

Fri 19/02/2021 15:24

Premises Licence application Mudeford Quay & Christchurch Beach ?

To Becky Baker

 You replied to this message on 03/03/2021 15:10.

Dear Becky Baker

I have read your response to a comment from a local resident about the above licence application signs but am a little confused as you mention the Carnival and Food Festival. These events are on Christchurch Quay and the signs we are concerned about are on Mudeford Quay and all along what we know as Friars Cliff beach.

Does this mean you are also seeking to replace a previously identical licence for these areas held by Christchurch Council, or is this something totally new, as I am not aware of any previous events of this nature held on the beach?

As another local resident, it is only to be expected that we are concerned regarding events that might be held any day of the week from 10am until 11pm at night in Mudeford, whether at the quay or the beach. Key elements with regard to noise, potential rowdy behaviour, rubbish, bottles or glass being left behind particularly on the green and beach, two main areas where children play.

I look forward to your reply as soon as possible as I am writing on behalf of a number of other local residents and wish to forward your response to them prior to the 10th March deadline.

Many thanks.

Kind regards

Inveravon Residents Association  
Mudeford, Christchurch.

**Relevant Representation against issue of a new Premises Licence for  
'Christchurch Beaches (Coastline to Cliff Lane)  
Application: 183358  
Representation on behalf of Mr Hillier**

This Representation ("Objection") is made on behalf of Mr Hillier, a resident of Friars Gate, which is situated in very close proximity to the proposed licensed "Premises". This Objection is two-fold (but over-lapping) namely:

1. On the basis that *all four Licensing Objectives* would be seriously negatively impacted if the proposed "Premises" is issued a licence enabling licensable activities to be conducted there;  
  
and
2. That the application is defective in that it:
  - a. The information in the application form (LIC2) is inaccurate; misleading and/or the Applicant has failed to comply with the Licensing Act Regulations;
  - b. It is not drafted in a manner consistent with the Statement of Licensing Policy for this Licensing Authority;
  - c. It is not drafted in a manner consistent with the statutory Guidance to the Licensing Act 2003<sup>1</sup>;
  - d. It is not drafted in a manner consistent with the Noise Council Code of Practice on Environmental Noise Control at concerts<sup>2</sup>
  - e. Is vague in the extreme and/or attempts to usurp the function of the Licensing Authority and Responsible Authorities.

Please note that this Representation is preliminary in nature and may be expanded in advance of any Committee Hearing. A full Representation has not been possible as yet as we have not seen any documents supporting the application (if there are any in existence) and the licensing plan of the proposed "Premises" is illegible. We also have no knowledge as to the planned capacity for the events proposed under the authorisation being sought.

***Objections based on Licensing Objectives:***

We are of the view that all four licensing objectives will be seriously (and possibly irrevocably) negatively impacted if Regulated Entertainment (for example in the form of rock/pop concerts and other entertainment events) are permitted under a licence for the "Premises" which are beaches in an area of outstanding beauty.

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<sup>1</sup> Revised Guidance to the Licensing Act 2003, April 2018

<sup>2</sup> Noise Council Code of Practice on Environmental Noise Control at concerts

Specifically:

***Negative impact on (and possibly permanent damage to) the environment, and on local residents thorough public nuisance:***

Regulated Entertainment (be it live or recorded music, or film, or a combination of all three) involves an 'audience' - although we currently have no idea of the size of the planned audience/crowds that would attend or the regularity of events).

The proposed "Premises" is a tranquil area of coastline/beach inherently unsuitable for events involving large crowds and the inevitable undesirable consequence of littering; noise disturbance, and in this case, pollution of the coastal environment and sea. The area is recognised for its varied coastal and marine habitats and life.<sup>3</sup> There is ample evidence to illustrate the harmful affect caused by large crowds congregating on beaches, particularly where they are undertaking activities that are contrary to the natural habitat<sup>4</sup>.

As well as the obvious potential for damage to the environment (through for example waste such as plastic bottles and other rubbish being jettisoned or washed into the sea), this proposed "Premises" has no infrastructure to support the proposed use – e.g. lack of sufficient space for parking; and temporary toilets. This will create additional nuisance for local residents (with their properties being affected by those illegally parking to attend the proposed events), as well as for those who live in the community and/or are visiting with friends and family.

The application also confirms that "amplification" will be used in relation to film; live and recorded music which in the proposed licensed outdoor location, will inevitably cause undue nuisance to local residents, and indeed damage to the eco-system of the bay and marine life. The application is drafted seeking authority to allow amplified music (without any constraints regarding noise levels) for some 13 hours every day of the week, every week of the year. No details have been provided to illustrate that such Regulated Entertainment would not amount to public nuisance – for example the Applicant has not submitted any Noise Impact Assessment report – presumably as such an assessment would not support the application.

***Negative impact on Crime and/or Disorder and the Protection of Children from Harm:***

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<sup>3</sup> Marine Management Organisation – Seascape Assessment for the South Marine Plan Areas MCA 4: Poole and Christchurch Bays (2013).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321932/1037d.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/321932/1037d.pdf)

<sup>4</sup> [British beaches lined with rubbish, faeces, vomit and urine after thousands gather during weekend heatwave | The Independent | The Independent](#)

[Beach visitors 'left speechless' by plastic debris - BBC News](#)

[Plastic pollution: 'Hidden' chemicals build up in seabirds - BBC News](#)

[Inches from disaster: crisis faces Britain's crumbling coastline | Environment | The Guardian](#)

[Researchers discover concerning plastic 'pebbles' littering UK beaches - Country Life](#)

[Unprecedented amounts of litter on UK beaches reported since lockdown easing - Oceanographic - Oceanographic \(oceanographicmagazine.com\)](#)

[How Is Plastic Ruining The Oceans In The Worst Way Possible? \(marineinsight.com\)](#)

[Plastics: Why we must act now | WWF](#)

['The atmosphere was ugly': Bournemouth aghast at beach chaos | UK news | The Guardian](#)

Where it is proposed that land is used for event entertainment activities in complete contrast to its natural environment, with large crowds inhabiting a space, which is not 'fit for purpose' in terms of Regulated Entertainment, it is an inevitable consequence that crime; disorder and/or harm to children is likely to occur inter alia through (but not limited to):

- Littering;
- Illegal parking;
- Exposure of children to the supply and sale of alcohol and/or drugs;
- Public urination;
- Thefts (e.g. of wallets; mobile phones; personal belongings);
- Thefts from vehicles; beach huts;
- The risk of children being targeted by undesirables and/or being separated from responsible adults;
- Damage to property including beach huts.

It is recognised that this application does not (currently) include any authority to allow for the sale of alcohol, but if this application is successful, it is highly likely that alcohol will be supplied and sold at these events – possibly through using the Temporary Event Notice a route which does not involve any consultation with local residents.

***Negative impact on Promotion of Public Safety:***

It may credibly be asserted that there could not be a less suitable proposed "Premises" for the licensable activities outlined in this application. There is no physical infrastructure in place to support entertainment events; there is no management or operational structure in place to manage and staff entertainment events. The lack of any detail relating to staffing; stewarding; use of SIA staff; medical staffing provision; detailed risk assessment procedures (identifying personnel and liaison with the Responsible Authorities) provides no assurances that any event in this area involving Regulated Entertainment would be conducted safely.

As a minimum, in relation to this type of Premises Licence planned operation, the Licensing Authority would typically expect to see, in order to make an informed decision to discharge its duties under the LA 2003, *before* any authorisation could be assessed against the Licensing Objectives:

1. Detailed Noise Impact Assessment with Noise Management Plan;
2. Coastal and Marine Impact Assessment;
3. Traffic Management Plan;
4. Stewarding and Security Plan;
5. Risk Assessment;
6. Event Management Plan including information about capacities; access/egress etc;
7. Medical Provision Plan.
8. Liaison Plan with Responsible Authorities and Community;
9. Temporary Structure erection/dismantling safety procedures.
10. Visitors Safety Policy
11. Safety of Children specific policies.

The suggestion that the new Licence should be granted as the Applicant through "contracts with organisers" will limit activities to those agreed by the Applicant fails to give any confidence to local residents that sufficient measures will be in place. The Council will be entering into a commercial

contract with the event organisers and will want to maximise its position; the organisers will wish to minimise their costs, and maximum their position. In this process the local residents who will be affected by the agreements made will have no 'voice'.

Further observations concerning the (lack of) detail given in the Application Register concerning the proposed measures to meet the promotion of the Licensing Objectives are given below.

**Defective Application in terms of Detail supporting the promotion of the Licensing Objectives\|**

Prior to any application for a Premises Licence being made and particularly where large-scale open-air entertainment such as rock concerts will be operated if the application is successful, the Applicant *must first* consider:

- the Authority's Statement of Licensing Policy; and
- the Revised Statutory Guidance to the Licensing Act 2003;
- Typically the Applicant will also consider the provisions of the Noise Council Code and other Guidance (such as the 'Purple' Guide).

This is to ensure that its application is well-considered and well-drafted by the Applicant/proposed Premises Licence Holder. This is, in turn, to ensure that the Responsible Authorities and all Interested Parties, and ultimately the Licensing Committee (if a Hearing proves necessary) are provided with *precise* information and facts from which the application can be considered.

This application does not appear to have been constructed with the Statement of Licensing Policy; the Guidance to the Licensing Act; or The Noise Council Code in mind. Indeed the form of application does not comply with the Licensing Regulations<sup>5</sup> in relation to the minimum requirements which must be met. This is because:

1. The Part 1 Description of the postal address of the premises lacks precision and is inadequate; there is no connection with the Application form and the illegible plan submitted.
2. The Part 3 Operating Schedule is incomplete and misleading – specifically it refers to a “grassy park area” whereas the plan appears to show a beach area cross-hatched.
3. The prescribed form of application (LIC2) is required to include in its Operating Schedule the proposed “type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives.” The inaccurate “grassy park area” is wholly inadequate.
4. The Plan submitted in support of the Application fails to comply with Regulation 23 being:
  - a. Illegible
  - b. Not of the required scale (or of any scale from which measurements/distances can be taken);
  - c. Not of a scale to enable any measurements or details to be ascertained;

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<sup>5</sup> The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 – Specifically Regulation 23.

- d. Fails to show access and egress points (for proposed visitors; vehicles; emergency services; infrastructure (such as light rigging; temporary staging etc.);
  - e. Fails to show escape routes from the 'premises';
  - f. Fails to show proposed location of temporary fixtures such as stages; marquees; light-rigging etc;
  - g. Fails to show location of any public conveniences;
  - h. Fails to show location of any fire safety or other safety equipment including marine safety equipment.
5. The Plan also seems to cover part of the sea as well as the beaches. It does not seem to show any "grassy park area".

Paragraph 12.7 of the Statement of Licensing Policy clearly provides that "Applicants are expected to provide the Licensing Authority with sufficient information in their operating schedule ... to demonstrate the extent to which their proposed conditions and actions are appropriate *to promote the licensing objectives*". It is our Client's submission that the Applicant has wholly failed to do this – in effect simply asserting in the application that such conditions/actions will (apparently) materialise through a separate (later) *unregulated* process, out-with the Licensing Act 2003, and crucially without the direct over-sight or involvement of local residents.

The Application further fails to set out specific *measurable* steps which are capable of being encapsulated into defined Licence Conditions which in turn can then be **enforced**. Instead, at best, the "general" measures appear to be:

- An attempt to usurp the function of the Licensing Authority;
- An attempt to exclude local residents from any event decisions i.e. whether or not any events should take place at all; and if so, how many; numbers of events per year; timings; capacities; noise mitigation measures etc...
- A mechanism to enable the Council/Applicant to have a free-rein over what licensable activities are done on the land, presumably for commercial gain and leaving local residents with little recourse;
- Vague and unenforceable suggestions of what may (or may not) actually happen in practice – with reference to "criteria" and other procedures (such as risk assessment) with no particulars and no minima;

Vague assurances (of what planning and operations may (or may not in reality) take place at some stage in the future) cannot be encapsulated into enforceable conditions against which any licensable activities can be assessed; monitored and enforced. The proposed measures are imprecise and are inappropriate, and do not meet the requirements of the Revised Guidance or BPC's own Statement of Licensing Policy<sup>6</sup>. Specifically the application does not address the following provisions in the Statement (the following is not an exhaustive list of omissions):

Paragraph 8.7                      That conditions proposed *must be tailored* to the individual type, location and characteristics of the (proposed) premises"

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<sup>6</sup> Statement of Licensing Policy 2020-2025

Paragraph 8.22	to paragraph 8.23, and Appendix D – specifically that conditions must be precise; enforceable; unambiguous and tailored. They should be written in a prescriptive format;
Paragraph 9	The potential for negative Cumulative Impact;
Paragraph 10.15	Specific proposals to address the risk of nuisance; crime and disorder.
Paragraph 12.4	The negative impact the proposed premises will have on those residential premises in close proximity – failing to address noise nuisance; dispersal policies etc.
Paragraph 12.12	to paragraph 14.37 i.e. any of the matters which the Licensing Authority expects the Applicant to consider and inform its Application for a new Licence.

In short, the Application that has been made falls foul of the Regulations; is vague and misleading. It is in effect seeking a “licence to grant a licence” whereby the Council would obtain a wide Premises Licence which would be subject to only vague unenforceable provisions. The Council can then exploit that Licence commercially with the event operators/Council having almost total control of what could be frequent; noisy and inappropriate licensable activities on the beaches, damaging the local environment and causing considerable nuisance to local residents. It is telling that no Noise Management conditions have been proposed presumably because no Noise Impact Assessment has been undertaken and/or suitable conditions cannot be offered in view of the proximity of local residents; the nature of the proposed “Premises” and the nature of the proposed events.

In terms of preventing nuisance, the limited measures suggested are again dependant on future agreements being reached seemingly between the Applicant and the event operator; this provides no comfort that this will happen in practice there being no person responsible for ensuring compliance and no minimum compliance stipulated.

## **Conclusion**

In conclusion, it is submitted that:

- The application for the Premises Licence was defective being in breach of the Licensing Regulations; should not have been accepted by the Licensing Authority and should be dismissed in its entirety (without the need for any Hearing) due to these failures;
- Without prejudice to the above, the application fails to adhere either the Revised Statutory Guidance or to the Licensing Authority’s own Statement of Licensing Policy, and as a result the Licensing Authority and Responsible Authorities cannot exercise their functions safely, there being a dearth of any specifics regarding how the Licensing Objectives will be promoted at any time that the area is used for any purpose involving licensable activities.
- Instead of a blanket commercial “Licence to subsequently licence” events at the Council’s discretion (to the exclusion of local resident input), which the Council is attempting to obtain, it is open to any event operator to seek a licence if (and only if) it is capable of providing the required minimum details to the Licensing Authority (such as noise management plan; traffic plan; security/safety plans; capacities etc..) to demonstrate that its proposed event will not

negatively impact on local residents; the community; local businesses and the eco-systems of the beach/sea. Restricted Premises Licences are often issued on this basis (for example permanent Licences that run every year which allow say one music festival per annum on the land for a maximum of three days but subject to extensive conditions to meet all four licensing objectives). By seeking such a licence any Event Operator has (quite rightly) to convince the right parties (i.e. local residents; the Responsible Authorities; local businesses; local town/parish councils, and indeed any other interested parties) through its application, that the four licensing objectives will not be negatively impacted by what is proposed. If the Applicant cannot get over this hurdle (in the face of relevant representations) the Licensing Authority (exercising its functions as per the Licensing Act 2003) must refuse the application. It is for this reason that Premises Licences for open land (if issued) will frequently be refused unless supported by numerous specific conditions and unless the application relates to land which is inherently suitable. In this case, we consider the area of land could not be less suitable, being a fragile marine area already under significant threat through non-licensable activities.

No licensable activities should be permitted under any licence unless due process under the Licensing Act is followed. With sufficient *specific* information provided in the LIC2 application and by way of suggested bespoke conditions, the Responsible Authorities and Interested Parties could then consider *at that time* whether or not the licensing objectives will be sufficiently promoted, and whether an event-specific licence should be granted notwithstanding the fragile environment concerned.

**Blandy & Blandy LLP**

Solicitors for Mr Robert Hillier,

Local resident (full address has been provided to the Licensing Authority)

4 March 2021

Ref: SED/HIL17/117

Email: [Sue.dowling@blandy.co.uk](mailto:Sue.dowling@blandy.co.uk)



Thu 04/03/2021 10:38

Application by BCP for Premises licence at Christchurch Beach.

To Licencing Com

Karen

You forwarded this message on 09/03/2021 10:49.

To the Licencing Committee.

I wish to raise concerns regarding an application for Premises licence at Christchurch beach.

The application refers to Plays, Films, live music, recorded Music, Performance of Dance, Entertainment of a similar description e.g. Parade or Circus from 10.00am to 11 pm 7 days a week.

I understand that this is a re-application for a license formerly owned by Christchurch Council.

However, I have concerns as follows:-

1. Granting a licence for Entertainment any day of the week with no restrictions leaves license open to huge abuse. I would like to suggest that somewhere on the license it is clarified that each and every entertainment event has to apply for separate permissions to ensure that the Friars Cliff area does not suffer from excessive noise, disruption or overcrowdedness for which it is not equipped and would be out of keeping with the area.
2. The Friars Cliff, Avon Beach areas that make up Christchurch Beach are a welcome contrast to many people from the Southbourne and Bourmemouth beaches. They are residential areas which attract families, and senior members of our community. Any music and entertainment, while tolerable for discrete periods of time, would be intolerable for lengthy periods and would damage the enjoyment that many gain from this area.

A vague licence that leaves this kind of detail to chance will leave us open to risk of licence abuse Please could some stipulation be made such that every item of live entertainment needs its own application and temporary licence.

I tried to find more details of the application on the BCP website as given by the notice but could not find what I was looking for. It seemed extremely difficult to find since there does not appear to be a reference number on the notice.

Would you please be able to send me a link as to where I can find this.

Thank you and I look forward to hearing from you

Resident of Friars Cliff