

# Licensing Act 2003 - Representation Form

<b>Personal/Business Details</b>	
Name:	[REDACTED]
Address:	[REDACTED] Riviera 63 Grove Road
Town:	Bournemouth
Post Code:	BH1 3AE
Email:	[REDACTED]
Contact Telephone Numbers:	[REDACTED]

<b>Premises Details</b> <i>(Please give as much information as possible)</i>
Application Ref: 183679
Name of Premises: East Cliff Promenade
Address of Premises: East Cliff Promenade Bournemouth

<p><b>Reasons for Representation.</b> Please, give information under the relevant Licensing Objective. <i>(Please note you are not required to complete all the boxes unless you feel it is relevant.)</i></p>
<p>The Prevention of Crime and Disorder:</p>
<p>The Prevention of Public Nuisance: please see attached sheet which covers several reasons Why I am objecting to this venue from opening. My apartment is on the 6<sup>th</sup> floor and directly overlooks the area intended for this new venue. Noise from the beach comes up the cliff area directly into the apartment. While occasional events such as the Airshow and the festival of motorsport are enjoyable as they run for short specific periods, I do not think live music and events year-round will be enjoyable or peaceful.</p>
<p>Public Safety:</p>
<p>The Protection of Children from Harm:</p>
<p>I do not wish my details to be include in the Public Documents for the following reasons: I do not want people to get hold of my contact details to use for cold calling or spam e-mailing.</p>

I declare [REDACTED] the information I have provided is true and correct.

Signed [REDACTED]

Dated .... [REDACTED]

**Licensing Act 2003 – Representation Form**

<b>Personal Details of person making the representation</b>	
Name:	[REDACTED]
Address:	[REDACTED]
Town:	Bournemouth
Post Code:	BH1 3EA
Email:	[REDACTED]
Contact Telephone Number:	[REDACTED]

<b>Premises Details</b>
Application Ref: 183679
Name of Premises: East Cliff Beach, sandy beach to shoreline See note below
Address of Premises: Bournemouth
<p><i>There are three different descriptions of the location for the application numbered 183679 on its documents. On one the words are as above; on another = East Cliff Promenade; on the third = East Cliff Beach Undercliff Drive. The information available to the public using the BCP licensing application web site does not contain a map, but a BCP Officer has provided a map bearing the BCP logo and the words "Premises License Map, East Cliff Beach, Appn 183679". There are Notices disclosing the application displayed around the area shown on that map but not at other locations on the East Cliff beach nor its promenade. The representations in this document are made on the assumption all aspects of the licence application apply only to the area designated on the map. It is not accepted that valid notice of application for licensing any other part of the East Cliff beach has been made.</i></p> <p><i>The map and above heading show the area to be licensed as extending to the high tide line. BCP Officers need to appreciate that it was established by the Court in Blundell v Catterall 5B&amp;Ald 268 that "no-one therefore is forbidden access to the seashore". That was a court case in 1821 but its validity was considered and endorsed by the Supreme Court in 2015 in The Queen (on the application of Newhaven Port &amp; Properties Ltd) v East Sussex County Council and Newhaven Town Council [2015] SC 7 25. If it is planned to restrict access to the area to be licensed, the restriction must not extend as far as the high tide line as access to the sea will have to be maintained for all the public at all times.</i></p>

<b>Reasons for representation</b>
<p>The Prevention of Crime and Disorder: Intoxication tends to lead to Disorder; see (iii) &amp; (iv) below</p>
<p>The Prevention of Public Nuisance:</p> <p>i) Licences are sought for Plays, Films, Dance, Activity like Dance, Live Music, Amplified Recorded Music, every day of the year from 10am to 10pm. Each of those will create noise; the application fails to explain how noise from these activities will be controlled to avoid Nuisance, except that when noise is more than background (and only then) details of noise levels will be provided to BCP Environmental Officials. No information is given on limits which may be applied. My home (and others) is in direct line of sight to the area for which a licence is being sought, so there will be nothing to interrupt airborne noise waves reaching my home. Even if that noise is low, hearing it at all times will be a nuisance and potentially hazardous to health. A licence for music other than for the occasional temporary event should be refused. If noisy events are to be considered, a licence application should be made in the normal way to enable the Council to comply the advertising requirements of the Licensing Act 2003, so that Representations can be made. The Licensing Committee should not transfer that process to Officers in other teams at BCP; to do so will be a breach of Clause 7 Licensing Act 2003.</p>



ii) BCP Officers have stated that an operator is being sought for an all-day restaurant-cafe with bar within the licensed area where recorded music will be played throughout the opening times. This use of amplified music is not mentioned in the application itself, which is therefore misleading. Even if that music is restricted to "background" noise levels, it will be audible throughout a wide area of the surrounding beach and promenade. The public should be allowed to use those areas without being forced to hear music at all times.

iii) Off-premises sale of alcohol. At present beach visitors can, and do, bring alcohol to the beach for personal consumption, but the heavy weight of cans and bottles limits the amount which can be carried, and it is a considerable distance to a shop selling alcohol giving a deterrent to buying more. This has the effect of limiting the amount of alcohol consumed on the beach, and so up to now disorder has been rare. Making it possible to buy alcohol within only a short distance to the beach will encourage repeat drinking on the beach and therefore heavy drinking and intoxication. No Off licence should be granted.

iv) On-premises sale of alcohol. BCP Officers have stated their (initial) plan is for alcohol served at tables with food, but the Map in the Application shows a Bar area and gives details of arrangements for control of drinkers. Some drinkers become intoxicated. The Application explains they will be Refused/Evicted. That means they will exit onto beach and promenade areas to create nuisance and fear for the public, including children.

v) Smell. BCP Officers have stated they will require the operator of the cafe-restaurant to offer at least three hot dishes, so there will be cooking within the licensed area. In a restaurant building there are requirements for cooking smells to be vented away from people. That will not be possible in an open area; indeed a commercial scale barbeque seems a likely option. The cooking smells will pass out of the licensed area creating a nuisance to occupants of the surrounding beach and promenade.

**Public Safety:**

The application states that alcohol will not be served in glass containers. But most alcohol is supplied in glass bottles, creating risk in a beach area.

There will be cooking in the licensed area, creating a fire risk.

There are no toilets in the vicinity of the area, and the application does not explain how facilities will be provided. How this problem is to be solved needs to be explained before a licence is granted, to avoid risk to health caused by people urinating on the beach (in the dark at night)

No explanation is given for how often food waste will be removed, and stored until removed. There will be a risk of smell noticeable by people on the beach and of attracting rodents carrying disease.

**The Protection of Children from Harm:**

Children live in the homes on the cliffs above the site. Noise from amplified music and films until 10pm will disrupt the sleep of younger children and damage their health.

The issues arising from Off-sales and On-sales of alcohol described above will create great risk for children.

There will be cooking in the licensed area, possibly including large barbeque equipment. Separating the cooking area from child customers will be difficult, perhaps impossible, so there will be a great risk to children. No licence should be granted until the Committee is satisfied this risk has been eliminated.

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

 ...

Dated 25 March 2021



<b>Personal/Business Details</b>	
Name: [REDACTED]	
Address: [REDACTED] 17 GROVE ROAD Bournemouth BH1 3EA	
Town: Bournemouth	
Post Code: BH1 3EA	
Email: [REDACTED]	
Contact Telephone Numbers:	Mobile: [REDACTED] Daytime: [REDACTED]

<b>Premises Details</b> (Please give as much information as possible)
Application Ref: 183679
Name of Premises: EAST CLIFF PROMENADE
Address of Premises: Bournemouth Dorset

<b>Reasons for Representation.</b> Please, give information under the relevant Licensing Objective. (Please note you are not required to complete all the boxes unless you feel it is relevant.)
<b>The Prevention of Crime and Disorder:</b> The Police are already regularly called to attend drink related incidents on the Beach front during the summer months. BCP should not be proposing to add to the Problem.
<b>The Prevention of Public Nuisance:</b> The Residents of East Cliff already have to suffer the nuisance of groups of people who think it's reasonable to sleep/party on the beach. The sound of their activities already keep us awake until the early hours.
<b>etv:</b> [REDACTED] - itself must consider that Safety is already on 1st presumably that's why you spend large sums of council to payers money on private Security on the Beach front. How will selling more alcohol in the area help?
<b>The Protection of Children from Harm:</b>
I do not wish my details to be include in the Public Documents for the following reasons:

I declare that the [REDACTED]

Dated 11/3/2021





## **LICENSING ACT 2003 – REPRESENTATION FORM**

Representations can be made if you wish to object or support an application. If you wish to make a representation, please note the following:

- Representations must be relevant and relate to one or more of the four licensing objectives – The Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.
- Representations must not be frivolous or vexatious.
- Representations must be made within 28 days following the date of application to the Licensing Authority.

***Your details will be forwarded to the applicant or their Solicitor/Agent to enable mediation. If mediation fails, your name and address and a copy of your representation will be included in the officer's report that goes to the Licensing Committee and a copy of this report will be published on the Councils website.***

***Unless there are genuine and well-founded fears of intimidation, which you must include in your representation, your representation will be published with your name and home address attached.***

***Your email address and any signatures will not be published on the Councils Website.***

Representations must be made in writing to:

### **By Post**

The Licensing Team  
Communities  
Town Hall Annexe  
St Stephens Road  
Bournemouth  
BH2 6EA

### **By Email**

[licensing@bcpcouncil.gov.uk](mailto:licensing@bcpcouncil.gov.uk)

Once the statutory consultation period has ended and acceptance of your representation, a Notice of Hearing will be sent detailing the time, date and location of the hearing to determine the matter. If you would like somebody to represent you at this hearing (e.g. Ward Councillor, Solicitor or friend) you must provide details on this form.

■ Riviera

63 Grove Road

Bournemouth

BH1 3AE

12 03 2021

RECEIVED 15 MAR 2021

Ref Licensing Application 183679 2 3 21

Dear Sirs

With reference to the licensing application for East Cliff Sandy Beach, I wish to object in the strongest and most strenuous possible terms

In the event of this application being granted, it will dramatically reduce the value of property along the East Cliff.

I did not buy my flat to have the enjoyment of the coast shattered by raucous music and noise all through the summer. Surely we who live here are entitled to appreciate our home and views without noisy and disruptive events

This application is outrageously ill thought out and will reduce the value of every single property on the East Cliff which will ultimately reduce the income of Bournemouth Christchurch and Poole Council, costing more in cleansing and policing

Yours Faithfully

■



Personal Details

Name: [REDACTED]

Address:

(1) Principal home—

[REDACTED]  
[REDACTED]

(2) Secondary home— [REDACTED]

[REDACTED]  
[REDACTED]

Email: [REDACTED]

Contact telephone number: [REDACTED]

[REDACTED]

[REDACTED] Application ref: 183679

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

Address of Premises: East Cliff Promenade, Bournemouth

(2) Application ref: 183680

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

Address of Premises: Tofts Beach, Bournemouth Promenade

(3) Application ref: 183678

Name of Premises: Beach Wedding Area

Address of Premises: Undercliff Drive, Bournemouth

## Preliminary Matters

### (A) Service of Notices of Applications

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

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

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

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

### (B) Procedural Fairness and Conflicts of Interest

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

- (2) In particular:

By paragraph 9.17 of the Guidance —

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

By paragraph 9.18 of the Guidance —

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



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

(3) It is important for BCP Council to demonstrate that there has been a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.

#### (C)BCP Statement of Licensing Policy

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

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

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

The nature of the area where the premises are situated.

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

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

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

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

Means of access to and exit from the premises.

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

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

Parking provision in the area.

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

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

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

(2) There is nothing to suggest that BCP Council have considered these matters as they should have done. The applications cumulatively affect a considerable expanse of Bournemouth's beaches and local residents living close to those beaches. The applications are in the widest terms. The proposed licensable activities are numerous and varied. However, no detailed operating schedule has been produced and no details have been given as to what the Council actually intends to allow in relation to each location.

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

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

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

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

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

#### The Reasons for Objection by reference to the four Licensing Objectives

##### (A) The Prevention of Crime and Disorder

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

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

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

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

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



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

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

#### (B) The Prevention of Public Nuisance

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

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

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

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

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

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

#### (C) Public Safety

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

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

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

(D) Protection of Children from Harm

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

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

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

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

Signed:

A black rectangular box redacting the signature.

Dated: 30<sup>th</sup> 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]

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.

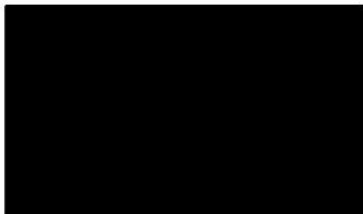
### Protection of Children from Harm

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 – Representation Form

<b>Personal/Business Details</b>	
Name: [REDACTED]	
Address: [REDACTED] Riviera 63 Grove Road	
Town: Bournemouth	
Post Code: BH1 3AE	
Email: [REDACTED]	
Contact Telephone Numbers:	Mobile: [REDACTED] Daytime: [REDACTED]

<b>Premises Details</b> <i>(Please give as much information as possible)</i>	
Application Ref: 183679	
Name of Premises: East Cliff Beach	
Address of Premises: Undercliff Drive Bournemouth BH5 1BN	

<b>Reasons for Representation.</b> Please, give information under the relevant Licensing Objective. <i>(Please note you are not required to complete all the boxes unless you feel it is relevant.)</i>	
<b>The Prevention of Crime and Disorder:</b> The granting of this licence will likely lead to increased drunken behaviour, and theft, pick pocketing on what is currently a quiet family beach.	
<b>The Prevention of Public Nuisance:</b> There will be increased noise from loud events such as discos and live bands. This carries up to the residential blocks on East Overcliff Drive. There will be increased parking issues on the East Cliff areas, with more illegal parking both on street and private property.	
<b>Public Safety:</b> Increased risk of pedestrian injury through drunk driving , Increased risk of drink fuelled violence.	
<b>The Protection of Children from Harm:</b>  	
I do not wish my details to be include in the Public Documents for the following reasons:  Privacy	

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

Signed

[REDACTED]

Dated .....14 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.**

From: [REDACTED]

Email: [REDACTED]

Home

Mobile: [REDACTED]

Dear Sirs,

Having occupied and, up until Covid, regularly used a family-owned holiday home at [REDACTED] Crag Head 77 Manor Road BH1 3JF since 2007 I wish to object to all the above Council's applications. Our flat faces directly onto East Overcliff Drive the area most likely to be affected if these Applications are granted. The block is also immediately above the subject site.

Generally, it looks to me as if the Council has not taken any account of the likely impact on the people who have accommodation in the area. I am very worried that the Applications are in the widest terms, and, that the range of activities the Council actually intends to allow on the sites is enormous and unlimited in number and frequency.

There is no limitation on the numbers of people who might attend. Even if the Council doesn't expect more than 5,000 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. This will have an adverse effect on local parking, noise, refuse and other even less salubrious detritus. Such will have a financially draining effect on council resources in servicing during and after events. Also the local police will be stretched to a point where they would be able to suitably patrol and protect the public whilst also being less able to commit resources to the Bournemouth area as a whole.

The element of safety extends also to patrolling the shoreline particularly as alcohol is intended to be served 10-22 hours and structures and/or large crowds will be located on the beaches potentially blocking views of the shoreline. Just one unfortunate fatality at the

shoreline, or one missing child, will adversely affect the reputation of this initiative and potentially stigmatise the whole operation and Bournemouth as a place to visit.

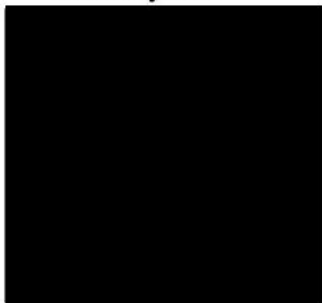
I also feel that there is a possible breach of process to give notice of these applications at a time when numerous part-time residents are unable to visit Bournemouth due to lockdown restrictions and the many elderly and vulnerable residents of the blocks likely to be affected were not going out. I only found out about the applications because a resident in our block did happen to spot a Notice posted on the East Cliff Promenade and 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.

Another concern is that given the likelihood that the undercliff road at the beaches will be closed on many occasions to facilitate the intended events this is discriminatory under S13 (a) of the Equality Act 2010 as the disabled will be unable to access the beaches whilst the physically able will. Equally those of an age who may not have Blue Badges but who cannot negotiate the steep access from overcliff to undercliff will be denied access to the beaches at such times. Many coastal locations do not have physically challenging accessways to their beaches, this is not the case at Bournemouth.

It is wholly unnecessary to extend alcohol from 10-22 hours due to potential alcohol abuse and the local resources to deal with such abuse. It is also wholly unnecessary to licence in effect 24/7, 365 days a year. Surely a far reduced time of the year; hours per day for events; and defined areas of beaches (to allow more traditional family beach enjoyment) would be preferable.

It does appear that in an endeavour to attract business and people to the area, little attention has been given to many aspects that have been outlined above.

Thank you.





RECEIVED 24 MAR 9891

Solent Pines  
29 Manor Road  
Bournemouth  
BH1 3HF

20th March 2021

The Licensing Team  
Bournemouth, Christchurch & Poole Council  
Town Hall Annexe St Stephen's Road  
Bournemouth BH2 6EA

Dear Sirs

My husband and I were horrified to learn of your application for a Premises Licence for the Eastcliff Beach.

We understand that the town needs and would like to welcome visitors once we come out of lockdown. However, we object most vociferously to this proposal.

As you can see from the above address we reside on the East Cliff and should like you to be aware of our concerns:

- a. Excess noise all day and especially late at night if an event finishes at 10.p.m.
- b. If alcohol is allowed, broken bottles will be strewn everywhere; people will be drunk and their behaviour most objectionable.
- c. Residents will feel unsafe.
- d. During the air festival which just lasts a few days it has been past midnight that people have come up the Toff Zig Zag creating disturbing noise close to residential blocks. The police presence or council enforcement has been sadly lacking.
- e. Garbage will be dumped and bins overflowing
- f. This application is far too wide in terms of the times at which events can take place, basically all day into the late evening and seven days a week.
- g. The lives of residents will be very badly impacted.
- h. We understand that the local police have raised concerns although we do not know specifically what these are.
- i. You specify that representations should be made by the end of March. This is most unfair as so many residents are not here at the moment due to Covid. This time should most certainly be extended.

We should like to propose the following:

The centre of Bournemouth needs revitalising as so many shops have gone out of business. In order to do this it would be an ideal place for events to take place as it is a non residential area which could be more easily policed.

Please take this proposal under consideration and replace "The Beach" with "The Town" while still taking into consideration our objections concerning alcohol, time limitation and noise.

Yours faithfully

[Redacted Signature]

■ Keythorpe, 27 Manor Road  
Bournemouth, Dorset.  
BH1 3ER

The Licensing Team  
Bournemouth, Christchurch and Poole Council,  
Town Hall Annexe,  
St Stephen's Road,  
Bournemouth. BH2 6EA

11 March 2021

Dear Licensing Team,

**REF: Premises Licence Application 183679 (East Cliff Beach)**

I am writing to object to the proposal to allow ongoing events and serve alcohol on the East Cliff beach under Premises Licence Application 183679.

I have two main objections.

1. Events of the nature set out in the Application will have a detrimental impact on my quality of life as a resident in a block of flats backing onto East Overcliff Drive, close to the proposed site. In addition to the noise which carries a long way from the source, the numbers and type of visitors who may be attracted to such events, will disturb or destroy the normal 'family' type of atmosphere associated with this area.
2. The creation of an 'events hub' on this section of the beach will impact many of the residents and visitors who live in the area. The same issues as point 1 are applicable. There is a danger that more of the permanent homes will be replaced by temporary lettings (eg, short term holiday/student), changing the nature of the East Cliff living area.

I have already emailed the Licensing team to obtain more information and although I received a very prompt response on location and scope of the proposed License, I have not received any information on the exact nature of events and the frequency.

I understand that Premises licences are usually for permanent premises as well as for larger events or for other situations where a 'Temporary Event Notice' cannot be given. So, I have to assume that it is anticipated that large events, on an ongoing basis, are proposed.

I also understand that as per the Licensing Act 2003, both a detailed plan of the use and an operating schedule (to show how the four Licensing objectives will be met) will have been submitted. Can you



please advise on where these documents may be inspected (or how a copy of each may be obtained).

Finally, the attraction of the beach is the beautiful shoreline and views across the water. I doubt if anyone attending one of these events will be much concerned with these, rather focusing on the performance (and would a stage or screen not obscure the views ?). The Imax cinema by Bournemouth Pier springs to mind. In sectioning off an area in this way, residents and holidaymakers will be denied the experience that have made Bournemouth so popular. Although the actual area is small, the impact of noise and on enjoyment of other sections will be much greater.

Such events can be held anywhere, so if they must be outdoors, why not utilise an inland area, away from residences but close to facilities which would benefit from attendances?

I look forward to an early response given the timings mentioned in the Notice.

Regards,

A solid black rectangular box used to redact the signature of the sender.

**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] Manor Road, Bournemouth, BH1 3JG

Email: [REDACTED]

Mobile: [REDACTED]

Dear Sirs,

I have lived in a flat at [REDACTED] Manor Road for the past 5 years and wish to object to all three of the Council's applications. Our bedroom and living room face directly onto East Overcliff Drive, the area most likely to be affected if these Applications are granted. The block is also immediately above the proposed East Cliff Beach performance site.

I am very concerned about the likely effect on my family and the enjoyment of my property if these applications are granted and will deal with my concerns under the four grounds under which I understand that representations must be made.

Generally, it looks to me as if the Council has not taken any account of the likely impact on the many senior people who live in the area. I am very worried that the Applications are in the widest terms and the range of activities the Council actually intends to allow on the sites is enormous and unlimited in number and frequency.

There is no limitation on the numbers of people who might attend. Even if the Council doesn't 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 fact that 90% of activities are said to be likely to take place between March and September makes things worse. In good weather we need to be able to keep our south facing windows open. 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 also feel that it was very unfair to give notice of these applications at a time when numerous part-time 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. Nothing was posted on East Overcliff Drive where residents affected might actually be able to read it.

**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 affected by these applications and so will have the same adverse effect on residents.

#### The Prevention of Crime and Disorder

1. The size of the area 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. We have experienced vandalism, trespass, illegal parking and disorderly conduct during the Air Show and similar beach events held previously. It is totally unreasonable for the residents to have to tolerate this every time any large event is staged on the beach, assuming that we even come to know about it in time. Last summer there were many people camping on the beach overnight who were not policed or moved on.
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. During last summer when we were inundated with day trippers who were on furlough we witnessed many people urinating and defecating in the bushes the car park known as Monkey Island. Copious amounts of litter including hot BBQs, drug paraphernalia and broken glass were left on the grass and pavement areas outside our flats.
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. All sound travels up from the beach and as we are south facing in an old building, we need to have windows open in hot weather to sleep at night. Usual noise from beach activities can often be a nuisance but when there are organised events the situation becomes almost intolerable for residents.
4. The beach becoming overcrowded and visitors to the events and others spreading all along it and causing problems late into the night is very likely and obvious 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. Last summer people parked in our private residential car park and on grass verges, sometimes blocking emergency access.

#### 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, affecting the whole community particularly excessive noise, litter, smells general disturbances of the area, anti-social behaviour and obstruction of the highway.
7. Excessive noise is clearly likely from noisy events, especially live and amplified music. There is 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. Even one single fairground ride causes a continuous thumping base noise and screaming which when multiplied literally causes headaches. Residents have no respite or escape from this noise and to have to experience this for seven days a week for 6 months of the year, would cause much misery and be very detrimental to my own and others mental health.
8. Although, 22:00 appears a reasonable time for events to cease that ignores two factors: The likelihood that noise will in fact cease at that time is in our experience very unlikely as organisers need additional time to dismantle events, set up times are also often early in the morning and visitors tend to stay in the vicinity after the events. Secondly the fact that all those affected by the events may already have had to put up with noise and disturbance for 12 hours and on previous days and nights.
9. 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.
10. Our experience of the Air Show is that people parked illegally on our private car park and trespassed on our front lawn even climbing walls and gates to get access or take a short cut and took objection when they were asked to leave.  
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 going on on the beach. The number of people who come for the weekly firework displays in the summer confirms that this is a real risk.
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. 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 will not facilitate social distancing during a pandemic.
14. 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 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. The smell of cannabis can be over whelming and we have noticed many more used syringes on the beach following such events . There are no apparent measures in place to designate safer areas for use by families or older residents who live here and who do not wish to be disturbed by the anti-social behaviours of those who attend these events. Children need to be able to play safely on the beaches particularly as many have been unable to travel to the beach during lock down.

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

**Signature:**

**Name:** [REDACTED]

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] 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.

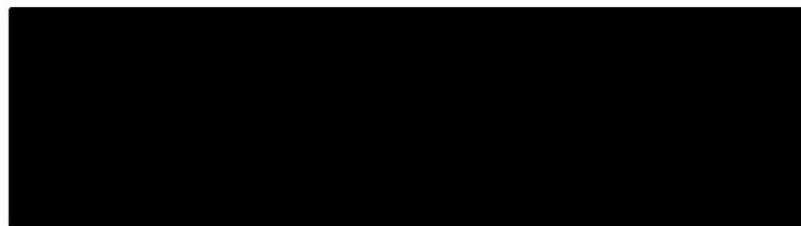
The ability for disabled people and families with young children to access and subsequently return to either end of the pier to the proposed entertainment facilities on the beach directly in front of Princes Gate are seriously disadvantageous (and furthermore from East Overcliff Drive itself, extremely 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:**



RECEIVED 15 MAR 2021

Apartment   
Riviera  
63 Grove Road  
Bournemouth  
BH1 3AE

12<sup>th</sup> March 2021

Licensing Team  
Town Hall Annex  
St Stephens Road  
Bournemouth  
BH2 6DY

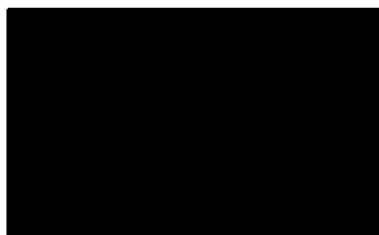
Dear Sirs,

**Licencing Act 2003 Reference 183679 East Cliff Beach**

I wish to lodge an objection to the proposed activities included in the Notice of Application. I understand that these activities could be held all year round, 7 days a week from 10.00am until 22.00pm although alcohol sales would be restricted to the months of April to September each year.

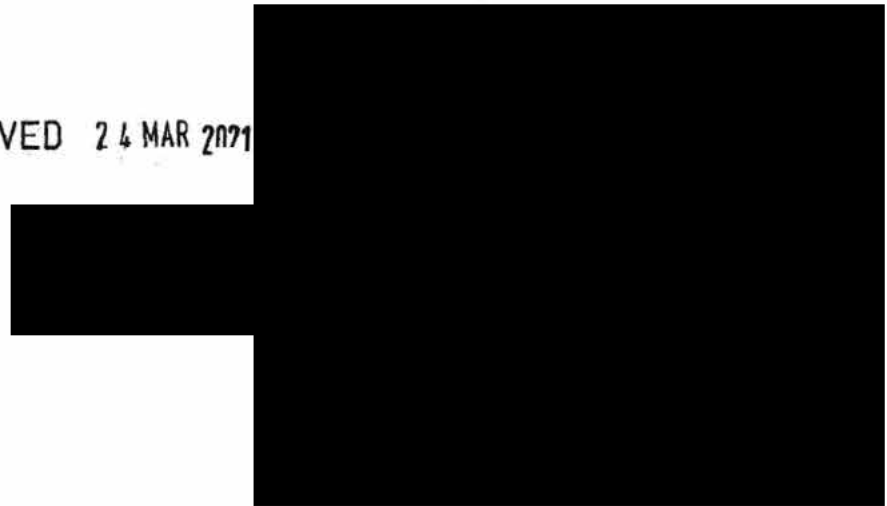
I am concerned at the potential nuisance from noise that would inevitably come from such events together with the additional problems of litter and inappropriate behaviour caused by alcohol and a lack of policing as was seen during the summer of 2020 once lockdown had been temporarily relaxed.

Yours faithfully,





RECEIVED 24 MAR 2021  
RE



**LICENSING ACT 2003 - REPRESENTATION FORM**

**PERSONAL DETAILS**

**NAME**

**ADDRESS**

Riviera, 63 Grove Road, Bournemouth BH1 3AE

**EMAIL**

**CONTACT TEL.**

**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")

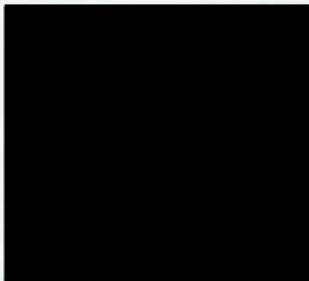
and

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

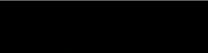
and

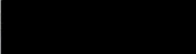
(3) Application: BCP Application Reference No. : 183678 Address: Beach Wedding  
Area , Undercliff Drive BH5 1BN.

From:




Email: 

Home tel: 

Mobile: 

Dear Sirs,

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

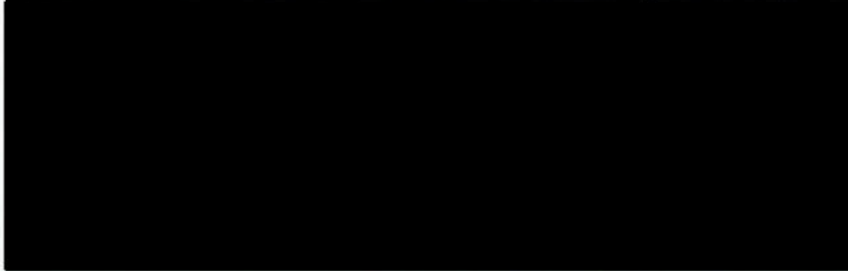
'While the Sub Committee acknowledged the concerns expressed in each of the representations, in regards to the potential increase in noise, disturbance and anti-social behaviour, *these concerns appeared to be based on a fear of what may happen in the future should the licence be granted, and although 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.



## Licensing Act 2003 – Representation Form

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

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

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

The Prevention of Public Nuisance:

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

Public Safety:

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

The Protection of Children from Harm:

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

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

[Redacted Signature]

Signed .

Dated: 28 March 2021

[Redacted Name]  
Chairman Albany Apartments Ltd.

Convenor East Cliff Blocks Chair Network representing 767 apartments  
and resident at [Redacted Address] Albany; 37 Manor Road, Bournemouth BH1 3EW

RECEIVED 29 MAR 2021

[Redacted] Solent - Dover  
Manor Rd,  
East Cliff  
Bournemouth BH1 3 HS  
26 March 2021

re Premises known as East Cliff Beach  
Undercliff Drive BH3 1BN

Dear Sir

I wish to express my objection  
to the granting of a licence to this property  
Noise from the beach area is  
already a problem particularly during  
the summer months.

Yours faithfully  
[Redacted]



cause a consequential devaluation of property values and therefore a reduction in Rateable Value of adjacent properties. Thus reducing the income of RCF Council.

It is our considered opinion that RCF Council should be concentrating their efforts on improving the town centre. They should provide a skating rink, indoor swimming pool, skate board park, Arts Centre, etc., instead of precluding over a crumbling, neglected and arid town centre.

Yours faithfully

[Redacted Signature]

[Redacted]  
Albany  
31/37 Manor Road  
Bournemouth  
BH1 3EN  
Tel. [Redacted]

11<sup>th</sup> March 2021

Licensing Team  
TOWN HALL, QUENEX  
St. Stephen's Road  
BH12 6DY

Dear Sirs/Mesdames,

We wish to object, in the strongest possible terms, to the proposed granting of a licence, LA 03 (Sandy Beach to Shoreline). It would adversely affect the quality of life of the local residents, be very bad for local wildlife, including the goats introduced by RCF Council. Many residents of the East Cliff are elderly, and even those who are not, would not relish the prospect of loud music and dancing, not to mention drunkards.

Such a licence would, inevitably,

## Licensing Act 2003 – Representation Form

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

<b>Premises Details</b> <i>(Please give as much information as possible)</i>
Application Ref: 183679
Name of Premises: East Cliff Promenade
Address of Premises: Bournemouth

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

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

Signed ... [REDACTED]  
Dated 20<sup>th</sup> March 2021.....





General correspondence and contact:  
Jon Shipp [jon.shipp@bcpcouncil.gov.uk](mailto:jon.shipp@bcpcouncil.gov.uk)  
t. 07966 712310 or association emails to:  
[bomotownwatch@gmail.com](mailto:bomotownwatch@gmail.com)

To:  
[licensing@bcpcouncil.gov.uk](mailto:licensing@bcpcouncil.gov.uk)  
[sarah.rogers@bcpcouncil.gov.uk](mailto:sarah.rogers@bcpcouncil.gov.uk)

Date: 15-03-2021

Dear Sarah Rogers,

**Representations from Bournemouth Townwatch with respect to licence application: East Cliff Beach. 183679**

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

**Public Safety:**

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

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

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

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

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

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

Operating plans / policy:

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

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

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

Regards,

Alan Dove  
Chair Bournemouth Townwatch



**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,

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

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

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

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

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

#### The Prevention of Crime and Disorder

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

#### The Prevention of Public Nuisance

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

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

### Public Safety

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

### Protection of Children from Harm

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

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

Yours faithfully

A solid black rectangular box used to redact the signature of the Chairman.

Chairman of the Board of Directors of Princes Gate Limited.



## Licensing Act 2003 – Representation Form

From:

[REDACTED]

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

Email:

[REDACTED]

Tel:

[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

[REDACTED] Princes Park Avenue, London NW11 0JS

Telephone: [REDACTED]

email: [REDACTED]

*The Licensing Team,  
Bournemouth, Christchurch and Poole Council,  
Town Hall Annexe,  
St Stephen's Road,  
Bournemouth BH2 6EA*

*and by email: [licensing@bcpcouncil.gov.uk](mailto:licensing@bcpcouncil.gov.uk)*

*16<sup>th</sup> March 2021*

*Date Sir/Madam,*

*Premises Licence Application for the East Cliff Beach no.183679*

*We own a holiday home at [REDACTED] 27 Manor Road, Bournemouth, BH1 3EH, the grounds of which lead out directly on to East Overcliff Drive, and with the main bedroom and reception room facing in that direction.*

*In recent summers, we and other residents in flats on the East Cliff have been disturbed, often at night and into the early hours of the morning, by loud music, noise and shouting coming from groups on the beach and East Overcliff Drive. The above application will only worsen the situation, as sounds from the beach can often be clearly heard in the flats.*

*Additionally, approval of the above application will result in the whole character of the beach and East Overcliff Drive changing from what are normally quiet and relaxed areas to noisy and crowded regions, particularly late at night after the entertainment ends and youngsters, some inebriated, crowd together.*

*The suggested events will tend to attract some visitors who care little for the environmental aspect of the East Cliff region. Last summer, in spite of the pandemic, we saw on occasion substantial crowds in this area with parking problems leading many to park on grass. Some individuals were using the hedges outside blocks of flats*

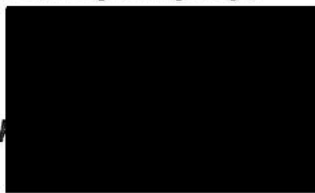
*inappropriately - on one occasion a fire was started on the pavement of East Overcliff Drive. The situation will undoubtedly get much worse if young people are drawn into the area by the lure of entertainment and alcohol.*

*On the East Cliff the mainly elderly residents accept that there will be some noise and some disruption on occasion due to its prime position, attracting holiday makers and also young people from a considerable area around Bournemouth. They accept this, as well as occasional noisy events such as the air show. However, to use the East Cliff as an entertainment focus, drawing in so many people who would create problems and disrupt lives, is clearly wrong and unfair.*

*The entire East Cliff area is not well reserved with the type of road and parking facilities needed for mass events, as evidenced by the major adjustments to normal road usage needed during the Air Show.*

*I would urge the Council to refuse approval of this application.*

*Yours faithfully,*

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

**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, DORSET. BH1 3AW

Email: j [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

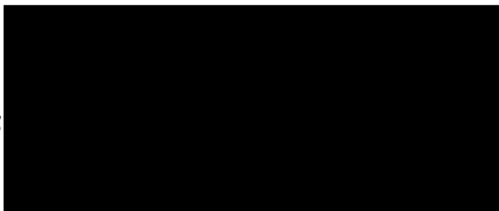
Not wishing to repeat most of the above objections we would just add that it is obvious the effects on public safety will be made much worse by attracting uncontrolled numbers of people to entertainment events with alcohol sales being unrestricted. There will be a vast increase in the use of Undercliff 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

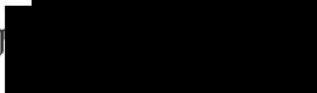
It is also clear to us that little thought has been given to families who regularly make use of the beach and its amenities through the whole of summer and beyond. Young children are trusted to wander off to the toilets and to buy refreshments, they will have to contend with excess crowds making it difficult 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.

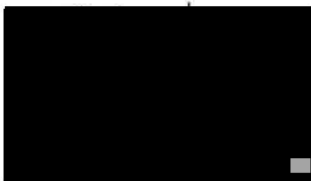
Signature:



Name: J



Signature:



Name:

Licensing Act 2003 – Representations

Personal Details

Name:

Address:

(1) Principal home –

(2) Secondary home –

63 Grove Road,  
Bournemouth BH1 3AE

Email:

Contact telephone number:

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

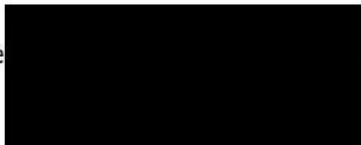
(1) The open beachfront locations and inability to control such large areas before, during and after events poses a significant risk to children and young persons, with ready access to alcohol if there are off sales.

(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.

Signe

A black rectangular box redacting the signature.

Dated: 22 March 2021



## Premises Licence Application for the East Cliff Beach no.183679

We are writing to you regarding the above application for a license.

We have owned a flat on East Overcliff Drive now for a few years.

The reason we and others bought a flat here is because it is a quiet area ,compared to other parts of Bournemouth. If this application is given the go ahead it will change the area completely. One does not have to be a rocket scientist to know that allowing the sale of alcohol will completely change the face of the area. It will be become crowded and noisy especially late at night. We know that once bars etc close the people stay around and make noise and drink their own alcohol.

In the summer residents in flats on the East Cliff have been disturbed, often at night, by loud music, noise and shouting coming from groups on the beach and East Overcliff Drive. This will get substantially worse if this application is accepted. Sounds from the beach can often be clearly heard in the flats.

The suggested events will tend to attract some visitors who care little for the environmental aspect of the East Cliff region. Last summer, in spite of the pandemic, we saw on occasion substantial crowds in this area with parking problems leading many to park on grass. Some individuals were using the hedges outside blocks of flats inappropriately - on one occasion a fire was started on the pavement of East Overcliff Drive. The situation will undoubtedly get much worse if young people are drawn into the area by the lure of entertainment and alcohol.

On the East Cliff the mainly elderly residents accept that there will be some noise and some disruption on occasion due to its prime position, attracting holiday makers and also young people from a considerable area around Bournemouth. They accept this, as well as occasional noisy events such as the air show. But to use the East Cliff as an entertainment focus, drawing in so many people who would create problems and disrupt lives, is clearly wrong.

I do hope that the council will reject this application and allow us to enjoy the peace and normality that we have known over our years here in Bournemouth.

Kind regards

21st March 2021

Dear Sir or Madam

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

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

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

Perhaps the council members should now be concentrating on our poor town centre, which looks like a ghost town, how about , leaving the beaches, for what they were intended for, family holidays and relaxation , and taking your entertainment plan into the town centre? I would appreciate your comments on this, and look forward to hearing from you.

Yours sincerely

My opposition is to the following applications

Number 183677

Number 183679

Number 183680

Good morning,

I refer to the application for a premises licence for East Cliff Beach in respect of facilities for a range of entertainments.

I represent the residents and leaseholders of Keythorpe, a block of flats overlooking East Cliff Drive. We were all shocked to learn of this application, and I know this to be the case for those in other blocks. It is a fact of life in this area that in the summer we are disturbed, not infrequently, by music of sorts, other noise and shouting late at night from the beach. The sound often carries right up to the flats and can go on until quite late and often, I think, relates to the fact that some of the younger people have been drinking just a little too much. We put up with this as best we can, normally uncomplaining and accepting that this beautiful area attracts many young people some of whom, unfortunately, behave badly.

This proposal, the application for a premises licence for the East Cliff Beach, adds a whole new dimension to this problem. There seems little doubt that the sounds from the entertainment area will be very disturbing to so many people - and many elderly and unwell people - who look for little more than a reasonably quiet and relaxed life in their final years. It will add substantially to the noise and disturbance we already experience. Perhaps the most distressing aspect will be that many who attend these events, some of whom will no doubt become inebriated, will stay on after the events have finished and noisily crowd the beach area and East Overcliff Drive. All our experience suggests that this will be the case, and that these people will remain for a considerable time. The disruption to the lives of those who live here in this area of the ward could be quite devastating.

We object strongly to this proposal on the grounds that it will detrimentally affect so many people, mainly elderly people, some unwell, who have moved to this area for peace and relaxation in their final years.

I trust the council will note this objection and take the appropriate actions to ensure the proposal is turned down.

Regards,

Dear Sir/Madam.

My wife & I are very concerned & distressed regarding the notice of proposed activity in the summer on the East Cliff. As residents who live facing the sea, the noise day & night will be unbearable not to mention the excess traffic everywhere. We feel there has been no consideration for all the residents living nearby. Bournemouth is a delightful town to live in albeit it is not without other problems. It is not always disabled friendly. I am disabled & use a mobility scooter which is not easy as the pavements are very uneven which has caused me to fall off the scooter on three occasions. There is a lack of indentations on the the kerbs which make crossing the road very difficult.

We hope you will take all these issues very seriously as we do.

Looking forward to an early response,

Yours sincerely,

Reference:

183679 2 March 2021

Dear Sirs

With reference to the above licensing application for East Cliff Sandy Beach, I wish to object in the strongest and most strenuous possible terms.

In the event of this application being granted, it will dramatically reduce the value of property along the East cliff

I did not buy my apartment in order to have the ambience shattered by raucous music and noise all through the summer, surely we who live here are entitled to appreciate our home and views without noisy and disruptive events

This application is outrageously ill thought out, and will reduce the value of every single property on the East Cliff, which will in the end affect the revenue of Bournemouth, Christchurch and poole council, and cost more in terms of cleansing and the policing needed, and should not be given considration

Your Faithfully



To whom this may concern

We are residents of the Eastcliff, and live in number ..... Keythorpe on Manor Road.

We are very concerned about the proposal to allow entertainment, loud music, sale of alcohol in the area , this summer.

The whole character of the beach and the East Overcliff Drive will change from a relaxed and peaceful area, to a noisy environment, with crowds of people, some inebriated.

This will undoubtedly cause a disturbance and disruption to the relaxed atmosphere which we do enjoy.

We know that , generally, there is some extra noise in the summer, with the Air Show attracting many people to the area, and we accept this as part of the atmosphere.

However, to use the East Cliff as an entertainment hub, causing noise and disruption , cannot be accepted.

We hope you will consider our views and we thank you for your help and understanding.

Sincerely,

**Re: BCP Council application for a Premises Licence dated 2<sup>nd</sup> March 2021 under the Licensing Act 2003 for the premises known as Eat Cliff Beach, Undercliff Drive, BH5 1BN.**

As a resident of East Cliff I would request the Licensing Authority take into consideration the following matters:

1. The application is too wide ranging, not only in the terms of the type of entertainment – plays, films live and recorded music, dance, sporting events, parades, circus and the all encompassing “entertainment of similar description” including the sale of food and alcohol – but it also seeks permission for such activities jointly or severally all day between 10am and 10pm at night seven days per week.
2. Noise:
  1. Excess noise all day and potentially every day, especially late at night if an event finishes at 10pm.
  2. From experience of the air festival, the wheels festival and firework displays, no noticeable presence of any council enforcement officers or police to enforce the closing times and encourage people to disperse immediately. It has been past midnight that people have come up the Toft Zig Zag creating disturbance and noise close to residential properties.
  3. The level of noise from the air festival and other events like the fun fair located on the beach close to the Toft Zig Zag and the pop concert staging at either pier has been excessive without any consideration for the impact on the residents on top of the cliffs.
3. Public safety:
  - a. Intoxicated and abusive behaviour as evidenced during the air and wheels festivals.
  - b. People jumping the fence on East Overcliff Drive, Manor Road to get to the cliff edge.
  - c. The Toft Zig Zag and passageway between Manor Road and East Overcliff Drive is used as a public toilet.
  - d. Garbage including broken alcohol bottles just dumped and overflowing litter bins. This is a regular and recurring problem year on year on East Overcliff Drive even without the increased numbers generated by special events. I have regularly complained to BCP Council about this via their web site.
4. Car parking:

During the summer season car parking spaces in and around East Cliff are always in short supply even during the air festival when park and ride facilities are provided. This results in parking on private property, obstructions to driveways and parking on any accessible space including double yellow lines. There is little council and no police enforcement. This is a major concern, inconvenience and irritation for residents. BCP Council are well aware of this hence the introduction of ‘tow away zones’ last summer. Unfortunately too little too late.

In short the application is too wide ranging seeking permission for all manner event/events jointly or severally basically all day, into the late evening, seven days a week without any consideration whatsoever for residents in properties on the top of the cliffs.

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

To whom it may concern--

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

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

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

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

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

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

Yours

Dear Sirs

It has been brought to our attention that BCP Council has applied for an LA03 Premises Licence application for East Cliff Promenade, Bournemouth.

Bournemouth Council has made “interesting” decisions historically, but this is probably one of the poorest ideas put forward by the Council, for the following reasons:

1. The East Cliff beach is below a significant residential area of primarily blocks of flats and some houses. A considerable number of residents will be adversely affected by the noise intrusion emanating from the beach. Noise travels.
2. During the summer months the amount of vehicles endeavouring to park in this quiet residential area in order to access the numerous events that are listed in this application will totally overwhelm the available parking spaces, and no doubt lead to illegal parking (similar to that which occurred during 2020)
3. The number of toilets that will be required for the patrons of these events will either detract from the promenade’s present beautiful beach with numerous blocks of toilets being constructed on the promenade or will result in patrons performing their ablutions wherever they wish to do so
4. Bournemouth is known for its miles of beautiful beaches allowing visitors and their children to enjoy the sea and sand. Visitors come to Bournemouth because of its attributes and will be deterred if the beach is turned into a family unfriendly commercial environs
5. If it is the Council’s wish for events of this nature to take place, it should be highlighted that the expensively and regularly paved area by Bournemouth Pier (where the now destructed cinema was allowed to be built) is absolutely perfect for events of this nature. In addition this is the area where many visitors head when visiting Bournemouth, and it would be expected that activities of this nature would be by the Pier, not spoiling the quiet enjoyment of the promenade and beach below the East Cliff
6. Another area that would be more than suitable for these activities would be Bournemouth Centre. Surely it is of concern to the Council that many of the stores and shops have closed down leaving it an undesirable area for visitors to the town. Take over some of these premises for these events and you will attract visitors of all ages to the town and help solve the town centre problem
7. Why the East Cliff? If the Council is insistent that they are looking for new revenue, surely a better place to host activities of the nature listed in this application is below BIC. There is an obvious connection between the BIC and its activities (from concerts and shows to conferences) and entertainment of the type listed in this application.
8. It should also be pointed out that the present council is holding on by a thread, and in the next Council elections the balance of power will easily change if an ill thought out scheme such as this proceeds.

We would ask that this application be rejected.



I write in connection with Application 183679

I live at

..... Keythorpe

27 Manor Road

Bournemouth

BH1 3ER

I object to the above application on several grounds. .

The East Cliff is primarily a residential area with houses flats and hotels.

If the proposal is accepted, the whole character of the Beach and East Overcliff Drive will change from what are normally quiet and relaxed areas to noisy and crowded regions, particularly late at night, after the entertainment ends and the people crowd together, some well inebriated .

At present, in the Summer, residents on the East Cliff are often disturbed , sometimes, late at night, by loud music,noiseand shouting , coming from groups on the Beach and East Overcliff Drive. This will certainly get worse if the above application is approved. Noise from the Beach can often be heard by residents on the East Cliff, particularly, late at night.

The suggested events will tend to attract who have no consideration for the enviromental aspect of the East Cliff region

Last Summer, in spite of the pandemic, we saw on occasions large crowds in this area with parking issues , leading many to park on the grass areas. Some were using the hedges outside blocks of flats inappropriately . There was even a fire started on the pavement of East Overcliff Drive. The situation will, undoubtedly, become much worse if people are drawn to the area by the lure of entertainment, music and alcohol .

The mess left will be unacceptable and will be another heavy expense for the Borough.

We accept, that there will be noise and some disruption on East Cliff occasionally due to its location. The area certainly attracts young hoilday makers and families.

We , obviously, accept this and realise that there will be the occasional Summer event, particularly the Air Show, which is fine.

However,to use the East Cliff as an entertainment focus , drawing many people in, will certainly disrupt lives greatly and create problems.

This application is clearly wrong .

Yours

Hi, I'm writing to object to this council proposal to turn our lovely respectable town and beach, into a seaside shambles. I live on the east cliff and enjoy the wonderful life we share in this beautiful seaside town .Please don't spoil it.We have experienced the mess that can happen last year .We know you have had a hard time financially,but don't sell out.  
Thank you yours sincerely

To the Members of BCP Council

I am writing to protest in the strongest terms about the proposed licensing approval under reference 183678.

The granting of unlimited allowance of live music, recorded music and the supply of alcohol on a public way (ie the east cliff promenade) will result inevitably in anti social behaviour, intrusive loud noise, an increase in litter and other such unwanted consequences. The east cliff is a residential area and as such is unsuitable as a non-stop entertainment location. There was supposed to be an area at Bournemouth pier for concerts etc and this surely is a more appropriate setting, away from residential property.

The promenade is used by the older generation and families for enjoyable sea-side recreation, not for enduring loud music and alcohol-fuelled behaviour.

I cannot believe that any member of the council would vote for this recommendation if he or she lived near the proposed location.

This matter has come to my attention only because a friend, walking along the promenade, saw the notices. Surely this proposal should have been circulated more widely to those residents who will be so adversely affected?

Again, I register my protest most strongly,

**Premises Licence Application for the East Cliff Beach no.183679**

**29 March 2021**

..... Princes Gate

55 Grove Road

Bournemouth

BH1 3AW

Dear Councillors

On the East Cliff the mainly elderly residents accept that there will be some noise and some disruption on occasion due to its prime position, attracting holiday makers and also young people from a considerable area around Bournemouth. They accept this, as well as occasional noisy events such as the air show. But to use the East Cliff as an entertainment focus, drawing in so many people who would create problems and disrupt lives, is clearly wrong.

If accepted the whole character of the beach and East Overcliff Drive will be changed from what are normally quiet and relaxed areas to noisy and crowded regions, particularly late at night after the entertainment ends and youngsters, some inebriated, crowd together. In the summer, residents in flats on the East Cliff have been disturbed, often at night, by loud music, noise and shouting coming from groups on the beach and East Overcliff Drive. This will get substantially worse if this application is accepted. Sounds from the beach can often be clearly heard in the flats. The suggested events will tend to attract some visitors who care little for the environmental aspect of the East Cliff region. Last summer, in spite of the pandemic, we saw on occasion substantial crowds in this area with parking problems leading many to park on grass. Some individuals were using the hedges outside blocks of flats inappropriately - on one occasion a fire was started on the pavement of East Overcliff Drive. The situation will undoubtedly get much worse if young people are drawn into the area by the lure of entertainment and alcohol.

Our early experience of the Air Show was that people parked illegally on our private car park and trespass on our front lawn after climbing walls and gates to take a short cut to Grove Road. Every year the Air Festival is held we have to erect security fences and employ a security guard to protect the residents and their property.

Consideration should be given to changing the Council Tax Bands in favour of seafront properties.

Address ..... Crag Head, 77 Manor Road,

Bournemouth

BH1 3JG

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.



Licence application 183679

Dear Sir,

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

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

Yours faithfully,

Dear Sir,

I am writing to object most strongly to the council's application for entertainment licences along Bournemouth beach.

I live approximately half way between the piers on the East Overcliff Drive and chose this area because of its peace and quiet. We have very little trouble from visitors apart from the air show week. Thankfully, that is only once a year but if you grant the application this could be all year round.

Given my experience with other events held close to the Toff zig zag, I am specifically objecting to the licence for the following reasons:

### **Prevention of Crime and Disorder:**

It is a fact that some people become violent and threatening after consuming alcohol. The police have insufficient resources as it is to patrol the town centre. If officers are deployed to the seafront, either the town centre becomes even more unsafe or tax-payers' money must be spent for the extra resource. Have you sought the views of our local police as they must have concerns surrounding the potential crime, disorder and safety of anybody attending events?

### **Prevention of Public Nuisance**

Music being played will be intolerable, especially late at night if an event does not finish before 10 pm.

The level of noise from the air festival and other events, like the fun fair located on the beach close to Toff Zig Zag, has been excessive without any consideration for the impact on residents on the top of the cliffs.

At the air-festival, there is little sign of council representatives or the police encouraging people to disperse after closing time. People come up the Zig Zag making a lot of noise well past midnight.

Please consider the age of residents along the East Cliff. Many residents are retired and elderly and, like me, chose to live here for it's peace and quiet, away from the town centres of Boscombe and Bournemouth. The licence would make me and many of my friends here unhappy and it would be unacceptable for us to be woken late at night by the noise on the seafront and people returning to their cars immediately outside where I live.

### **Under the Protection of Children From Harm**

Many families with children use the beach away from the two piers as it is safer away from the crowds. The granting of a licence allowing people to consume alcohol whilst listening to music will drive such families away to the detriment of the tourist industry here.

## **Under Public Safety**

There will be the broken glass alcohol bottles that we see at the air show. Providing plastic glasses will not stop this as people bring their own bottles.

During previous events, people have jumped the fence on the cliff top in order to sit on the edge. Others have been seen climbing the cliff, I suspect after drinking too much alcohol.

At the air show, people urinate on the zig zag and this will extend to Overcliff Drive as people return to their cars.

## **General**

Granting permission for these events to be held from 10am to 10pm 7 days per week would be madness. Perhaps the people behind this application should imagine music and people drinking outside their homes all day and every day.

The council should be doing all they can to preserve the residents' enjoyment of this lovely area - this would achieve the absolute opposite.

Yours faithfully

We strongly object to this Application.

In general, it would completely change the nature of the area of East Cliff, which is a quiet haven for all people to find respite, away from the busy - ness of the commercial areas of Bournemouth - which have developed near to the piers and in the central areas of the town. This is the beauty of Bournemouth as it has developed thus far - quiet, more 'natural' areas, and areas of entertainment and commerce. Please do not destroy this excellent plan, and keep the distinct areas, with their distinct benefits, separate.

In particular, our objections are:

- There is a highly residential area above the Undercliff. Noise at night means we won't be able to sleep. A 10pm cut off for activities does not mean, as we all know, that the noise will stop then. It doesn't.
- As mentioned above, there are already areas in Bournemouth more suited to holding the type of activities you are applying to hold at East Cliff. They have the infrastructure that you need to host such activities - for example toilets and parking, which East Cliff does not.
- Who is going to police the 10 pm cut off time? There are so many rules broken all the time already on the East Cliff beaches - and that's just by day - jet skis too near to the shoreline, drug use, dogs on beaches where they are prohibited, bike riding at times it is not allowed. If we have no effective enforcement by day, we certainly won't get it at night.
- Who is going to man the 'phones out of hours to take calls about noise nuisance? There certainly isn't anyone doing it now - and that's without any of the extra activity you are planning for the area.

Thank you for considering our representation.



To the Licensing Team BCP Council

I am writing to protest most strongly against your Notice of Application East Cliff Beach ref 183679.

There seems to be no appreciation of the disruption the proposed activities will cause to the residents of the East Cliff.

Any loud activity on the beach is heard all along the Over Cliff and can make life for residents exposed to such noise intolerable.

The East Cliff beach is a destination for families who will be driven away by the proposed activities with the resulting excess litter, anti-social behaviour and parking difficulties.

I consider it underhand that the notices have not been posted along the Over Cliff and have therefore not been given full exposure to local residents who will be most affected by the proposals.

Dear sir,

I read with utter dismay, the council's notice for an application to the BCP council licencing authority and I wish to object to it.

This area has to endure all the noise and disturbance that the air show brings every year and now there is a proposal to allow entertainment involving music and alcohol every day, all day from April to September. The air show is tolerated as the local residents know well in advance as to when it will be staged and can either escape or bear with all the issues listed below knowing it is for just four days.

These are the issues we experience whenever events are held on the seafront.

**Under the Prevention of Crime and Disorder:**

The licencing authority will be well aware how some people become violent and threatening due to the effects of alcohol. The police have insufficient resources to patrol the whole of the town centre. If officers are deployed to the seafront, either the town centre becomes even more unsafe or the tax-payer must foot the bill for the extra resource. I would ask you to consider carefully any views expressed by our local force as they must have concerns surrounding the potential crime, disorder and safety of anybody attending events.

**Under the Prevention of Public Nuisance**

Excess noise all day, especially late at night if an event finishes at 10 pm.

At the air-festival, there is little presence of council officers/police to enforce the closing time and encourage people to disperse immediately. Often, people have come up the Toff Zig Zag creating disturbing noise close to residential blocks well past midnight.

The level of noise from the air festival and other events, like the fun fair located on the beach close to Toff Zig Zag, has been excessive without any consideration for the impact on residents on the top of the cliffs.

Please bear in mind the age profile of residents along the East Cliff. Many are retired and elderly and chose the area for it's peace and quiet, away from the town centres of Boscombe and Bournemouth. The proposed licence would bring distress to many residents and it would be unacceptable for us to be woken (if indeed we could get to sleep) in the early hours of the morning.

**Under the Protection of Children From Harm**

The beach between, and away from, the two piers is a haven for families with children and is an area where I regularly take my grandchildren. Given the bad behaviour of people under the influence of alcohol that I have seen in our town centre, I certainly will not be taking them there should events involving music and alcohol be taking place. The proposed licensing hours mean we will not be able to use the beach at any time of the day.

### **Under Public Safety**

People have been seen jumping the fence on the cliff top in order to sit on the edge. Others, climbing the cliff face, presumably under the influence of alcohol.

At the air show, the zig zag becomes a public toilet and this will extend to Overcliff Drive as people return to their cars unless the council are proposing to treat us all to the view of portable toilets!

There will be the broken glass alcohol bottles that we see at the air show. This will not be prevented by the dispensing of plastic drinking vessels as people bring their own supplies to such events.

### **General**

To seek permission for these events to be held from 10am to 10pm 7 days per week is absolutely ridiculous. Even the most respected licensee in the country should not be granted a licence to broadcast music without any comment on its noise level whilst serving alcohol all day on a, hitherto, peaceful and family-orientated beach front . The fact that it is the council applying for the same should not persuade the licensing authority to grant this application.

Yours faithfully

Dear BCP Council

I moved with my family to Bournemouth from London in 2005 to enjoy a more relaxed and pleasant life style, which I was told I would have living here.

Unfortunately after moving in to our flat in Solent Pines, which is situated on East Overcliff Drive we started to experience incredible anti social behaviour on the Overcliff directly opposite our home.

This behaviour went on every evening well past midnight for getting on for a year, maybe even longer as it was happening before I moved in.

It consisted of "Boy Racers" driving dangerously up and down the road, and at one time a car smashing into a wall of a hotel and killing the driver. Many cars parking up and played music incredibly loudly, with the doors and boots open on their vehicles. occupants of these cars setting light to gas canisters and setting fire to the bushes on the cliff top. also using the bushes on the cliff top as a place to urinate.

The Police were regularly called but unfortunately they could not sort the problem.

After many months of complaints to the council by many residents, and making personal representation at Town Hall committee meetings, and also having discussions with the local press we managed to finally find a solution and disperse the Boy Racers.

Moving on from that terrible time, we still have problems on the east cliff, for example Men urinating on the cliff top and also by the entrance to our block of flats, and if we approach these people we are either ignored or told to ..... off.

People often climb over the fence onto the cliff top which is highly dangerous, and the cliff top gets covered with litter.

It happens during times when visitors from out of the area are present.

We are also subject to very loud music coming from down on the undercliff well into the night when visitors are here.

The noise from people coming up Toft zigzag at night to get into their cars that are parked on the cliff top is incredibly disturbing.

I have pointed out some of the things that are still carrying on when visitors are here, and I could easily list more.

I very much appreciate and accept that we need these visitors for the livelihood of the town, and also the four days of the Air show which goes on from midday to very late into the evening, and is extremely loud, is also acceptable, but to increase the licencing for more activities on the beach front, seven days a week, and having alcohol being served, even with a meal, which by the way food is not on your list of activities applied for, from April until September is only going to fuel more and more disturbance to the residents on the east cliff.

I would be very grateful if you would reconsider your application and would you please register my objection to this application.

We are writing,as residents of Solent Pines on the East Cliff,to express our extreme concern about the above application

There will be too much noise caused by the proposed development,especially late at night when people disperse.

The Toft zig zag will become increasingly unsafe with the anticipated crowds and there is already increasing evidence of urination and broken alcohol bottles.

The application is far too wide in terms of the times at which events can take place ie all day,late into the evening and seven days per week.

Residents of the East Cliff are entitled to peaceful enjoyment of their sea front properties and the Council should be supportive of this.

The Air Show has caused many problems in terms of noise,litter and antisocial behaviour.This proposal will just create more of the same.



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

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.

Dear Sir/madam,

I am writing to record my objection to the Application for a premises licence for East Cliff Beach, Undercliff Drive, BH15 1BN.

As the owner of Flat ..... Solent Pines, 29 Manor Road, BH1 3HS, we are regularly exposed to the after effects of social events held on the East beach and Undercliff drive.

It is very irritating when you are awoken in the small hours by rowdy behaviour of revellers leaving the beach and disgusting when you see the state of the zig-zag opposite our apartments. On many occasions, urination and defecation on the zig zag make it undesirable to use on the day(s) after an event.

Whilst I do not object to the holding of beach events entirely, the open-ended nature of this licence application would give the council the authority to hold unrestricted numbers of events. This cannot be agreed to.

Also the council have shown in the past poor sense of responsibility for controlling the behaviour of attendees and the mess and damage they leave behind.

Lack of responsibility in this respect is evident in the fact that the licence application notices have not been posted on East Overcliff Drive, where those most affected would be more likely to see them. Also, it is almost impossible to find contact details for the appropriate council department, where you can report areas that need urgent attention. These should be permanently and prominently posted in the area.

I accept that these responsibilities are an unwelcome expense for the council to bear, but they do have a duty to local residents in these matters and this should be a condition of any licence granted.

Money surely cannot be the issue here, when they have spent thousands unnecessarily, to fence-in unwanted goats on the cliff side.

I would like to see any licence granted restrict the total number of events that can be held to a reasonable number per year. Each event should have a reasonable finish time. The council should be obligated to effectively marshal the attendees until they have departed the area, including East Overcliff, which will likely be the main parking area for visitors to such licensed events, and to clean and sanitize the area immediately following an event. CCTV monitoring of the zig-zags and the adjacent street areas would seem an obvious pre-requisite.

I look forward to your confirmation.



Dear Amy

Thank you for your email below dated 29 March 2021.

Unfortunately, your email does little to allay my concerns in relation to BCP's licence applications 183678, 183679 and 183680 for the following reasons:

(1) I note that rather than being a response to my representations dated 22 March, you have sent me what is essentially your standard response to resident objections. It might have been more helpful had you actually sought to answer the specific matters raised by me in my representations. .

(2) You state that "BCP Council have applied for new premises licences and variations on existing premises licences to allow for the increased provision of outside restaurants to operate along the beach over the summer to meet the expected demand from visitors. These would be a well-managed restaurant provision whereby alcohol is only available as part of a seated meal...". However you have not limited your applications to such activities. The applications are extremely general and in the widest terms. The proposed licensable activities referred to in the applications 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 allow in relation to each location.

(3) You state that "...there are times when [BCP Council] permit events to use the seafront...", but that "There are currently no plans for any events and the purpose of the licences is to be able to offer the seafront catering experience detailed above. Should this not continue, there would be the opportunity for public events should a request come in.....". In addition, you state that "... The premises licences can also be used for community event organisers who wish to put on an event with regulated entertainment". This serves to illustrate the extremely vague nature of the Council's proposals. Further the concern is that the effect of the applications, if granted, would be to permit the Council to have the unfettered ability to make use of the seafront as they see fit and to circumvent the controls and safeguards of having to make individual applications for each licensable activity. It is for that reason that the applications are an abuse of the licensing regime.

I am copying this email to the Senior Licensing Officer Sarah Rogers for her information.

Yours sincerely

Dear Sarah

Thank you for your three emails and attached letters dated 5 April 2021 giving formal notice of hearing of the three applications 183679, 183680 and 183678 scheduled for 20-21 April 2021.

I attach completed notices of hearing in respect of the three applications. You will note that I have indicated that my current intention is to speak at the hearings and that I estimate that it will take me 20 minutes to make any oral representations. My oral representations will be the same for the three applications.

I am not sure why applications 183679 (East Cliff Beach) and 183680 (Tofts Beach) are being heard on 20 April, whereas application 183678 (Beach Wedding Area) is to be heard on 21 April. Since the issues appear to be the same, it would seem sensible for all three applications to be heard on the same date of 20 April. Is this possible and, if not, why not?

If there is any new information or documentation relied on by BCP Council, it should be emailed to myself and other objectors as soon as possible and in any event not less than 48 hours prior to the hearings to enable myself and other objectors to properly consider it, bearing in mind that the hearings are to be held remotely via Microsoft Teams.

I otherwise have the following additional comments on your attached letters:

1. The Seafront and Event departments are not the Applicant. The Applicant in each case is BCP Council. The Seafront and Event departments are merely part of BCP Council.
2. The Seafront and Event departments have not sought to commence mediation with me.

As you are aware, on 29 March 2021 Amy Harris (Admin and Finance Officer – Destination and Culture) sent me what was essentially her standard response to resident objections, to which I replied by email on the same date. Amy Harris responded on 1 April 2021, to which I again replied by email on the same date.

I would ask that the exchange of emails between Amy Harris and myself on 29 March and 1 April 2021, in respect of which you were copied in by me, should be included in the documentation to go on the relevant files and in the reports to the Licensing Committee, since I consider they will assist the Licensing Committee in understanding the issues relevant to the three applications.

Please let me have a copy of the reports to the Licensing Committee before the hearings.

3. Please confirm whether each of Dorset Police, Environmental Health and Bournemouth Town Watch had copies of the representations of objectors, including myself, before agreeing conditions.

Please let me have a copy of the Environmental Health representations to the applications which you say have been withdrawn.

Please let me have copies of any conditions agreed with Dorset Police and Bournemouth Town Watch in respect of the three applications.

4. I raised three preliminary matters in my representations dated 22 March 2021. The Licensing Committee may consider that the first issue of service of notices of the applications, and the second issue of procedural fairness and conflicts of interest (based on paragraphs 9.17 and 9.18 of the Revised Guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003), should be addressed at an early stage of the hearings.

In relation to the second issue of procedural fairness and conflicts of interest, as you are aware I have taken the point in my representations that 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. These matters are solely within the knowledge of BCP Council and the Licensing Authority. I would therefore request that as soon as possible and not less than 48 hours prior to the hearings BCP Council and yourself should confirm in writing that there has been no breach of paragraphs 9.17 and 9.18 of the Guidance and if there have been any such communications that full disclosure is made of the communications as soon as possible and again not less than 48 hours before the hearings.

The third preliminary matter raised in my representations relating to non-compliance by BCP Council with paragraph 12.12 of the BCP Statement of Licensing Policy 2020-2025 and the issue of abuse of the licensing regime is relevant to the determination of the Council's applications on the merits and might be considered at the same time as the reasons for objection by reference to the four licensing objectives.

Finally, I would ask that a copy of this email and any response should also be included in the documentation to go on the relevant files and in the reports to the Licensing Committee.

Please acknowledge safe receipt by email.

Dear Mr Wulwik

Thank you for your response.

I shall make a note of your request to speak for 20 mins in support of your representations.

The reason why East Cliff and Tofts Beach are being heard on the 20<sup>th</sup> April 2021 is because they are the two new applications. The three variation applications will take place on the following day.

It is clear that the applicant is BCP Council but there must be a point of contact which is the Service Director for Destination and Culture, Mr C Saunders. He has been working closely with our Events department who manage the events on their sites which is why reference is made to them jointly.

I had been advised by Events that they were writing to all persons who had made a representation to further explain the purpose of the applications, the plans for the sites and an attempt to provide more detail and understanding. I have seen your email exchange with Amy Harris and will include this in my report to the Licensing Committee.

Once I have submitted my reports our Democratic Services Officers deal with distribution of the agenda papers and reports and will make contact with all those persons who have made a representation, to give them an invitation to the Team meeting. This is all arranged by them.

I understand that a number of conditions have been agreed with Dorset Police and Bournemouth Town Watch but there are one or two which are still being discussed. Details of this will be included in my report which you will have sight of.

With regard to the mediation between the applicant and Environmental Health the conditions I have copied to you are the extent of the mediation. They considered that the wording suggested by the applicant could be clearer and therefore submit a representation in the meantime to ensure that the matter is discussed. This happened to their satisfaction therefore the representation was withdrawn.

Legal and Democratic Services ensure at all times that procedural and compliance with the Council's Constitution is complied with and those matters where the Council are the applicant's to their own regulatory processes.

As with your request for your email exchange with events to be included in my report I shall also include this exchange.

Kind regards

Sarah



**Sarah Rogers**  
**Senior Licensing Officer**  
**Communities**