

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. 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 is 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

██████████

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 BHI 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 redaction box covering the signature of the declarant.

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.

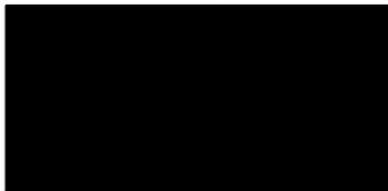
Protection of Children from Harm

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

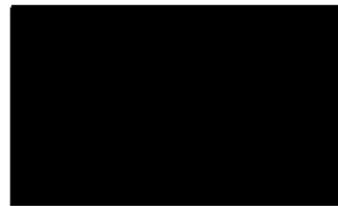
immediately adjacent to Bournemouth Pier or Boscombe Pier where there are adequate and safe adjacent drop-off points for both public and private transport and also immediately adjacent infrastructure of existing public restaurants and facilities to cope with crowds.

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



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:

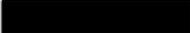


Barnet Lane

Elstree

Herts WD6 HG

Email: 

Home tel: 

Mobile: 

Dear Sirs,

Having occupied and regularly used a family-owned holiday home at Flat  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

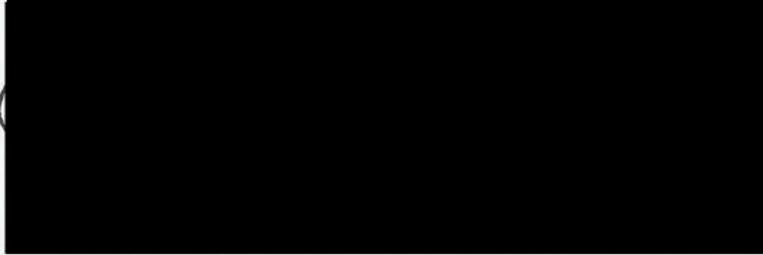
22. I have, wherever possible, evidenced my objections with historical examples and matters within my own knowledge from which sensible conclusions can and should be drawn as to the likely future consequences if these applications are granted. Whilst it is not for me to advise the Council and its officers 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 on 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:

