

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**