect on the quiet enjoyment of the properties affected and the mental health and well-being of the numerous permanent and part time residents above the proposed sites if this and the other applications are granted.

It appears that the Council has not taken sufficient account of the likely impact on local residents. The application is non-specific and covers multiple potential events without identifying with any precision the nature, type and frequency of the events the council intend for the site.

The applications cumulatively affect a considerable expanse of Bournemouth's beaches and local residents living close to the beaches. However, the licensable activities 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 do in relation to each application.

If granted this application would allow the Council to have carte blanche in making use of the sea front without providing specific details. This would appear to be an abuse of the licensing Regime. The lack of specificity and the prospect of licences granting activities from April to September from 10 am to 10pm, seven days a week is obviously cause for alarm and concern amongst local residents.

Moreover, I understand that the application is being driven by the tourist team of the BCC. Have the team considered that it may be possible to enhance the visitor experience and support existing local businesses many of whom have undoubtedly been affected by the COVID crises by focusing their attention on the many empty shop premises which have regrettably become a feature of the town centre and utilising the pedestrian precinct.

Even if the council intends to limit the number of attendees, the proposals are likely to generate large crowds both on the beach and an inevitable overspill onto East Overcliff Drive.

In good weather and particularly the summer months local residents will want to be able to keep windows open and sit on balconies it is likely that the excessive noise and odours will make it unpleasant to do so. It looks as though the whole beachfront from the East Cliff zigzag to Boscombe Pier will be affected by all kinds of events which are likely to create problems.

I feel that it was very unfair to give notice of these applications at a time when numerous second home residents are unable to visit Bournemouth due to lockdown restrictions and the many elderly and vulnerable residents of the blocks likely to be affected were not going out. I only found out about the applications because a resident in a neighbouring block happened to inform us of the proposed application. In the prevailing circumstances in addition to the "statutory notice", there is no reason why the Council could not have given written notice by way of a targeted mail drop to all the residents likely to be affected by the application. It is quite wrong that I like many other residents had to hear of this application by word of mouth.

The Prevention of Crime and Disorder

1. The size of the areas likely to be affected; the ability to hold both open air and "indoor" events; and the likely number of people attending events raises immediate concerns for policing and crowd control. Both the Air Show and the inability of the Council to police and control the beach area last Summer show that this is a real concern, not an unfounded fear.
2. The applications include the ability to make off licence sales which is a positive encouragement to people to buy and consume alcohol on the beach and in the vicinity of the events and their access points, including East Overcliff Drive and the area adjacent to the zigzags, after the "official" closing times. This inevitably increases the risk of drunkenness and disorder.
3. The open character of the beachfront makes it different from a club or bar or even a festival, making it far harder to control noise, pollution, drunkenness,

substance abuse and antisocial behaviour taking place. The performance sites may be subject to controls, but the beach itself is open to the public 24 hours a day as, of course, is the surrounding area. It is unlikely that crowds would "disperse" at 10.00 pm.

4. There is limited parking in the area with relatively few spaces available for the public. The availability of public transport is very limited indeed, especially at night and on Sundays, encouraging crowds to gather on East Overcliff Drive. This will encourage people to trespass, by parking in private car parks of various block of flats, park illegally and inconsiderately and obstructing access.

The Prevention of Public Nuisance

5. All the matters referred to under the heading of the Prevention of Crime and Disorder above are also relevant to the issue of Public Nuisance and the likely increase of its incidence in and around the surrounding area, affecting the whole community particularly excessive noise, litter, smells general disturbances of the area, anti-social behaviour and obstruction of the highway.
6. The wind blowing off the sea will carry noise and indeed odours from restaurant cooking directly into flats facing the beach. Moreover, based on our experience of the nonstop music, noise and air pollution suffered during the four days of the air show, the prospect of having to suffer the same headache inducing intrusion for 12 hours a day, seven days a week without respite will likely constitute a public nuisance.
7. There is no realistic likelihood that excessive noise or disturbance will cease at 10.pm with crowds likely to remain before they eventually disperse.
8. I repeat the points made in respect of parking under the heading Prevention of Crime and disorder
9. Our early experience of the Air Show was that people parked illegally on our private car park and trespassed on our front lawn even climbing walls and gates to get access. Additionally, empty drinks cans, bottles and food packaging is thrown over the garden wall adjacent to East Overcliff Drive.
10. Every year the Air Festival is held it is necessary for residents to rope off the garden wall and carpark access to protect the block and its residents. Based on what happens at every Air Show, I anticipate that large crowds will create similar problems, especially if people gather on East Overcliff Drive to listen to free music or other entertainment on the beach. Residents cannot be expected to take similar steps throughout the summer to combat the conduct described above.
11. Since the Landslip in 2016 that damaged the East cliff lift/ funicular destroyed the adjacent toilet facilities there has been a lack of permanent toilet facilities local to the designated area which increases the risk of the locality becoming used for those purposes which, apart from being a criminal offence, is also capable of constituting a public nuisance.

Public Safety

12. Under this head, rather than repeat everything, I simply point out that the risk of overcrowding both on the beach and on East Overcliff Drive; the likelihood of drunkenness, disorder and public nuisance, together with the fact that access to the beach via the East Cliff and Toft zigzags will be very dangerous for large numbers of people, all pose public safety threats and may contravene the prevailing COVID restrictions/recommendations.
13. Even if current Covid restrictions are relaxed it is likely that large groups of people attending the proposed events will increase the risk of infection in the immediate vicinity to visitors and local residents.

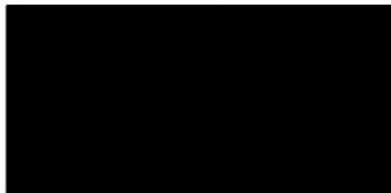
Protection of Children from Harm

14. The open beachfront location and lack of ability to control such a large area, especially before and after the events, pose significant risk to children and young persons, particularly due to the ready access to alcohol if there are off sales and will make the beach and the surrounding area a target for drug dealers.

For all the above reasons the BCP Council applications should be refused.

I declare that the information which I have provided is true and correct.

Signature:



Name:

Licensing Act 2003 – Representations re:

(1) BCP Application Reference No. 183679

Address: East Cliff Beach BH5 1BN (Sandy Beach to Shoreline)

and

(2) Application: BCP Application Reference No. : 183680 Address: Toft Beach ,
Undercliff Drive BH5 1BN.

and

(3) Application: BCP Application Reference No. : 183678 Address: Beach Wedding
Area , Undercliff Drive BH5 1BN.

From: [REDACTED] Princes Gate. 55 Grove Road. Bournemouth BH1
3AW

Email: [REDACTED]

Home [REDACTED]

Mobile: [REDACTED]

Dear Sirs,

We have occupied Flat [REDACTED] Princes Gate, 55, Grove Road, BH1 3AW for more than 2 years. We wish to state and confirm our objections to the three applications submitted by the Council. Our flat is so positioned fronting East Overcliff Drive and will be considerably negatively impacted if the Applications are granted., particularly the proposed Eastcliff Beach performance site.

We feel there to be a lack of sensitivity by the Council to the rightful, peaceful enjoyment and consideration which we as residents directly on East Overcliff Drive should be entitled to enjoy ,together with an inappropriate lack of full consultation to establish and consider ours and other residents along East Overcliff Drive, genuine and legitimate concerns. There appears to have been a blanket coverage of the beach approach by the Council with its three licence applications, which does not have any regard to sections of the East Overcliff Drive, which are long-standing residential in context (ie Princes Gate, Riviera, Elizabeth Court, Pinnacles etc).

Prior to occupying [REDACTED] Princes Gate we have been regular annual visitors to Bournemouth for holidays the last 30 years. There has been an apparent and considerable neglect on the East Overcliff Drive location with inadequate attention to public realm necessities, traffic calming, persistent littering with inadequate waste bins, unsafe and totally inadequate

lighting at night, deficiency of public seating, and **NOW**, in our view, a dereliction of appropriate attention and concern to the rights of residents on East Overcliff Drive to peaceful enjoyment and amenity. We are not aware of any pre-environmental impact assessment carried out by the Council, and if so, whether it has been released into the public domain. We feel this is an appropriate necessity, having regard to the huge negative environmental impact that the Council's three Licence Applications would result in.

The following objections apply to all three of the Council applications.

1.) The Prevention of Crime and Disorder

We are already concerned about the factual deterioration as a result of antisocial and criminal activity in the area, that has and is occurring on East Overcliff Drive, with an alarming increase in drug dealing already taking place on the pavement benches along East Overcliff Drive. This quite obviously will be hugely magnified in consequence of the location and frequency of large-scale events on the beach immediately below, proposed by the Council and locationally directly impacting on the Princes Gate block of flats above.

2.) The Prevention of Public Nuisance

East Overcliff Drive is, we consider, already very inadequate as a public access way. The road itself is narrow for 2-way traffic, and the pavements are narrow, particularly in front of the Carlton Hotel stretching eastwards. Parking spaces and public transport are also inadequate along East Overcliff Drive.

We have factual experience from the various air shows of the public nuisance that arises from large crowd gatherings. It is quite obvious that crowds will thus inevitably both park and congregate on East Overcliff Drive and listen to the music directly below, with its excessive related noise, litter, ,drunk/drug disorderly anti-social behaviour, both on East Overcliff Drive and the beach itself, after the 10pm restriction, plus unsafe and over congestion of the public highway along East Overcliff Drive.

3.) Public Safety

The closure of the East Overcliff Drive beach lift is a serious impediment to ensuring public safety since the adjacent Eastcliff zig-zag is already woefully inadequate/ difficult to descend and ascend and for coping with large crowds (and totally inappropriate for the disabled). It is very narrow and steep and poses a real health and safety hazard. It seems absolutely logical that the location of any public event and live entertainment and music events should be restricted to areas

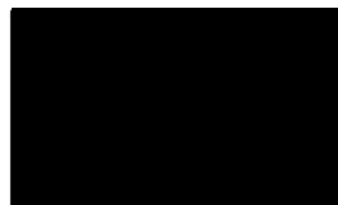
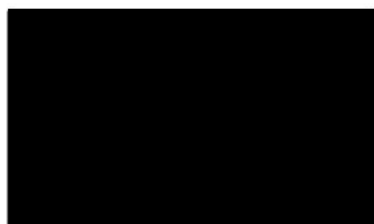
immediately adjacent to Bournemouth Pier or Boscombe Pier where there are adequate and safe adjacent drop-off points for both public and private transport and also immediately adjacent infrastructure of existing public restaurants and facilities to cope with crowds.

The ability for disabled people and families with young children to access and subsequently return to either end of the pier to the proposed entertainment facilities on the beach directly in front of Princes Gate are seriously disadvantageous (and furthermore from East Overcliff Drive itself, extremely difficult and unfairly challenging and could reasonably be viewed as potentially discriminatory.). It is a SUBSTANTIAL DISTANCE from either pier to reach the central section of the beach directly in front of Princes Gate. The previous correctly located open air entertainment and live music events facility adjacent to Bournemouth Pier approach was the right, logical, and fully accessible and appropriate location, and since this has been replaced by the crazy golf attraction live entertainment, music and events should be correctly found, as previously, a location immediately adjacent to either side of Bournemouth and / or Boscombe piers.

The central section of Bournemouth beach in front of Princes Gate has traditionally been an attractive and safer place for children to play away from revellers and inappropriate – often alcohol / drug driven – conduct, with the absence of the outbreaks of fights(as actually occurred) and other unsuitable anti-social conduct for children to witness and experience.

We would confirm that our comments above are based on our experience of living on East Overcliff Drive for the last 2 years.

Signatures:



Names:

Licensing Act 2003 – Representations

Personal Details

Name: [REDACTED]

Address:

(1) Principal home –

[REDACTED]

London NW11 7XY

(2) Secondary home –

[REDACTED] Riviera,

63 Grove Road,

Bournemouth BH1 3AE

Email: [REDACTED]

Contact telephone number: [REDACTED] (mobile)

Premises Details

(1) Application ref: 183679

Name of Premises: East Cliff Beach (Sandy Beach to Shoreline)

Address of Premises: East Cliff Promenade, Bournemouth

(2) Application ref: 183680

Name of Premises: Tofts Beach (Sandy Beach to Shoreline)

Address of Premises: Tofts Beach, Bournemouth Promenade

(3) Application ref: 183678

Name of Premises: Beach Wedding Area

Address of Premises: Undercliff Drive, Bournemouth

Preliminary Matters

(A) Service of Notices of Applications

- (1) The Applicant BCP Council issued the applications dated 2 March 2021 during the Covid lockdown and when it was not permissible to travel to second homes.
- (2) My wife and I only became aware of the applications as a result of being informed by a resident of Princes Gate, a nearby block of flats similarly affected by the Council's proposals.
- (3) BCP Council do not appear to have had any regard for the Covid lockdown when making the applications and to have made no attempt to bring the applications to the attention of part-time residents.
- (4) It is of serious concern that the applications were made during the Covid lockdown and that there are likely to have been many part-time residents who were unaware of the applications and the ability to make representations. This runs contrary to the rules of natural justice and the right to a fair hearing.

(B) Procedural Fairness and Conflicts of Interest

(1) The Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003 makes provision for where licensing authorities are acting as responsible authorities for the purpose of the Licensing Act 2003.

(2) In particular:

By paragraph 9.17 of the Guidance –

“In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest”.

By paragraph 9.18 of the Guidance –

“In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as

responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing".

(3) 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.

(C) BCP Statement of Licensing Policy

(1) The Statement of Licensing Policy 2020 – 2025 issued by BCP Council in November 2020 is relevant to the determination of BCP Council's applications.

In particular, by paragraph 12.12 of the BCP Statement of Licensing Policy:

"The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four licensing objectives:-

The nature of the area where the premises are situated.

The precise nature, type and frequency of the proposed activities.

Where alcohol is to be sold for consumption on the premises, the extent of seating available.

Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation.

The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises.

Means of access to and exit from the premises.

The impact of the smoking ban, to include reference to noise pollution.

Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises.

Parking provision in the area.

The potential cumulative impact of licensable activities in the relevant local area.

Other means and resources available to mitigate any adverse impact particularly to local residents.

Such other matters as may be relevant to the application".

(2) There is nothing to suggest that BCP Council have considered these matters as they should have done. The applications cumulatively affect a considerable expanse of Bournemouth's beaches and local residents living close to those beaches. The applications are in the widest terms. The proposed licensable activities are numerous and varied. However, 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.

(3) It is understood that the applications have been driven by the Tourist team of BCP Council. The effect of the applications, if granted, would be to permit BCP Council to have carte blanche in making use of the beachfront as they see fit without previously providing the specific details of what is actually proposed at each of the locations and to circumvent the controls and safeguards of having to make individual applications for each licensable activity. As such, the applications are an abuse of the licensing regime. It is hardly surprising in the circumstances that residents have been considerably alarmed by the applications.

(4) There appears to have been no regard (other than by way of lip service) to the likely impact on local residents of the Council's proposed licensable activities which are wide ranging and are able to include, in particular, live and recorded music, including amplification, seven days a week from 10am to 10pm and the sale of alcohol seven days a week from 10am to 10pm between April and September.

(5) The right of local residents to the quiet and peaceable enjoyment of their homes and the area in which they live should not be sacrificed to tourism and the financial interests and activities of business. If BCP Council wish to enhance the experience of visitors and to support local businesses, they would do better to focus their efforts on making use of the numerous empty shop premises which sadly have become a feature of the centre of Bournemouth.

(6) The East Cliff Beach application and the Tofts Beach application both propose that the licences start on 12 April 2021. The Wedding Beach area variation application asks that the proposed variation have effect as soon as possible. There is no regard for current Covid restrictions or the very real possibility of a spike in Covid cases if these applications are granted.

The Reasons for Objection by reference to the four Licensing Objectives

(A) The Prevention of Crime and Disorder

(1) The Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003 makes provision in Section 2 as to the licensing objectives.

(2) In particular, by paragraph 2.1 of the Guidance –

“Licensing authorities should look to the police as the main source on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)”.

(3) The extent of the locations affected by the applications, the ability to hold both open air and indoor events and the likely number of people attending events does raise concerns for policing and crowd control. These concerns are real and not fanciful, as shown by what has previously occurred in relation

to the Air Show and the inability of the Council to control the beach area last Summer, with a major incident being declared on 25 June 2020 after thousands of people descended on the Council's beaches. Illegal parking and disorderly conduct, including litter and using the street as a public toilet, are not something which local residents should have to tolerate.

(4)The applications in so far as they include the ability to make off licence sales would provide a positive encouragement to people to buy and consume alcohol on the beach and in the vicinity of events and their access and exit points, inevitably increasing the risk of drunkenness and disorder, even after official closing times.

(5)The open character of the beachfront makes it far harder for the Police and the Council to control noise, pollution, drunkenness, substance abuse and anti-social behaviour.

(6)The limited parking in the area is likely to result in illegal parking as evidenced by what happened last Summer. The availability of public transport is extremely limited, especially at night and on Sundays, which in itself encourages illegal parking and encourages crowds to gather, particularly on East Overcliff Drive.

(B) The Prevention of Public Nuisance

(1) The issue of public nuisance is related to the prevention of crime and disorder.

(2)The applications, if granted, are likely to affect local residents in the enjoyment of their homes and the surrounding areas, particularly with the occurrence of excessive noise, litter, general disturbances, anti-social behaviour, and obstruction and fouling of the highway.

(3)Excessive noise is likely from the range of proposed licensable activities, especially amplified music, which the Council proposes should be permitted from 10am to 10pm, seven days a week, twelve months of the year, and in each of the locations the subject of the applications. Drunken and rowdy behaviour is likely to result from the sale of alcohol from 10am to 10pm between April and September.

(4)There is no realistic likelihood that excessive noise or disturbance will cease at 10pm, with crowds likely to remain before they eventually disperse.

(5)Illegal parking, litter and the use of the street as a toilet are likely to result from the numerous and varied proposed licensable activities.

(6)It is not known what proposals the Council is putting forward to reduce the risk of public nuisance and to what extent it is proposed that there be additional policing.

(C) Public Safety

(1) The real risk of overcrowding on the beach, on access and exit routes, especially on East Overcliff Drive and the East Cliff and Toft zigzags, the likelihood of drunkenness, disorder and public nuisance all pose threats to public safety.

(2) The proposal in the East Cliff Beach application and the Tofts Beach application that the licences start on 12 April 2021 ignores current Covid restrictions.

(3) It is also extremely concerning that the applications appear to ignore the risk of Covid caused by large, not socially distanced crowds at the very time that the country needs to be cautious when emerging from lockdown.

(D) Protection of Children from Harm

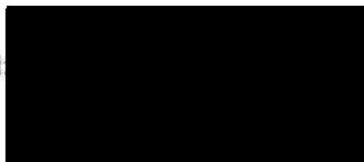
(1) The open beachfront locations and inability to control such large areas before, during and after events poses a significant risk to children and young persons, with ready access to alcohol if there are off sales.

(2) The beaches and the surrounding areas are likely to become even more of a target for drug dealers than they already are.

For all the above reasons, BCP Council's applications should be refused.

I declare that the information I have provided is true and correct.

Signed

A large black rectangular box redacting the signature of the declarant.

Dated: 22 March 2021

LICENSING ACT 2003 - REPRESENTATION FORM

PERSONAL DETAILS

NAME [REDACTED]
ADDRESS [REDACTED] Riviera, 63 Grove Road, Bournemouth BH1 3AE
EMAIL [REDACTED]
CONTACT TEL. [REDACTED]

PREMISES DETAILS

- (1) APPLICATION REFERENCE 183679
NAME OF PREMISES East Cliff Beach (Sandy Beach to shoreline)
ADDRESS OF PREMISES East Cliff promenade, Bournemouth
- (2) APPLICATION REFERENCE 183680
NAME OF PREMISES Tofts Beach, (Sand Beach to Shoreline)
ADDRESS OF PREMISES Tofts Beach, Bournemouth Promenade
- (3) APPLICATION REFERENCE 183678
NAME OF PREMISES Beach Wedding Area
ADDRESS OF PREMISES Undercliff Drive, Bournemouth.

REASONS FOR REPRESENTATION

THE PREVENTION OF CRIME AND DISORDER

The enlarged numbers at such events, coupled the obvious increase in the consumption of alcohol throughout the proposed hours, will probably lead to the need for law enforcement. Such combinations of factors have led to the need for police intervention before. There have also been occasions when the lack of police intervention has opened the way for incidents of public disorder and antisocial behaviour. Under similar circumstances in the Bournemouth area and elsewhere, as shown regularly on our screens, crimes such as drug trafficking, theft, foul and abusive language and, persons relieving themselves in public, have been recorded.

We and fellow members of the public, living on the East cliff, have had to protect our private car parks, as well as witnessing illegal parking on our roads. We have also witnessed numerous incidents of antisocial behaviour from people leaving the events on the beach, passing by our places of residence, in an inebriated state, making an excessive noise, and even fighting.

Many of our residents are elderly, many more are retired and we all seek to enjoy our lives in peace and tranquility.

THE PREVENTION OF PUBLIC NUISANCE

Safeguards will need to be introduced to deal the above recorded problems and to ensure that litter is well controlled, not left on the beaches and surrounds for others to clear, Extra staffing will be essential throughout these proposed events. Extra toilets will need to be provided, especially as these facilities are sadly lacking at present.

PUBLIC SAFETY

Stewards and a police ready availability will be required, especially as the day/evening progresses.

THE PROTECTION OF CHILDREN FROM HARM

Children should not be placed in a position where they can witness any of the above examples of antisocial behaviour. The later in the day/evening the more vulnerable the children will become.

I DO NOT WISH MY DETAILS TO BE INCLUDED IN THE PUBLIC DOCUMENTS FOR THE FOLLOWING REASONS

I am content for my details to be released

I DECLARE THAT THE INFORMATION THAT I HAVE PROVIDED IS TRUE AND ACCURATE.

Signed

Dated

Licensing Act 2003 – Representations re:

(1) BCP Application Reference No. 183679

Address: East Cliff Beach BH5 1BN (Sandy Beach to Shoreline) ("the Site")

and

(2) Application: BCP Application Reference No. : 183680 Address: Toft Beach ,
Undercliff Drive BH5 1BN ("Toft").

and

(3) Application: BCP Application Reference No. : 183678 Address: Beach Wedding
Area , Undercliff Drive BH5 1BN.

From:



Barnet Lane

Elstree

Herts WD6 HG

Email:



Home tel:



Mobile:



Dear Sirs,

Having occupied and regularly used a family-owned holiday home at Flat [REDACTED] Princes Gate, 55, Grove Road, BH1 3AW for more than 50 years I wish to object to the Council's application. Our flat faces directly onto East Overcliff Drive, the area most likely to be affected if these Applications are granted. It is also immediately above the Site.

I shall address each of the four Licensing Objections in turn and then address some of the other issues which I consider to be relevant to these applications.

I note that the Applications are in the widest terms and that the range of activities which the Council intends to permit on the Site and Toft is enormous and unlimited in number and frequency.

Objection is taken to the three applications referenced above on the same grounds. They apply equally to the Beach Wedding Area, although the proposed period of

operation is currently limited to April to September. It is submitted that this is simply a case of "infilling" so that the whole contiguous area between the East Cliff Beach and Boscombe is likely to be affected by the same objectionable regime with the same objectionable consequences for residents.

The Prevention of Crime and Disorder

1. The size of the proposed site covered by the three applications collectively; the ability to hold both open air and "indoor" events; and the likely number of people attending events raises immediate concerns for policing and crowd control. Historically, both the Air Show and the inability of the Council to police and control the beach area last Summer show that this is not a speculative concern. I shall refer later to the steps to which the management of our block has had to resort to protect the property from trespass, illegal parking and disorderly conduct during the Air Show.
2. There is no limitation on the numbers of people who might attend. Even if the Council does not expect more than 5000 people on each of the East Cliff Beach and Toft Beach "premises" at a time, a large number in any event, there is nothing that appears to prevent any number of people going on the beach to listen or watch free of charge. The performance sites may be subject to controls, but the beach itself is open to the public 24 hours a day as, of course, is the surrounding area.
3. The applications include the ability to make off licence sales which is a positive encouragement to people to buy and consume alcohol on the beach and in the vicinity of the events and their access points, including East Overcliff Drive and the areas adjacent to the Toft and East Cliff zigzags, after the "official" closing times. This inevitably increases the risk of drunkenness and disorder.
4. The open character of the Site and Toft as beachfront makes them quite different from the controlled environment of a club or bar.. This adds to the concerns about effective control. Those of us who are familiar with large music festivals know how difficult it is to control the site, prevent or even inhibit drug and alcohol abuse and maintain orderly behaviour on a large, if defined, site let alone on a beach with unrestricted access. The likelihood of the beach becoming overcrowded and the visitors to the events and others spreading along the beach and causing problems late into the night can be inferred as a matter of common sense.
5. There is limited parking in the area with relatively few spaces available for the public almost all along East Overcliff Drive. The availability of public transport is very limited indeed, especially at night and on Sundays, encouraging crowds to gather on East Overcliff Drive.

The Prevention of Public Nuisance

6. All the matters referred to above are relevant to the issue of Public Nuisance and the likely increase of its incidence in and around the surrounding area. It must be remembered that these matters and those I refer to below are not restricted to a particular flat or block, but affect all those resident in the area and many involve obstruction of the highway and its consequences. In addition, public nuisance can include matters such as noise, litter, odour, general disturbances of the area, anti-social behaviour and light pollution. The law of public nuisance is clearly engaged as all of them are likely to constitute unreasonable interference with the enjoyment of residents' land.
7. Excessive noise is an obvious likelihood and it is in no way speculative to suggest that it will be a real problem with the kind of events referenced in the Applications. The lack of any restriction on the number or frequency of these events is of great concern and increases the risk of public nuisance. Although, 22:00 appears a reasonable time for events to cease that ignores two factors:
 - i. The lack of any realistic likelihood that noise will, in fact, cease at that time;
 - ii. The fact that all those affected by the events may already have had to put up with noise and disturbance for 12 hours.
8. The fact that 90% of activities are said to be likely to take place between March and September makes things worse. In good weather we will want to be able to keep our windows open.
9. The increased congestion generated by what are likely to be large crowds are themselves generators of excessive noise. In addition, the lack of parking and adequate public transport in the vicinity will add to the problems of crowding and potential disorder on and around East Overcliff Drive.
10. Our early experience of the Air Show was that people parked illegally on our private car park and trespassed on our front lawn, taking objection when they were asked to leave. On one occasion I was verbally abused by the large family of a gentleman in an electric wheelchair who thought that he (and his family) could simply plant themselves on our front lawn and the driveway. Now we put up security fences and employ a security guard, all at considerable expense, to prevent such happenings. It is not unreasonable to predict that large crowds will create similar problems, especially if people gather on East Overcliff Drive to listen, free, to music or other entertainment going on on the beach. Experience of the size of crowds that gather for the weekly firework displays in the summer confirms that this is a real risk. We cannot be expected to take similar steps to secure our block every time a large event takes place on the beach, assuming that we hear about it in time to do anything at all.
11. Further, the open-ended and widely drawn nature of the proposed Licences means that we will have no warning of what events will be happening and no

chance to make representations about them. We would simply have to rely on the hope that we would be forewarned of events from publicly available advertising and the like. This underlines the vice inherent in the Licences: the Council is effectively giving itself carte blanche. Even if we were able to do so, it would be very difficult, as well as expensive, to put security arrangements in place at short notice.

12. There is also the lack of permanent toilet facilities on the beach near Toft and the Site which increases the risk of the locality becoming used for those purposes which, apart from being a criminal offence, is also capable of constituting a public nuisance.
13. No proposals for the amelioration of nuisance have been made.

Public Safety

14. To avoid repetition, I simply make the point that the risk of overcrowding both on the beach and on East Overcliff Drive; the likelihood of drunkenness and disorder and public nuisance, all referred to above, together with the fact that access to the beach via the East Cliff and Toft zigzags will be very dangerous for large numbers of people, all pose public safety threats.
15. The Council proposes to start using the East Cliff and Toft Beach areas under any Licence it might obtain from 12 April 2021. The Beach Wedding Area's expanded range of activities will also start in April. The risk of COVID amongst large, unsocially distanced crowds on the beach outside the event sites once this lockdown ends is so obvious that it goes without saying.

Protection of Children from Harm

16. Once again, unlike a controlled environment, the open beachfront location; lack of effective control outside the event sites themselves, especially before and after the event, pose significant risk to children and young persons, particularly due to the ready access to alcohol due the availability of off sales (in my experience, it's not difficult to persuade an adult to buy drinks for the under-aged: especially if that adult is a friend or family) and the real risk that the very lack of control outside the performance sites, especially after events, will make the Site, Toft and the surrounding area a target for drug dealers.

General

17. Currently, there is no means of discovering whether and to what extent, the applicant, BCP, is following the provisions of its own Statement of Planning Policy (2020). There is no evidence available to the public that BCP has complied

with any of the requirements to consider the bullet points in paragraph 12.12, but in particular:

- a. The nature of the area where the premises are situated;
- b. *The precise nature, type and frequency of the proposed activities;* [Emphasis added]
- c. Means of access to and exit from the premises. *These may be controlled, but beach access is not;*
- d. Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises;
- e. Parking provision in the area;
- f. The potential cumulative impact of licensable activities in the relevant local area – *potentially multiple activities from 10.00 to 22.00 on all three sites;*
- g. Other means and resources available to mitigate any adverse impact particularly to local residents.

Unfairness

18. Technically, the Council may have complied with its statutory obligations as to notice (as to which no admissions are made). However, it was grossly unfair to do so at a time when numerous part-time residents (including myself and my family) are unable to visit Bournemouth due to lockdown restrictions and the many elderly and vulnerable residents of the blocks likely to be affected were not going out.
19. I only found out about the application for the Site because a resident in our block did happen to spot a Notice posted on the East Cliff Promenade where it was unlikely to be spotted. Not least because the East Cliff Lift is no longer in operation and, for the elderly and infirm, the zigzag is too difficult to negotiate. Nothing was posted on East Overcliff Drive where residents likely to be affected might actually be able to read it. I only discovered the Toft application when searching the Public Notices in the Bournemouth Echo. The Beach Wedding Area Notice emerged from further research on the BCP website prompted by the discovery of the Toft application. I know from my own discussions that residents in some neighbouring blocks were not aware of the applications at all.

Procedural Issues

20. The individual who did read the Notice relating to the Site posted on the East Cliff Promenade has pointed out to me that it differed in material respects from the one to be found on the Council website. That leaves me, as an objector, unable to ascertain which Notice to rely upon and inevitably compromises the procedure. Either the Notice posted was the correct one, in which case I would

not have been able to read the correct version or the one on the Council's website is correct, in which case the one posted is defective.

21. It is highly questionable whether, in the circumstances of lockdown and when the Government itself was advising everyone to "stay at home", posting Notices only on the promenade complied with the Government's Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018):

"8.81 It is the responsibility of the applicant for putting the notice up, however licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public."

Legal Issues

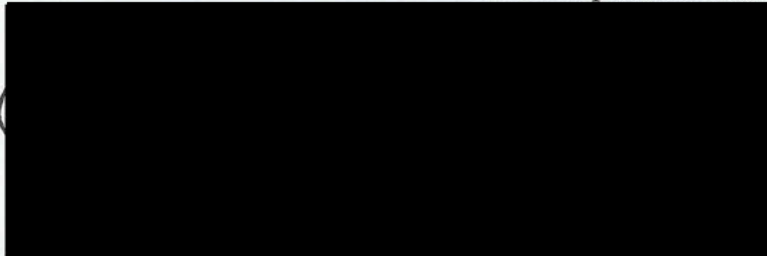
22. I have, wherever possible, evidenced my objections with historical examples and matters within my own knowledge from which sensible conclusions can and should be drawn as to the likely future consequences if these applications are granted. Whilst it is not for me to advise the Council and its officers on matters of law, it is apparent from the Council's own minutes of dealing with Licensing Applications that it may have misapprehended the effect of **Daniel Thwaites plc v Wirral Borough Magistrates' Court** [2008] EWHC 838 (Admin). I refer to the "standard form" of wording which appears:

'While the Sub Committee acknowledged the concerns expressed in each of the representations, in regards to the potential increase in noise, disturbance and anti-social behaviour, *these concerns appeared to be based on a fear of what may happen in the future should the licence be granted, and although understandable, did not provide any substantial evidence of public nuisance or crime and disorder that could be taken into account when determining the application.* The Sub Committee was mindful of the spirit of the Licensing Act 2003 and the case of Thwaites PLC v Wirral Borough Magistrates' Court 2008.' [Emphasis added]

There is a consistent line of Court of Appeal authority going back many years which confirms that the Council in determining applications such as these is not bound by the strict rules as to admissibility of evidence that apply in courts. On the contrary, the general position in licensing is that authorities may act on any material appearing to them to be relevant, including their own knowledge and common sense, whether or not the material would be admissible in a court. It must consider and act upon any material that is logically probative. That includes evidence of past events from which proper inferences about future events can be drawn. No one can provide "substantial evidence" of what is actually going to happen in the future if these applications are granted, only of what the past tells

us is likely to happen. Nothing in the Licensing Act 2003 or the **Thwaites** case alters that position.

I declare that the information which I have provided is true and correct.



From: [REDACTED]

Sent: 21 March 2021 11:54

To: Licensing Com

Subject: Wedding hut licensing application

Categories: Karen

Hello,

On the 5th March I phoned and requested further detail on the licensing application for the proposed changes to licensing for the 'Beach Wedding Area'.

As expected, but not alluded to on the licensing notification, I was informed that I was unable to view the application in more detail in person but was assured someone from the licensing team would phone me to provide more detail of the application.

This has not happened and therefore I am now emailing to raise my concerns, but without the full knowledge of the changes to licensing.

As a beach hut owner that will be directly impacted by the application I do not feel that this application for change of use is acceptable.

I would be interested to know if it's the same people who hold the beach hut wedding license applying for the change in license. If so I would be extremely concerned as they have failed to keep the footprint of their events to the one licensed on numerous previous occasions - roping off the whole beach in front of the huts and making it inaccessible.

The extended license would have considerable impact on us with increased noise and inability to access the beach from our hut, with two children this has a huge impact on their safety.

I would also request more details on the toilet provision that would be provided as with larger numbers I would fear the back of the huts would become a closer / quicker alternative. Previous experience also provides the evidence that the back of the huts are also convenient for a range of other undesired activity. If this detail is not sufficiently provided in the application I would request that this is raised in my concerns.

Security is also another concern in terms of the appropriateness of behaviour and how this will be policed.

I see that the application mentions the site will still be 'used as a wedding venue outside of these times'. I would be interested to know how this will happen in reality as the link to find out more from BCP's website informs me that they are no longer operating weddings at this site.

<http://www.beachweddingsbournemouth.co.uk/>

To clarify, my main objections to this application are,

- inadequate toilets
- inappropriate behaviour (especially near children)
- security
- beach access
- historical evidence of the licensed area not being adhered to

Best wishes

[REDACTED]

Flat [REDACTED] 38, Tregonwell Road, Bournemouth

Sent from my iPhone



General correspondence and contact:
Jon Shipp jon.shipp@bcpcouncil.gov.uk
[REDACTED] or association emails to:
bomotownwatch@gmail.com

To:
licensing@bcpcouncil.gov.uk
sarah.rogers@bcpcouncil.gov.uk

Date: 15-03-2021

Dear Sarah Rogers,

Representations from Bournemouth Town Watch with respect to licence application: Beach Wedding Area, 183678

Members of Bournemouth Town Watch have raised the following representation regarding this application and it is my duty to pass them onto you to consider.

Public Safety:

The proposed premises operations would be starting during the Government's Covid19 gradual reopening period. It seems counter intuitive to add extra problems to one of the more challenging areas of BCP to manage the Covid19 safety measures in (i.e. a crowded seafront).

The scale and size of the proposed premises (in the hundreds, even with social distancing in place) will place significant additional alcohol consumption directly onto the beaches. Alcohol is already known as a key ingredient in the problems experienced on the beach in 2020. It would seem much more appropriate that the capacity of the premises be restricted, and this capacity to be appropriate to a small scale pop up facility.

The opening times of the premises (proposed 10am to 10pm or 11pm) are longer than are required to service the busy periods of beach activity and move significantly into the night time economy. This increases the risks associated with anti-social behaviour and the overall consumption of alcohol within a family beach area. This will stretch already limited Police resources away from the town centre. These risks could be mitigated if the opening times were limited to be more in line with traditional beach activity times up to 6pm.

Sales of alcohol for consumption off the premises will lead to an increase in alcohol across the beach areas, and when seen in conjunction with the other 4 applications by BCP this is a significant increase in the supply of alcohol across the entire seafront.

All sales to be restricted so that no glassware or bottles are served to customers.

To include in the premises licence some planning to mitigate the risk of drowning, such as the employment of a life guard patrol or similar.

Operating plans / policy:

There are no detailed drawings included with the applications. BCP are intending to occupy these sites immediately (they are currently being offered to contractors from April 2021). Assessments of the licensing objectives are normally carried out with accurate information on the operating plans going through a suitable process such as a Safety Advisory Group. There does not seem to be any consideration of this or time scales required to carry it out being included in the licence. Normally time scales for submissions of event plans, operating plans, drawings, risk assessment would be laid out in the licence to ensure enough time is left for organisers to have their operations carefully assessed prior to agreement and commencement.

The proposed designated premises supervisor is the same for all of the seafront premises currently being applied for or varied, five large areas including this one. Normally on events of this scale a premises license would stipulate how many personal licence holders must be present, responsible to the designated premises holder, prior to any activity taking place.

BCP note in their application that this is for 'pop up restaurants'. The size of licensed area of the application seems at odds with that. There is no restriction on the sale of alcohol (i.e. must only be served with a meal).

Regards,

Alan Dove
Chair Bournemouth Town Watch

Licensing Act 2003 – Representations re:

(1) BCP Application Reference No. 183679

Address: East Cliff Beach BH5 1BN (Sandy Beach to Shoreline) and

(2) Application: BCP Application Reference No. : 183680 Address: Toft Beach , Undercliff Drive BH5 1BN.

And

(3) Application: BCP Application Reference No. : 183678 Address: Beach Wedding Area , Undercliff Drive BH5 1BN.

From: [REDACTED] FLAT [REDACTED] PRINCES GATE, 55 GROVE ROAD,
BOURNEMOUTH, DORSET. BH1 3AW

Email: [REDACTED]

Home [REDACTED]

Mobile: [REDACTED]

Dear Sirs,

Having lived at the above address for six years, we wish to object to all three of the BCP Councils applications to use the beach and promenade between Boscombe Pier and Bournemouth Pier for entertainment and the general sale of alcohol. This concerns us as our flat is directly above the licensing application area and we purchased in Bournemouth in order to enjoy the beautiful beaches, attractive coastline and caring Local Council.

Our reasons for the objections will be detailed under the headings contained in the suggested format.

As we understand it applications for licensing premises have to be detailed and precise in several areas as to the number and age group of persons expected to attend, the hours of opening, security provided and precautions to deal with excessive noise or rowdyism. As it appears on the application none of these matters have been addressed.

Why do the Council sell off or rent out existing venues which would be far better suited to entertainment events.

The Prevention of Crime and Disorder

It has been made clear to us that neither the Local Council nor the police have the resources to prevent crime and disorder along the beach, promenade or Overcliff, whilst this may well be as a result of Central Government monetary cuts each year the effects are that there are no more beach patrols by either authority, resulting in speeding cyclist and drivers and out of approved hours open fire cooking on the promenade. Only last year hundreds of visitors gathered on the beach during a lockdown due to covid and the Authorities completely lost control. We are told that covid is here to stay.

Whilst we have been thoroughly entertained in the past by the air show, speedboat racing, marathons, swimming for charity and suchlike, these events have been well publicized and properly marshalled, alternative parking arrangements, enhanced bus services and good consultation with local residents provided. At our own expense we have arranged security barriers to our premises for security reasons, we cannot be expected to do this many times a year, especially with little or no warning.

Generally, we are prepared to accept the small number of revelers from Bournemouth centre on the beach and Overcliff in the early hours, but to expect this much more often and at any time is unacceptable.

The Prevention of Public Nuisance

The points raised above are relevant to the prevention of Public Nuisance as the increase in the influx of non-local people not familiar to the areas amenities such as parking and transport therefor likely to be roaming beyond the entertainment boundaries causing parking problems and excessive noise locally.

We have seen the results over the years where large groups of people expect others to clear up the vast quantities of rubbish left on the beach following their day or night of entertainment.

The idea that the noise of entertained people will suddenly stop at 22.00 hours is wishful thinking. Crowds of people trying to find their cars, shouting their goodbyes and driving off are but some of the expected noise late at night.

When people eventually get fed up with trying to find a parking place, they do not see any harm in using our visitors parking area thus preventing genuine visitors which could be family, carers for the less mobile and emergency services such as ambulances which for one off events we have provided security barriers and staff.

None of the above is guesswork or prediction but actual affects which we have witnessed.

Public Safety

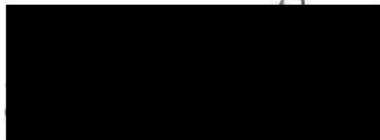
Not wishing to repeat most of the above objections we would just add that it is obvious the effects on public safety will be made much worse by attracting uncontrolled numbers of people to entertainment events with alcohol sales being unrestricted. There will be a vast increase in the use of Undercliff Drive with mixed use of cars, cyclists and pedestrians with predictable results, the zigzags giving access from East Overcliff Drive are narrow and steep and not meant to accommodate large numbers of people. Need we mention Covid again and the governments longevity predictions, what bad timing.

Protection of Children from Harm

It is also clear to us that little thought has been given to families who regularly make use of the beach and its amenities through the whole of summer and beyond. Young children are trusted to wander off to the toilets and to buy refreshments, they will have to contend with excess crowds making it difficult for parents to see they are safe, misused toilets and to come in contact with some people being a public nuisance.

We declare that the information which I have provided is as accurate as we are aware.

Signature:



Name:



Signature:



Name:



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Conditions agreed with Environmental Health - Beach Wedding Area

- Where music provision is planned to be more than background music, a Noise Management Plan (NMP) must be submitted at least 28 days before the event, the NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning.
- Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises.
- Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.

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Proposed Conditions in respect of BCP Council Beachfront Licence Applications / Variations

These conditions have been proposed for consideration by Police Sergeant Gareth Gosling on behalf of Dorset Police following an initial consultation and Premises Licence Application submitted by Helen Wildman on behalf of BCP Council.

There has then been a period of mediation and further amendments have been made to the proposal.

The conditions are intended to reflect the intentions of BCP Council whilst ensuring that the new/revised provision does not impact adversely on the licensing objectives, in particular the 'Prevention of Crime and Disorder' objective.

Dorset Police are satisfied that in the event that the below conditions are reflected on the existing Premises licences (Bournemouth Pier, Wedding Beach, Boscombe Promenade) and added to the new Premises Licences (Toft Beach, East Cliff) then there is no requirement for Dorset Police to make any further representations at any Sub-Committee hearing.

1. The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.
2. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until the month prior to the conclusion of the event unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.
3. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers. The training must be delivered by or on behalf of an accredited training provider.
4. A suitably trained and competent person must ensure weekly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and maintained by the operator and made available for inspection by an authorised officer.
5. The holder of the licence shall undertake a risk assessment regarding; the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available immediately to an authorised officer of the Licensing Authority or Dorset Police upon request.
6. If there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the recommendations of Dorset Police and their partners. To ensure

consistency, any requests for increase in staffing shall be authorised by an officer holding the rank of Inspector or above. The Event Management Plan, agreed with Dorset Police, will detail the level of resources required for each of the 'stepped process' levels.

7. The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.
8. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003)
9. There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.
10. No drinks shall be served in glass containers at any time.
11. The premises shall install and maintain a comprehensive CCTV system, all entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (ie. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
13. An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

14. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.
15. The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Event Management Plan, which will be agreed by the Safety Advisory Group Meeting 28 days in advance of any event.
16. 'Challenge 25', shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
17. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. [Existing licences that have alcohol provision for Air Festival weekend to have the following attached](#) – Alcohol sales to be permitted for consumption on and off the premises without the requirement for food only on days when the Bournemouth Air Festival takes place.
19. A currently qualified first aider must always be employed on the premises when the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.
20. A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
21. There shall be no sales of alcohol for consumption off the premises. (see 18 above)
22. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
23. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
24. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

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LICENSING COMMITTEE



Report subject	Boscombe Promenade and Beach – Application for Variation to Premises Licence
Meeting date	21 April 2021
Status	Public Report
Executive summary	<p>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.</p> <p>The application is to add the sale of alcohol every April – September from 10:00 to 22:00 (with the exception of the Air Festival each year where alcohol would remain from 10:00 to 23:00.)</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the variation application as made;</p> <p>b) Refuse the variation application;</p> <p>c) Grant the variation subject to additional conditions.</p> <p>Members of the Licensing 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 representations from 7 other persons on the grounds that to grant this application would undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</p> <p>Where representations have been received from any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Committee.</p>

	<p>However, as the premises are operated by BCP Council, as relevant representations have been received, the matter has been brought before the Licensing Committee in accordance with the Council's Constitution Scheme of Delegation at 3.2(f) for determination.</p>
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Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Boscombe West
Classification	For Decision

Background

1. An application for variation to the premises licence under the Licensing Act 2003 was made on the 2nd March 2021. A copy of the application is attached at Appendix 1 together with the location plan in support showing the extent of the licensed area.
2. The premises are currently licensed under Premises Licence BH085426 which was granted on 22nd July 2015. A copy of the current premises licence is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities by the Licensing Authority and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 7 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives. A copy of the representations received is attached at Appendix 3.
5. Initial concerns were raised by Dorset Police but, following mediation, conditions, which will form part of the operating schedule should the application be granted, were agreed with the Applicant and are attached at Appendix 4.

Options Appraisal

6. Before making a decision, Members are asked to consider the following matters:
 - The representations made by or on behalf of the 7 other persons.
 - The submissions made by or made on behalf of the applicant.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

Summary of financial implications

7. N/A

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.
9. Any other person who has made a relevant representation also has the right to appeal against the decision made by the Licensing Committee.

Summary of human resources implications

10. N/A

Summary of sustainability impact

11. N/A

Summary of public health implications

12. N/A

Summary of equality implications

13. N/A

Summary of risk assessment

14. N/A

Background papers

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-andpermits/Documents/Licensing/solp2020.pdf>

Hearing Regulations –

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

Licensing Act 2003 Guidance –

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

Responsibility of Functions under the Council's Constitution Scheme of Delegation (see 3.2(f) –

<https://democracy.bcpCouncil.gov.uk/documents/s22974/Part%203%20%20Responsibility%20for%20Functions.pdf>

Appendices

Appendix 1 – Copy application for variation and location plan

Appendix 2 – Current Premises Licence BH085426

Appendix 3 - Representations received

Appendix 4 – Conditions agreed with Dorset Police

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We BCP Council

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number BH085426
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Boscombe Promenade and Beach
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Post town	Bournemouth	Postcode	BH5 1BN
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Telephone number at premises (if any)	n/a
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Non-domestic rateable value of premises	£n/a
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Part 2 – Applicant details

Daytime contact telephone number	01202 127669
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E-mail address (optional)	Jon.weaver@bcpcouncil.gov.uk
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Current postal address if different from premises address	Town Hall Annexe First Floor St Stephens Road
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Post town	Bournemouth	Postcode	BH2 6EA
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add in the sale of alcohol for this site every day from April – September 1000hrs – 2200hrs with the exception of the Air Festival each year where alcohol would remain from 1000hrs – 2300 hrs as per the existing premise licence.

The purpose of the variation is to enable outdoor pop up catering sites across the Seafront to enhance the existing offering for the main season.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	22:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) Alcohol supplied from April – September from 1000hrs – 2200hrs with the exception of the 4 days of the Air Festival each year where this will be from 1000hrs – 2300hrs as per the existing premise licence which we wish to keep.		
Tue	10:00	22:00			
Wed	10:00	22:00			
Thur	10:00	22:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	10:00	22:00			
Sat	10:00	22:00			
Sun	10:00	22:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Contracts with operators will be managed by the Seafront Contracts team who will be managing the site alongside Seafront Operations.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

All events will comply with Council Byelaws.

b) The prevention of crime and disorder

A CCTV system will be in place to cover all entry and exit points enabling frontal identification of every person in any light condition. The CCTV system will continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It will operate during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days with correct date and time stamping.

CCTV recordings will be made available immediately upon the request of Police or an authorised officer of the Council throughout the preceding 31 days period. The CCTV system will be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system will be on the premises at all times when the premises are open to the public.

There will be a refusals log kept onsite with all staff trained in its use. The refusals log will be accessible immediately when requested by the Police or an authorised officer of the Council.

A copy of the daily refusal and SIA log will be emailed to the Council daily and available on request to responsible authorities. This will allow for the Seafront Operations team to manage the contractors onsite.

Operators will have to use a Town Watch Radio and sign up to the scheme to ensure they are able to communicate with other properties on site.

A full risk assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 7 days in advance.

SIA licenced door supervisors shall be on duty at the entrance of the premises at peak times as identified within the risk assessment.

All staff will receive suitable training in order to meet with the requirements of the Licensing Act 2003. A record of this training will be required to be kept onsite at all times and produced to the Police or an authorised officer of the Council when requested.

There shall be no irresponsible drinks promotions onsite whereby mass drinking in a short time frame is encouraged.

Alcohol shall only be supplied for consumption in the areas which are licensed for sale of intoxicating liquor.

The bar area will be physically defined with a clear entrance and exit in line with the licensed area on the plan annexed with a clear counting in and out process.

Alcohol will be a secondary offering with a hot food element being the main attractor.

c) Public safety

For 2021 and 2022, a separate COVID risk assessment will be completed and agreed by the Council's Environmental Health Officer

All Health and Safety requirements shall be agreed prior with organisers and contractors prior to coming onto site and contracts drawn up confirming these requirements.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

Drinks will not be served in glass containers at any time.

d) The prevention of public nuisance

Music shall be of a background nature only so as not to disturb regular beach users or other residents. The exception to this will be the Air Festival on 4 days per year where existing licence conditions are in place for the purpose of Night Air entertainment which we wish to keep.

Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage the contractors onsite.

Plans for effective dispersal will be requested for any supplier using the premise licence.

e) The protection of children from harm

Challenge 25 shall be operated at the premises where the only form of acceptable identification will be a recognised photographic identification cards, such as a driving licence of passport or holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

All staff will be fully trained in the Seafront's Lost Child procedure and use this process in the premise communicating with the Seafront Operations Team.

Children under the age of 18 must be accompanied by an adult when entering the premises and at all times whilst onsite.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

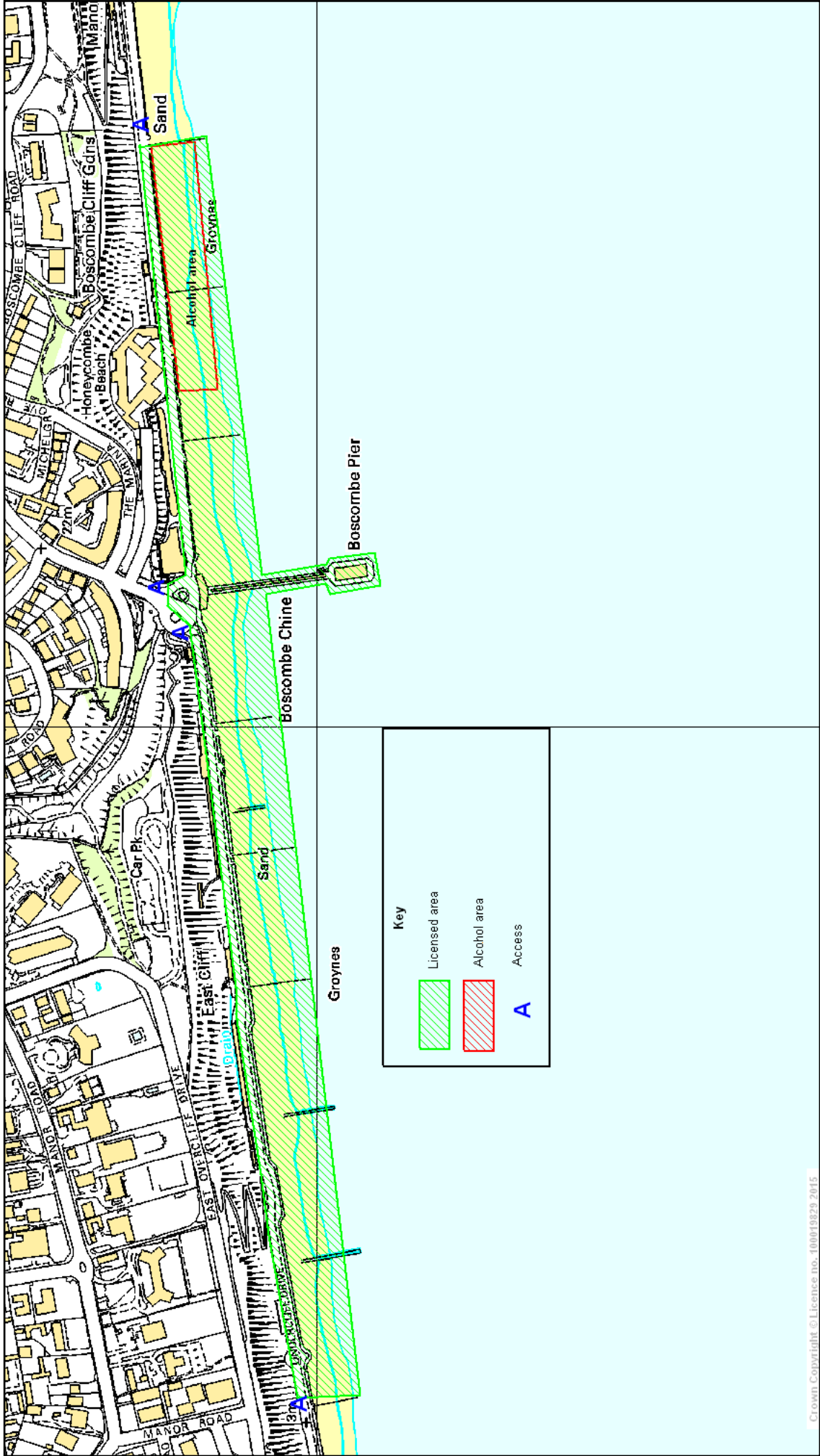
Signature	Chris Saunders
Date	02.03.2021
Capacity	Service Director – Destination & Culture

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



Boscombe promenade & beaches premise licence map ~~June 2017~~

Scale 1/6745

Centre = 410998 E 90880 N

Date 15/6/2017

N
1

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and should not be used for taking accurate measurements.

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**Premises Licence
Part A**

Premises licence number: BH085426

Postal address of premises, or if none, ordnance survey map reference or description:	
Boscombe Promenade & Beach Boscombe Promenade	
Post town: Bournemouth	Post Code: BH1 1BN
Telephone number:	

Licensable activities authorised by the licence:
Plays Films Live Music Recorded Music Performances of Dance Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Plays (Indoor and Outdoors): Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Films (Indoors and Outdoors): Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Live Music (Indoors and Outdoors): Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Recorded Music (Indoors and Outdoors): Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00

Performances of Dance (Indoors and Outdoors):

Monday - 10:00 to 23:00

Tuesday - 10:00 to 23:00

Wednesday - 10:00 to 23:00

Thursday - 10:00 to 23:00

Friday - 10:00 to 23:00

Saturday - 10:00 to 23:00

Sunday - 10:00 to 23:00

Supply of Alcohol

Thursday - 17:00 to 22:00

Friday - 17:00 to 22:00

Saturday - 17:00 to 22:00

Seasonal variations for the supply of alcohol.

Alcohol shall be supplied only on 2 evenings each year in conjunction with the Bournemouth Air Festival, Night Air taking place in August/September.

The opening hours of the premises:

Monday - 00:00 to 23:59

Tuesday - 00:00 to 23:59

Wednesday - 00:00 to 23:59

Thursday - 00:00 to 23:59

Friday - 00:00 to 23:59

Saturday - 00:00 to 23:59

Sunday - 00:00 to 23:59

The Seafront & Promenade are public open spaces and therefore available 24 hours a day. For the Night Air event as part of the Bournemouth Air Festival the beach area east of Boscombe Pier is a ticket fenced area. This is the area for the alcohol supply.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Bournemouth Borough Council Town Hall Annexe Bourne Avenue Bournemouth BH2 6DY
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Andrew Weaver
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
BH13087 Bournemouth Borough Council

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.10 below must be licensed by the Security Industry Authority.
- 1.4. Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under Section 4 of the Video Recordings Act 1984.
- 1.5. Where the film classification is not specified or the relevant licensing authority has notified the premises licence holder under Section 20 (3)(b) of the Licensing Act 2003, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.6.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

1.8.

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.9. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.10.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General Objectives

- 2.1 Contracts with organisers limiting activities and timings to those agreed by the Council.
- 2.2 Safety Advisory Group Meetings shall be held on a regular basis involving the Police, Ambulance and other appropriate bodies.
- 2.3 All activities and events shall have to comply with Council regulated entertainment criteria to include Risk Assessment and suitable Insurance cover.
- 2.4 All events shall comply with Bournemouth Borough Council Byelaws.

Prevention of Crime and Disorder

- 2.5 Full Risk Assessment shall be carried out for events to determine any need for security or marshalling, and the emergency services shall be consulted a minimum of 28 days in advance.
- 2.6 An up to date record of incidents shall be kept at the premises and this shall be available for inspection by an Authorised Officer on request.
- 2.7 The premises shall operate an effective dispersal policy.
- 2.8 CCTV is in place across the site and this can be monitored from the multi-agency control by the Council Bronze Officer and Police Bronze.
- 2.9 All alcohol shall be served in plastic or polycarbonate glasses.
- 2.10 SIA shall be onsite at all times when alcohol is being served and shall carry out search procedures into the premises.

Public Safety

- 2.11 All event organisers shall be asked to provide confirmation of Public Liability Insurance and Risk Assessments for every aspect of their event.

- 2.12 All Health and Safety requirements shall be agreed with organisers and contractors prior to the event and contracts drawn up confirming these requirements. Regular checks shall take place to ensure any requirements are adhered to.
- 2.13 HSE Guidance shall be followed where applicable to include 'The Event Safety Guide' and other appropriate publications.
- 2.14 Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.
- 2.15 All temporary staging and large marquees shall be checked by a qualified person for safety purposes.

Prevention of Public Nuisance

- 2.16 An appropriate marshalling plan shall be agreed for each event. 2.17 Regular contact shall be maintained with Emergency Services and Police provision agreed as necessary.
- 2.18 The premises shall operate an effective dispersal policy.
- 2.19 Any event that provides recorded or live music shall give three weeks notice in writing to Environmental Health & Consumer Services (EHCS) of the event together with contact numbers to the public in case of noise complaints. The number provided shall be attended at all times during the event and the event organiser is responsible for addressing noise complaints as they arise - if an Officer from EHCS is called out due to continued noise complaints the event may be closed down without prior warning.
- 2.20 Music noise levels, shall not exceed 65dB(A) over a 15 minute period. Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz and shall not exceed 70dB(A) at any time.
- 2.21 The following conditions shall only apply to certain events which shall be agreed in advance between Pollution Control and the licence holder using a mutually approved assessment criteria:-
 - 2.21.1. The licensee or event organiser shall appoint a suitably qualified and experienced noise control consultant, to the approval of the Licensing Authority, no later than 4 weeks prior to an event taking place.
 - 2.21.2. The noise control consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the Licensing Authority etc. on all matters relating to noise control prior to and during the event.
 - 2.21.3. The noise control consultant shall carry out a survey to determine the background noise levels (as defined by The Code of Practice on Environmental Noise and Control at Concerts) at various locations around the licensed area representative of noise sensitive premises likely to experience the largest increase in noise as a result of an event. The information obtained from this survey shall be made available to the Licensing Authority 3 weeks prior to each event.
 - 2.21.4. The results of the above assessment shall result in suitable music noise levels (MNL) being set for each event. These levels shall be agreed by the licensing authority 2 weeks prior to the event taking place.
 - 2.21.5. The licence shall ensure the promoter, sound system supplier and all individual sound engineers are informed of the agreed sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.
 - 2.21.6. The appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at any time.

Protection of Children from Harm

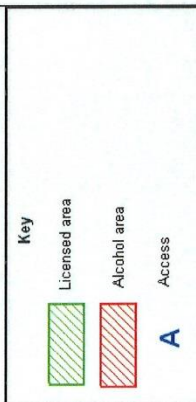
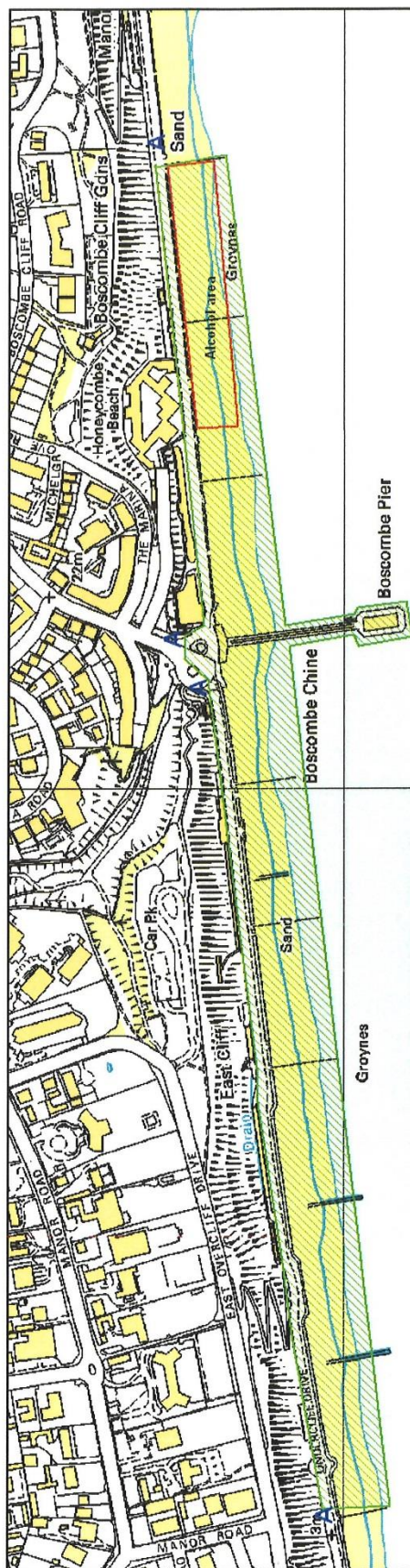
- 2.22 Prior to selling alcohol all staff employed at the premises/event shall be given training in the law relating to the sale of alcohol to children. A record of this training shall be retained by event organisers and made available for inspection by authorised officers upon request.
- 2.23 A lost child procedure shall be implemented for all events and modified as necessary.
- 2.24 Where there are supervised activities with or without parental/guardian supervision, the organisers of those activities shall be Criminal Records Bureau (CRB) checked.
- 2.25 Where children under the age of 8 are left at a supervised activity without a parent or guardian, the organiser shall need to comply with the requirements of the Children's Act 2004.
- 2.26 Organisers employing staff for events shall have detailed written management procedures in place covering the protection of children from harm.
- 2.27 The DPS will ensure that the bar operator operates a challenge 25 policy with an up to date record of any refusal or incident which is available onsite at all times.
- 2.28 As part of the contract for the bar provision, the supplier must establish a think 25 policy, keeping a refusals log onsite for inspection.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

This licence is issued in accordance with the plan dated 15.06.17, referenced M157523 and submitted with the application, as attached.



BOURNEMOUTH BOROUGH COUNCIL
LICENSING SECTION
5 JUL 2017
APPROVED
REF. No. M157523



Boscombe promenade & beaches premise licence map - June 2017

Scale 1/6745 Centre = 410998 E 90880 N Date 15/6/2017

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**Premises Licence
Part B**

Premises licence number: BH085426

Postal address of premises, or if none, ordnance survey map reference or description:	
Boscombe Promenade & Beach Boscombe Promenade	
Post town: Bournemouth	Post Code: BH1 1BN
Telephone number:	

Licensable activities authorised by the licence:
Plays, Films, Live Music, Recorded Music, Performances of Dance and Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Plays: Monday to Sunday - 10:00 to 23:00 Films: Monday to Sunday - 10:00 to 23:00 Live Music: Monday to Sunday - 10:00 to 23:00 Recorded Music: Monday to Sunday - 10:00 to 23:00 Performances of Dance: Monday to Sunday - 10:00 to 23:00 Supply of Alcohol: Thursday to Sunday - 17:00 to 22:00 <u>Seasonal variations for the supply of alcohol</u> Alcohol shall be supplied only on 2 evenings each year in conjunction with the Bournemouth Air Festival, Night Air taking place in August/September. ,

The opening hours of the premises:
Monday to Sunday - 00:01 to 00:00 The Seafront & Promenade are public open spaces and therefore available 24 hours a day. For the Night Air event as part of the Bournemouth Air Festival the beach area east of Boscombe Pier is a ticket fenced area. This is the area for the alcohol supply.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on the premises.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Bournemouth Borough Council, Town Hall Annexe, Bourne Avenue, Bournemouth, , BH2 6DY 01202 451737/Jon.weaver@bournemouth.gov.uk

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Andrew Weaver

State whether access to the premises by children is restricted or prohibited:
Conditions 1.4, 1.5 and 2.25

Mrs Nananka Randle
Licensing Manager

Issued: 22 July 2015
Revised: 5 July 2017 (Minor Variation)

Keeverstone Court,
95-97, Manor Road,
BH1 3BZ

21st March 2021

Dear Sir or Madam

I am an 81 year old East Cliff resident of 22 years, my family have been coming on holiday here to bournemouth for nearly 80 years, I spent my honeymoon here in 1959 !
so you can guess, I love the beaches and town, so I implore you please do not turn it into a Southend or Blackpool.

Bournemouth has always been a beautiful and peaceful area known and loved by all its residence, hence my decision 22 years ago to retire here.

We cope with the air show, once a year, and last year we were invaded, by hordes of people from far and wide, this brought complete chaos to the surrounding roads and beaches, so you see I oppose this plan with great gusto.

Perhaps the council members should now be concentrating on our poor town centre, which looks like a ghost town, how about , leaving the beaches, for what they were intended for, family holidays and relaxation , and taking your entertainment plan into the town centre?

I would appreciate your comments on this, and look forward to hearing from you.

Yours sincerely

My opposition is to the following applications

Number 183677

Number 183679

Number 183680

Reference planning applications---183677--183679--183680 --this is a copy of my e-mail sent to you 19/3/2021 at 11.56.

To whom it may concern--

I am writing to complain most vehemently against the proposed application for events to be allowed to take place on the East cliff beach, Undercliff Drive.

The beach itself is a lovely relaxing area with good swimming and sunbathing- the surrounding area produces considerable income from the council tax from the many elderly residents who enjoy the peaceful ambience

It is disgraceful that the council are encouraging large numbers of people to come to an area where there is minimal parking, few toilet facilities and little public transport.

The zig zag will become congested as it was at the airshow- **noise and litter** will become a big issue-the police I understand are not happy with this proposal.

I fail to understand the thinking behind those putting forward this proposal, (I am sure they would not want it at the bottom of their own back garden-up to 12 hours a day ,seven days a week, for six months of the year). --the air show was only four days of disruption once a year.

What do the council hope to obtain by this proposal---people are not going to be spending money in the town and using the shops-surely it would be better to concentrate the activities nearer the centres of Bournemouth and Boscombe!

Yours

... Solent pines 29 manor road bh1 3 hf 19-3-2021

Licence application 183677

Dear Sir,

Bournemouth has always prided itself on being a "family friendly resort" and is indeed in it's own words, tipped as being the best Beach in UK, 5th in Europe and 20th in the World by Tripadvisor's Travellers' Choice.

I feel I must therefore object strongly to the thought that the BCP Council would like to allow the sale of Alcohol ON THE BEACH from 10am-10pm for the period April to September as this would encourage all the problems/antisocial behaviour etc. that follow all day drinking and would indeed put off the very Families who have made Bournemouth so popular.

Yours faithfully,

... Green Park BH1 3HR

Licensing Act 2003 – Representation Form

Personal Details of person making the representation
Name: [REDACTED]
Address: [REDACTED] Hinton Wood, 17 Grove Road
Town: Bournemouth
Post Code: BH1 3EA
Email: [REDACTED]
Contact Telephone Number: [REDACTED]

Premises Details
Application Ref: 183677
Name of Premises: Boscombe Promenade & Beach
Address of Premises: Boscombe Promenade, Bournemouth.

Reasons for representation

These representations are divided between the two license applications. Those designated A relate to the application for consumption of alcohol Off the premises; those designated B relate to consumption On the premises. The application refers to Promenade and Beach, so the licence sought will allow the sale on alcohol in both areas.

The Prevention of Crime and Disorder:

A. At present beach visitors can, and do, bring alcohol to the beach for consumption but the weight of cans and bottles limits the amount which can be carried and it is a considerable distance to a shop selling alcohol giving a deterrent to buying more. That means the amount of alcohol consumed on the beach by each person is limited, and so disorder is rare. The license will make it possible to buy alcohol on or within only a short distance to the beach and that will encourage repeat drinking and therefore heavy drinking and intoxication. The references in the application to control by CCTV identification and to sale of alcohol being secondary to food sales will not avoid this issue for off-sales.

B. Licensing areas of the beach itself and the promenade adjacent to the beach for the sale of alcohol adds to the risk of Disorder recorded in A, especially as the proposed licensing hours mean people will be able to be in a drinking area all day and every day of the week.

The application refers to identification of customers by CCTV. This may help prosecution of crime; it does little to prevent disorder, especially as the disorder will be fuelled by alcohol making people less able to control their actions. The application states the CCTV will operate at all entry and exit points to the area for on-sales, but gives no explanation of how those points can be created for a place like a beach which is not a solid building.

The Prevention of Public Nuisance:

A. Although the number of people displaying the above forms of anti-social behaviour caused by the off-sale of alcohol will be limited, their capacity for disorder and nuisance (including fear) to very large numbers of people will be great as the beach and promenade will be very crowded at frequent periods.

B. The application emphasises that Refusals, and records thereof, will be a key way in which Nuisance will be avoided. That is not a satisfactory means of control where those refused, and those ejected, will be pushed into beach and promenade areas where there are likely to be large numbers of the public

Public Safety:

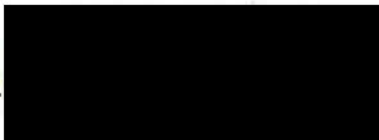
The Protection of Children from Harm:

A. Bournemouth beach is used by tens of thousands of children each year; because the beach slopes gently into the sea it is particularly popular for small children. The presence of intoxicated people on the beach will put children at risk.

B. The application explains how the regulation of sale of alcohol to those under-age will be approached, but in a beach and promenade setting there will be a greater concentration of young children than in a typical street environment in the vicinity of drinkers. No doubt the proportion of drinkers who pose a risk to such children will be small, but the licensing system should be used to keep drinkers remote from children. The CCTV and Restriction systems will be of no benefit to small children.

I declare that the information I have provided is true and correct.

Signed ..



Dated25 March 2021...

Licensing Act 2003 – Representation Form

Personal Details	
Name:	[REDACTED]
Address:	[REDACTED] Albany 37 Manor Road
Town:	Bournemouth
Post Code:	BH1 3EW
Email:	[REDACTED]
Contact Telephone Numbers:	[REDACTED]

Premises Details <i>(Please give as much information as possible)</i>
Application Ref: 183677, 183679 and 183680
Name of Premises:
No. 183677 is the beach from about the Carlton to East of the Honeycomb Beach development.
No. 183679 is the beach below the Cumberland Hotel.
No. 183680 is the beach by the land train garage, just East of the Toft zigzag
Address of Premises:
No. 183677 Boscombe Promenade Bournemouth
No. 183679 East Cliff Promenade Bournemouth
No. 183680 Tofts Beach Bournemouth Promenade

Reasons for Representation. Please, give information under the relevant Licensing Objective. <i>(Please note you are not required to complete all the boxes unless you feel it is relevant.)</i>
The Prevention of Crime and Disorder:
<ul style="list-style-type: none"> • With increased crowds there is evidence of drug dealing • Anti-social behaviour, particularly as the late crowds disperse and especially along the public path between Toft Zig Zag and Manor Road

The Prevention of Public Nuisance:

- Excess noise all day, especially late at night if an event finishes at 10 pm dispersal of crowds could take through past midnight.
- Impact on the surrounding area of Manor Road, especially the beach access pathway to the East side of the Albany
- The level of noise (the decibels) from air festival and other events like fun fair located on the beach close to Toff Zig Zag has been excessive has no consideration for the impact on residents on the top of the cliffs. There are recorded message to the Council's out of hours nuisance line to evidence this.
- On the experience of the air-festival the lack of presence Council enforcement officers/police to enforce the closing time and encouraging people to disperse immediately, it has been past midnight that people come up Toff Zig Zag creating disturbance / noise close to residential blocks.
- There is no clear out of office reporting phone number published for residents to make complaints at the time of an issue for immediate action.

Public Safety:

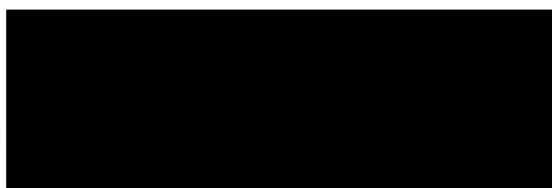
- People jumping the fence on East Cliff Overdrive / Manor Road to get to the cliff edge
- By Toff Zig Zag, on E.Overcliff Drive, Bournemouth, there is a point where people jump the pavement fence and follow a path through the bushes to a clearing on the cliff top. This is not visible from street level but from the higher floors overlooking the point. We have called the fire brigade out for people lighting BBQs there or the police for people climbing down the cliff.
- The above area is used for urinating but with increased numbers there is also evidence of increased urinating in the street.
- Broken alcohol bottles scattered and bins not being used
- Garbage just dumped and overflowing bins

The Protection of Children from Harm:

I do not wish my details to be include in the Public Documents for the following reasons:


I declare that the information I have provided is true and correct.

Signed



Dated: 28 March 2021

Chairman Albany Apartments Ltd.

Convenor East Cliff Blocks Chair Network representing 767 apartments
and resident at: ; 37 Manor Road, Bournemouth BH1 3EW

Licensing Act 2003 – Representation Form

Personal/Business Details	
Name:	[REDACTED]
Address:	[REDACTED] Albany, Manor Road
Town:	Bournemouth
Post Code:	BH1 3EJ
Email:	[REDACTED]
Contact Telephone Numbers:	[REDACTED]

Premises Details <i>(Please give as much information as possible)</i>
Application Ref: 183677
Name of Premises: East Cliff Promenade
Address of Premises: Bournemouth

Reasons for Representation. Please, give information under the relevant Licensing Objective. <i>(Please note you are not required to complete all the boxes unless you feel it is relevant.)</i>
The Prevention of Crime and Disorder: We think that the provision of alcoholic drinks will cause crime and disorder to escalate in this and the surrounding areas. Although there is a 10.00pm cut off point many will continue consuming alcohol way beyond that time. Quite often alcohol users also use drugs; another addition to the crime and disorder threat.
The Prevention of Public Nuisance: We think that noise from these activities will carry above the cliff tops and be a nuisance to all local residents. Although alcohol may stop being served at 10.00pm, or 11.00pm during the Air Festival, there would be rowdy drunks around the area causing a public nuisance
Public Safety: We think that drunken people, and possibly drug users in the area is a danger to the public.
The Protection of Children from Harm: We think that drunken people, and possibly drug users in the area is a danger to the public and particularly to children
I do not wish my details to be include in the Public Documents for the following reasons:

I declare that the information I have provided is true and correct.

Signed ... [REDACTED]
 Dated 20th March 2021.....



General correspondence and contact:
Jon Shipp jon.shipp@bcpcouncil.gov.uk
[REDACTED] or association emails to:
bomotownwatch@gmail.com

To:
licensing@bcpcouncil.gov.uk
sarah.rogers@bcpcouncil.gov.uk

Date: 15-03-2021

Dear Sarah Rogers,

Representations from Bournemouth Town Watch with respect to licence application: Boscombe Promenade & Beach, 183677

Members of Bournemouth Town Watch have raised the following representation regarding this application and it is my duty to pass them onto you to consider.

Public Safety:

The proposed premises operations would be starting during the Government's Covid19 gradual reopening period. It seems counter intuitive to add extra problems to one of the more challenging areas of BCP to manage the Covid19 safety measures in (i.e. a crowded seafront).

The scale and size of the proposed premises (in the hundreds, even with social distancing in place) will place significant additional alcohol consumption directly onto the beaches. Alcohol is already known as a key ingredient in the problems experienced on the beach in 2020. It would seem much more appropriate that the capacity of the premises be restricted, and this capacity to be appropriate to a small scale pop up facility.

The opening times of the premises (proposed 10am to 10pm or 11pm) are longer than are required to service the busy periods of beach activity and move significantly into the night time economy. This increases the risks associated with anti-social behaviour and the overall consumption of alcohol within a family beach area. This will stretch already limited Police resources away from the town centre. These risks could be mitigated if the opening times were limited to be more in line with traditional beach activity times up to 6pm.

Sales of alcohol for consumption off the premises will lead to an increase in alcohol across the beach areas, and when seen in conjunction with the other 4 applications by BCP this is a significant increase in the supply of alcohol across the entire seafront.

All sales to be restricted to that no glassware or bottles are served to customers.

To include in the premises licence some planning to mitigate the risk of drowning, such as the employment of a life guard patrol or similar.

Operating plans / policy:

There are no detailed drawings included with the applications. BCP are intending to occupy these sites immediately (they are currently being offered to contractors from April 2021). Assessments of the licensing objectives are normally carried out with accurate information on the operating plans going through a suitable process such as a Safety Advisory Group. There does not seem to be any consideration of this or time scales required to carry it out being included in the licence. Normally time scales for submissions of event plans, operating plans, drawings, risk assessment would be laid out in the licence to ensure enough time is left for organisers to have their operations carefully assessed prior to agreement and commencement.

The proposed designated premises supervisor is the same for all of the seafront premises currently being applied for or varied, five large areas including this one. Normally on events of this scale a premises license would stipulate how many personal licence holders must be present, responsible to the designated premises holder, prior to any activity taking place.

BCP note in their application that this is for 'pop up restaurants'. The size of licensed area of the application seems at odds with that. There is no restriction on the sale of alcohol (i.e. must only be served with a meal).

Regards,

Alan Dove
Chair Bournemouth Town Watch

Proposed Conditions in respect of BCP Council Beachfront Licence Applications / Variations

These conditions have been proposed for consideration by Police Sergeant Gareth Gosling on behalf of Dorset Police following an initial consultation and Premises Licence Application submitted by Helen Wildman on behalf of BCP Council.

There has then been a period of mediation and further amendments have been made to the proposal.

The conditions are intended to reflect the intentions of BCP Council whilst ensuring that the new/revised provision does not impact adversely on the licensing objectives, in particular the 'Prevention of Crime and Disorder' objective.

Dorset Police are satisfied that in the event that the below conditions are reflected on the existing Premises licences (Bournemouth Pier, Wedding Beach, Boscombe Promenade) and added to the new Premises Licences (Toft Beach, East Cliff) then there is no requirement for Dorset Police to make any further representations at any Sub-Committee hearing.

1. The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.
2. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until the month prior to the conclusion of the event unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.
3. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers. The training must be delivered by or on behalf of an accredited training provider.
4. A suitably trained and competent person must ensure weekly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and maintained by the operator and made available for inspection by an authorised officer.
5. The holder of the licence shall undertake a risk assessment regarding; the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available immediately to an authorised officer of the Licensing Authority or Dorset Police upon request.
6. If there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the recommendations of Dorset Police and their partners. To ensure

consistency, any requests for increase in staffing shall be authorised by an officer holding the rank of Inspector or above. The Event Management Plan, agreed with Dorset Police, will detail the level of resources required for each of the 'stepped process' levels.

7. The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.
8. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003)
9. There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.
10. No drinks shall be served in glass containers at any time.
11. The premises shall install and maintain a comprehensive CCTV system, all entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (ie. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
13. An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

14. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.
15. The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Event Management Plan, which will be agreed by the Safety Advisory Group Meeting 28 days in advance of any event.
16. 'Challenge 25', shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
17. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. [Existing licences that have alcohol provision for Air Festival weekend to have the following attached](#) – Alcohol sales to be permitted for consumption on and off the premises without the requirement for food only on days when the Bournemouth Air Festival takes place.
19. A currently qualified first aider must always be employed on the premises when the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.
20. A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
21. There shall be no sales of alcohol for consumption off the premises. (see 18 above)
22. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
23. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
24. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

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LICENSING COMMITTEE



Report subject	Bournemouth Pier Approach – Application for Variation to Premises Licence
Meeting date	21 April 2021
Status	Public Report
Executive summary	<p>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.</p> <p>The application is to add the sale of alcohol every April – September from 10:00 to 22:00 (with the exception of the Air Festival each year where alcohol would remain from 10:00 to 23:00.).</p>
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 variation application as made; b) Refuse the variation application; c) Grant the variation subject to additional conditions. <p>Members of the Licensing 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 representations from 2 other persons on the grounds that to grant this application it would undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</p> <p>Where representations have been received from any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Committee.</p>

	<p>However, as the premises are operated by BCP Council, as relevant representations have been received, the matter has been brought before the Licensing Committee in accordance with the Council's Constitution Scheme of Delegation at 3.2(f) for determination.</p>
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Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for variation to the premises licence under the Licensing Act 2003 was made on the 2nd March 2021. A copy of the application is attached at Appendix 1 together with the location plan in support showing the extent of the licensed area.
2. The premises are currently licensed under Premises Licence BH085430 which was granted on 24th November 2005. A copy of the current premises licence is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities by the Licensing Authority and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 2 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives. A copy of the representations received is attached at Appendix 3.
5. Environmental Health agreed conditions with the applicant which will form part of the operating schedule should the application be granted. A copy of these conditions is attached at Appendix 4.
6. Initial concerns were raised by Dorset Police, but following mediation with the Applicant, a number of conditions were agreed which will form part of the operating schedule should the application be granted. These conditions are attached at Appendix 5.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The representations made by or on behalf of the 2 other persons.
 - The submissions made by or made on behalf of the applicant.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. 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.
10. Any other person who has made a relevant representation also has the right to appeal against the decision made by the Licensing Committee.

Summary of human resources implications

11. N/A

Summary of sustainability impact

12. N/A

Summary of public health implications

13. N/A

Summary of equality implications

14. N/A

Summary of risk assessment

15. [N/A]

Background papers

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-andpermits/Documents/Licensing/solp2020.pdf>

Hearing Regulations –

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

Licensing Act 2003 Guidance –

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

Responsibility of Functions under the Council's Constitution Scheme of Delegation (see 3.2(f) –

<https://democracy.bcpCouncil.gov.uk/documents/s22974/Part%203%20%20Responsibility%20for%20Functions.pdf>

Appendices

Appendix 1 – Copy application for variation and location plan

Appendix 2 – Current Premises Licence BH085430

Appendix 3 - Representations received

Appendix 4 – Conditions agreed with Environmental Health

Appendix 5 - Conditions agreed with Dorset Police

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We BCP Council

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number BH085430
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Pier Approach			
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Post town	Bournemouth	Postcode	BH2 5AA
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Telephone number at premises (if any)	n/a
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Non-domestic rateable value of premises	£n/a
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Part 2 – Applicant details

Daytime contact telephone number	01202 127669
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E-mail address (optional)	Jon.weaver@bcpcouncil.gov.uk
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Current postal address if different from premises address	Town Hall Annexe First Floor St Stephens Road
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Post town	Bournemouth	Postcode	BH2 6EA
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add in the sale of alcohol for this site every day from April – September 1000hrs – 2200hrs with the exception of the Air Festival each year where alcohol would remain from 1000hrs – 2300 hrs.

The purpose of the variation is to enable outdoor pop up catering sites across the Seafront to enhance the existing offering for the main season.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) Alcohol supplied from April – September from 1000hrs – 2200hrs with the exception of the 4 days of the Air Festival each year where this will be from 1000hrs – 2300hrs which is already on the premise licence.			
Mon	10:00	22:00				
Tue	10:00	22:00				
Wed	10:00	22:00				
Thur	10:00	22:00				
Fri	10:00	22:00				
Sat	10:00	22:00				
Sun	10:00	22:00				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Contracts with operators will be managed by the Seafront Contracts team who will be managing the site alongside Seafront Operations.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

All events will comply with Council Byelaws.

b) The prevention of crime and disorder

A CCTV system will be in place to cover all entry and exit points enabling frontal identification of every person in any light condition. The CCTV system will continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It will operate during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days with correct date and time stamping.

CCTV recordings will be made available immediately upon the request of Police or an authorised officer of the Council throughout the preceding 31 days period. The CCTV system will be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system will be on the premises at all times when the premises are open to the public.

There will be a refusals log kept onsite with all staff trained in its use. The refusals log will be accessible immediately when requested by the Police or an authorised officer of the Council.

A copy of the daily refusal and SIA log will be emailed to the Council daily and available on request to responsible authorities. This will allow for the Seafront Operations team to manage the contractors onsite.

Operators will have to use a Town Watch Radio and sign up to the scheme to ensure they are able to communicate with other properties on site.

A full risk assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 7 days in advance.

SIA licenced door supervisors shall be on duty at the entrance of the premises at peak times as identified within the risk assessment.

All staff will receive suitable training in order to meet with the requirements of the Licensing Act 2003. A record of this training will be required to be kept onsite at all times and produced to the Police or an authorised officer of the Council when requested.

There shall be no irresponsible drinks promotions onsite whereby mass drinking in a short time frame is encouraged.

Alcohol shall only be supplied for consumption in the areas which are licensed for sale of intoxicating liquor.

The bar area will be physically defined with a clear entrance and exit in line with the licensed area on the plan annexed with a clear counting in and out process.

Alcohol will be a secondary offering with a hot food element being the main attractor.

c) Public safety

For 2021 and 2022, a separate COVID risk assessment will be completed and agreed by the Council's Environmental Health Officer

All Health and Safety requirements shall be agreed prior with organisers and contractors prior to coming onto site and contracts drawn up confirming these requirements.

Operators will provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations including how the licensing objectives will be met.

Drinks will not be served in glass containers at any time.

d) The prevention of public nuisance

Music shall be of a background nature only so as not to disturb regular beach users or other residents. The exception to this will be the Air Festival on 4 days per year where there will also be a staged entertainment programme.

Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage the contractors onsite.

Plans for effective dispersal will be requested for any supplier using the premise licence.

e) The protection of children from harm

Challenge 25 shall be operated at the premises where the only form of acceptable identification will be a recognised photographic identification cards, such as a driving licence of passport or holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

All staff will be fully trained in the Seafront's Lost Child procedure and use this process in the premise communicating with the Seafront Operations Team.

Children under the age of 18 must be accompanied by an adult when entering the premises and at all times whilst onsite.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Chris Saunders
Date	02.03.2021
Capacity	Service Director – Destination & Culture

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance



50 m

Scale = 1 : 2000

12-June-2018

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**Premises Licence
Part A**

Premises licence number: BH085430

Postal address of premises, or if none, ordnance survey map reference or description:	
Pier Approach	
Post town: Bournemouth	Post Code: BH2 5AA
Telephone number: 01202 451737	

Licensable activities authorised by the licence:
Plays Films Live Music Recorded Music Performances of Dance Late Night Refreshment Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
<p>Plays Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Performance of a play will take place indoors and outdoors.</p> <p>Films Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Exhibition of films will take place indoors and outdoors.</p> <p>Live Music Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00 Friday - 10:00 to 23:00 Saturday - 10:00 to 23:00 Sunday - 10:00 to 23:00 Performance of live music will take place indoors and outdoors.</p> <p>Recorded Music Monday - 10:00 to 23:00 Tuesday - 10:00 to 23:00 Wednesday - 10:00 to 23:00 Thursday - 10:00 to 23:00</p>

Friday - 10:00 to 23:00
Saturday - 10:00 to 23:00
Sunday - 10:00 to 23:00
Playing of recorded music will take place indoors and outdoors.

Performances of Dance

Monday - 10:00 to 23:00
Tuesday - 10:00 to 23:00
Wednesday - 10:00 to 23:00
Thursday - 10:00 to 23:00
Friday - 10:00 to 23:00
Saturday - 10:00 to 23:00
Sunday - 10:00 to 23:00

Performance of dance will take place indoors and outdoors.

Late Night Refreshment

Monday - 23:00 to 05:00
Tuesday - 23:00 to 05:00
Wednesday - 23:00 to 05:00
Thursday - 23:00 to 05:00
Friday - 23:00 to 05:00
Saturday - 23:00 to 05:00
Sunday - 23:00 to 05:00

Provision of late night refreshments will take place indoors and outdoors.

Supply of Alcohol

Monday - 12:00 to 23:00
Tuesday - 12:00 to 23:00
Wednesday - 12:00 to 23:00
Thursday - 12:00 to 23:00
Friday - 12:00 to 23:00
Saturday - 12:00 to 23:00
Sunday - 12:00 to 23:00

Non-standard timings for the supply of alcohol.

Alcohol shall only be supplied for one event over 12 days to coincide with the Bournemouth Air Festival and one other event for up to five days.

The opening hours of the premises:

Monday - 00:01 to 00:00
Tuesday - 00:01 to 00:00
Wednesday - 00:01 to 00:00
Thursday - 00:01 to 00:00
Friday - 00:01 to 00:00
Saturday - 00:01 to 00:00
Sunday - 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Mr Jonathan Andrew Weaver Town Hall Annexe St Stephen's Road Bournemouth BH2 6EA Jon.weaver@bournemouth.gov.uk 01202 451737
Registered number of holder, for example company number, charity number (where applicable):
N/A
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Andrew Weaver
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
BH13087 Bournemouth Borough Council

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.7 below must be licensed by the Security Industry Authority.
- 1.4. Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under Section 4 of the Video Recordings Act 1984.
- 1.5. Where the film classification is not specified or the relevant licensing authority has notified the premises licence holder under Section 20 (3)(b) of the Licensing Act 2003, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.6.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

1.8.

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.9. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.10.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General Objectives

- 2.1. The events shall be covered by a full Event Management Plan as well as Safety Advisory Group meetings. The Event Management Plan is sent to all agencies for comments.
- 2.2. Safety Advisory Group Meetings shall be held on a regular basis involving the Police, Ambulance and other appropriate bodies.
- 2.2.1 The representatives in this group include Police, Ambulance, Fire, Licensing, Health and Safety and Environmental Health.
- 2.2.2 Contracts with organisers limiting activities and timings to those agreed by the Council.
- 2.3. All activities and events shall have to comply with Council regulated event criteria to include Risk Assessment and suitable Insurance cover.
- 2.4. All events shall comply with Bournemouth Borough Council Byelaws.

Prevention of Crime and Disorder

- 2.5. A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
- 2.5.1 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

2.5.2 CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

2.5.3 A documented check of the CCTV shall be completed daily to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.

- 2.6. Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- 2.7. An SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business
- 2.8. No drinks shall be served in glass containers at any time.
- 2.9. A full Risk Assessment shall be carried out for events to determine any need for security marshalling and the emergency services shall be consulted a minimum of 28 days in advance.
- 2.10. An up to date record of incidents shall be kept at the premises and this shall be available for inspection by an Authorised Officer on request.

Public Safety

- 2.11. Bar operators shall provide both public and employers liability insurance to the Council prior to arrival onsite along with a detailed risk assessment and method statement for the operations. The Event Management Plan shall put in place procedures for ensuring public safety at the event and around the alcohol serving area. This Event Management Plan is signed off by the Council's Event Department.
- 2.12. HSE Guidance shall be followed where applicable to include 'The Event Safety Guide' and other appropriate publications.
- 2.13. All event organisers shall be asked to provide confirmation of Public Liability Insurance and Risk Assessments for every aspect of their event.
- 2.14. All Health and Safety requirements shall be agreed prior with organisers and contractors prior to the event and contracts drawn up confirming these requirements. Regular checks shall take place to ensure that this is being adhered to.
- 2.15. HSE Guidance shall be followed where appropriate to include 'The Event Safety Guide' and other appropriate publications.
- 2.16. Access for emergency vehicles shall be kept clear in respect of those areas under the control of the operators of the premises.
- 2.17. All temporary staging and large marquees shall be checked by a qualified person for safety purposes.

Prevention of Public Nuisance

- 2.18. An appropriate marshalling plan shall be agreed for each event.
- 2.19. Regular contact shall be maintained with Emergency Services and Police provision as necessary.
- 2.20. The premises shall operate an effective dispersal policy.

Protection of Children from Harm

- 2.21. A lost child procedure shall be implemented for all events and modified as necessary.
- 2.22. Where there are supervised activities with or without parental/guardian supervision, the organisers of those activities shall be Criminal Record Bureau (CRB) checked.
- 2.23. Where children under the age of 8 are left at a supervised activity without a parent or guardian, the organiser shall need to comply with the requirements of the Children's Act 2004.
- 2.24. Organisers employing staff for events shall have detailed written management procedures in place covering the protection of children from harm.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

This licence is issued in accordance with the plan M162886, dated 23 May 2018, as attached.





**Premises Licence
Part B**

Premises licence number: BH085430

Postal address of premises, or if none, ordnance survey map reference or description:	
Pier Approach	
Post town: Bournemouth	Post Code: BH2 5AA
Telephone number: 01202 451737	

Licensable activities authorised by the licence:
Plays, Films, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Plays: (Indoors & Outdoors) Monday to Sunday - 10:00 to 23:00 Films: (Indoors & Outdoors) Monday to Sunday - 10:00 to 23:00 Live Music: (Indoors & Outdoors) Monday to Sunday - 10:00 to 23:00 Recorded Music: (Indoors & Outdoors) Monday to Sunday - 10:00 to 23:00 Performances of Dance: (Indoors & Outdoors) Monday to Sunday - 10:00 to 23:00 Late Night Refreshment: Monday to Sunday - 23:00 to 05:00 Supply of Alcohol: Monday to Sunday - 12:00 to 23:00 <u>Non-standard timings for the supply of alcohol.</u> Alcohol shall only be supplied for one event over 12 days to coincide with the Bournemouth Air Festival and one other event for up to five days.

The opening hours of the premises:
Monday to Sunday - 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on the premises.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Mr Jonathan Andrew Weaver, Town Hall Annexe, St Stephen's Road, Bournemouth, BH2 6EA. Jon.weaver@bournemouth.gov.uk, 01202 451737

Registered number of holder, for example company number, charity number (where applicable):
N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Andrew Weaver

State whether access to the premises by children is restricted or prohibited:
See conditions 1.4 & 1.5

Mrs Nananka Randle
Licensing Manager

Issued: 24 November 2005
Revised: 24 May 2018 [Full Variation]

Licensing Act 2003 – Representation Form

Personal Details of person making the representation	
Name:	[REDACTED]
Address:	[REDACTED] Hinton Wood, 17 Grove Road
Town:	Bournemouth
Post Code:	BH1 3EA
Email:	[REDACTED]
Contact Telephone Number:	[REDACTED]

Premises Details
Application Ref: 183676
Name of Premises: Land at Pier Approach
Address of Premises: Pier Approach, Bournemouth, BH2 5AA

Reasons for representation
<i>These representations relate to the application for consumption of alcohol Off the premises, not against a license for consumption of alcohol On premises.</i>
The Prevention of Crime and Disorder: At present beach visitors can, and do, bring alcohol to the beach for consumption, but the heavy weight of cans and bottles limits the amount which can be carried, and it is a considerable distance to a shop selling alcohol giving a deterrent to buying more. This has the effect of limiting the amount of alcohol consumed on the beach, and so up to now disorder has been rare. Making it possible to buy alcohol within only a short distance to the beach will encourage repeat drinking on the beach and therefore heavy drinking and intoxication.
The Prevention of Public Nuisance: The number of people on the beach in the vicinity of Bournemouth Pier can be high, so those displaying the above form of anti-social behaviour will have great capacity to create disorder and nuisance to very large numbers of people.
Public Safety:
The Protection of Children from Harm: Bournemouth beach is used by tens of thousands of children each year; because the beach slopes gently into the sea it is particularly popular for small children. The presence of intoxicated people on the beach will put children at risk.

I declare that the information I have provided is true and correct.

Signed

[REDACTED]

Dated25 March 2021



General correspondence and contact:
Jon Shipp jon.shipp@bcpcouncil.gov.uk
[REDACTED] or association emails to:
bomotownwatch@gmail.com

To:
licensing@bcpcouncil.gov.uk
sarah.rogers@bcpcouncil.gov.uk

Date: 15-03-2021

Dear Sarah Rogers,

Representations from Bournemouth Town Watch with respect to licence application: Pier Approach, 183676

Members of Bournemouth Town Watch have raised the following representation regarding this application and it is my duty to pass them onto you to consider.

Public Safety:

The proposed premises operations would be starting during the Government's Covid19 gradual reopening period. It seems counter intuitive to add extra problems to one of the more challenging areas of BCP to manage the Covid19 safety measures in (i.e. a crowded seafront).

The scale and size of the proposed premises (in the hundreds, even with social distancing in place) will place significant additional alcohol consumption directly onto the beaches. Alcohol is already known as a key ingredient in the problems experienced on the beach in 2020. It would seem much more appropriate that the capacity of the premises be restricted, and this capacity to be appropriate to a small scale pop up facility.

The opening times of the premises (proposed 10am to 10pm or 11pm) are longer than are required to service the busy periods of beach activity and move significantly into the night time economy. This increases the risks associated of anti-social behaviour and the overall consumption of alcohol within a family beach area. This will stretch already limited Police resources away from the town centre. These risks could be mitigated if the opening times were limited to be more in line with traditional beach activity times up to 6pm.

Sales of alcohol for consumption off the premises will lead to an increase in alcohol across the beach areas, and when seen in conjunction with the other 4 applications by BCP this is a significant increase in the supply of alcohol across the entire seafront.

All sales to be restricted to that no glassware or bottles are served to customers.

To include in the premises licence some planning to mitigate the risk of drowning, such as the employment of a life guard patrol or similar.

Operating plans / policy:

There are no detailed drawings included with the applications. BCP are intending to occupy these sites immediately (they are currently being offered to contractors from April 2021). Assessments of the licensing objectives are normally carried out with accurate information on the operating plans going through a suitable process such as a Safety Advisory Group. There does not seem to be any consideration of this or time scales required to carry it out being included in the licence. Normally time scales for submissions of event plans, operating plans, drawings, risk assessment would be laid out in the licence to ensure enough time is left for organisers to have their operations carefully assessed prior to agreement and commencement.

The proposed designated premises supervisor is the same for all of the seafront premises currently being applied for or varied, five large areas including this one. Normally on events of this scale a premises license would stipulate how many personal licence holders must be present, responsible to the designated premises holder, prior to any activity taking place.

BCP note in their application that this is for 'pop up restaurants'. The size of licensed area of the application seems at odds with that. There is no restriction on the sale of alcohol (i.e. must only be served with a meal).

Regards,

Alan Dove
Chair Bournemouth Town Watch

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Conditions agreed with Environmental Health – Pier Approach

- Where music provision is planned to be more than background music, a Noise Management Plan (NMP) must be submitted at least 28 days before the event, the NMP must be agreed by the Licensing Authority. The NMP must include schedule, breaks, details on any amplification, sound levels and the process in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team receives adequate complaints to justify visitation and their visit determines the noise levels to be a statutory nuisance, the event may be closed down without prior warning.
- Regular contact shall be maintained with the Police, authorised officers of the Council in charge of Environmental Health by the Seafront Operations Team to manage the contractors onsite.
- Plans for effective dispersal will be requested for any supplier using the premise licence.
- Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises.
- Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.

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Proposed Conditions in respect of BCP Council Beachfront Licence Applications / Variations

These conditions have been proposed for consideration by Police Sergeant Gareth Gosling on behalf of Dorset Police following an initial consultation and Premises Licence Application submitted by Helen Wildman on behalf of BCP Council.

There has then been a period of mediation and further amendments have been made to the proposal.

The conditions are intended to reflect the intentions of BCP Council whilst ensuring that the new/revised provision does not impact adversely on the licensing objectives, in particular the 'Prevention of Crime and Disorder' objective.

Dorset Police are satisfied that in the event that the below conditions are reflected on the existing Premises licences (Bournemouth Pier, Wedding Beach, Boscombe Promenade) and added to the new Premises Licences (Toft Beach, East Cliff) then there is no requirement for Dorset Police to make any further representations at any Sub-Committee hearing.

1. The premises shall operate and maintain a text/radio/pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.
2. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend all Townwatch meetings for the month preceding the event until the month prior to the conclusion of the event unless an emergency arises preventing such attendance. The premises will support and participate in all Townwatch initiatives.
3. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers. The training must be delivered by or on behalf of an accredited training provider.
4. A suitably trained and competent person must ensure weekly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and maintained by the operator and made available for inspection by an authorised officer.
5. The holder of the licence shall undertake a risk assessment regarding; the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available immediately to an authorised officer of the Licensing Authority or Dorset Police upon request.
6. If there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the recommendations of Dorset Police and their partners. To ensure

consistency, any requests for increase in staffing shall be authorised by an officer holding the rank of Inspector or above. The Event Management Plan, agreed with Dorset Police, will detail the level of resources required for each of the 'stepped process' levels.

7. The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.
8. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003)
9. There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.
10. No drinks shall be served in glass containers at any time.
11. The premises shall install and maintain a comprehensive CCTV system, all entry and exit points to the alcohol service areas will be covered enabling evidential frontal identification of every person (ie. head and shoulders) entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
13. An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

14. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.
15. The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Event Management Plan, which will be agreed by the Safety Advisory Group Meeting 28 days in advance of any event.
16. 'Challenge 25', shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
17. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. [Existing licences that have alcohol provision for Air Festival weekend to have the following attached](#) – Alcohol sales to be permitted for consumption on and off the premises without the requirement for food only on days when the Bournemouth Air Festival takes place.
19. A currently qualified first aider must always be employed on the premises when the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.
20. A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
21. There shall be no sales of alcohol for consumption off the premises. (see 18 above)
22. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
23. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
24. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

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