

Representation from Dorset Police with email thread of communication between applicant's solicitor and Dorset Police

08/04/21

Good Afternoon Mr Payne,

Thank you for your patience in allowing us to consider your application on behalf of Urban Reef. You will appreciate that due to the significant uplift in applications that we are currently receiving, these matters are taking longer to process than usual.

I know from my numerous conversations with Louise that efforts have been made to agree a set of conditions and an operating schedule that will both enable the premises to expand and make use of the beach area adjacent to the existing premises and also continue to allow the premises operators to promote the licensing objectives.

Unfortunately we have not been able to achieve an agreement in advance of the final date for representations (today) and it is therefore with regret that I must, on behalf of the Chief Officer of Police, object to the grant of the licence as applied on the basis that I have concerns that the licensing objectives of Public Safety and the Prevention of Crime & Disorder will not be upheld.

The key areas that remain outstanding for agreement are summarised as follows –

1. CCTV coverage – We need to be satisfied that there is adequate CCTV coverage to meet the risks associated with the provision.
2. Alcohol provision alongside a table meal. It remains unclear whether the extension to the premises will be as a 'restaurant' or otherwise. If the premises is intended to be flexible in its use then this will require a more complex set of conditions to enable the premises to be operated safely and in promotion of the licensing objectives. I don't necessarily suggest that we need to cater for a 'worst case scenario', but we need to be confident that given the anticipated high demand for this provision, that the premises can be operated safely and responsibly.
3. Off sales of alcohol. This is something that we are keen to manage as we are aware of the risks associated with off-sales provision on the beach and the issues caused as a result of such provision. Additionally, this raises concerns regarding proxy-sales of alcohol.
4. Glass – Whilst I accept that there will be occasions where glass containers are sold for the purpose of deliveries, the addition of glass vessels to a beach will always cause concern to us and recently agreed licenses for the same area prohibit the use of glass vessels.
5. SIA provision is something that would not be ordinarily associated with a restaurant, however, as we are yet to agree, through conditions, whether the premises will be solely operated as a restaurant, I would need to be satisfied that minimum numbers of SIA will be in place during operating hours when the premises is not used as a restaurant.

The above are some of the key areas of concern and there remains other areas of the proposal that we feel need to be amended.

It is important that all parties appreciate that Bournemouth beaches are anticipating unprecedented numbers of visitors this Summer and for some time to come due to the restrictions in place regarding international travel. Dorset Police and our partners have worked

with key stakeholders, including licensed premises, to ensure that we can support all those operating along Bournemouth beach to deliver safe and enjoyable provisions. As we emerge from the pandemic and the restrictions that were imposed, it is important that we do so responsibly and do not risk adding additional strain on public services during a time when Dorset Police and our partners are experiencing unprecedented demand.

I look forward to continuing to hopefully mediate conditions that will satisfy our concerns and enable the operate to deliver a safe and successful provision.

Regards,

Gareth Gosling 2551
Sergeant

09/04/21

Thank you for the email.

Thank you for the very positive suggestion of mediation. I have discussed this with my client and perhaps the best way forward would be to organise a meeting to discuss matters ? Would it be possible to set up a meeting for the week after next, unless we are able to agree amendments before then ? My client is away next week and may not have reliable access to the internet.

Although we did approach the DAHRT before the application was submitted and the first substantive response was received this week, we do appreciate that you must be under pressure at the moment and it would indeed be helpful to try and negotiate on the operating schedule if possible, not least to relieve some of the burden on you and to save additional work through a licensing hearing.

At this stage, I do have some concerns with the suggestion that 'there remains other areas of the proposal that we feel need to be amended' : To help us focus our efforts, please could you set those out for us ?

Please do be assured that our client does run a responsible premises and is keen to ensure that any trading into the future is done in a way that promotes a safe return to some form of normality.

Regards,

Jon Payne
BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (NP), Solicitor

23/04/21

Hi Jon,

Firstly, I would like to apologise for the lack of engagement on this particular application. As you know, we would much rather be proactive in working with applicants on their new and variation applications, however, on this occasion it hasn't been possible.

I note the plans for expanding the Urban Reef on to the beach area to provide additional provision and space for food and drink.

I feel that whilst I accept that Mark generally operates premises that have not significantly come to our attention over the years, including a relatively recently additional provision adjacent to Bournemouth Lower Gardens, my concern is with regards to the location where the extension is intended and not the nature of the provision being sought.

You will no doubt be aware of the 5 recent applications for licensed premises (2 x new and 3 x variations) on Bournemouth beach submitted by BCP Council. These provisions essentially sought to make use of beach area for hospitality purpose. It is expected that whilst the nature and theme of the provision is yet to be determined, there is anticipated to be high-end 'restaurant-style' provisions taking place in these spaces, not dissimilar to the standard of provision offered by Urban Beach.

You may be aware that as part of the mediation for these applications Dorset Police agreed 24 conditions which sought to ensure that the operators of these provisions would be well-placed to promote the licensing objectives, in particular the prevention of crime and disorder.

We are anticipating unprecedented levels of visitors to Dorset this Summer season and have established a multi-agency response to meet expected demand to ensure that we can continue to deliver the best possible service to the Dorset public and those visiting Bournemouth beaches this season and beyond.

My concern is that without additional measures in place the extension of the existing provision will adversely impact the ability of Dorset Police and our partners to manage the demand from the volume of visitors to the Bournemouth beaches. There is concern that certain aspects of your proposal may further add to the issues of crime and disorder that we have experienced in past years.

I have attached the 24 conditions for your consideration. (See Appendix 5 of report) At this stage, the view of Dorset Police is that in the event that you could not agree to the introduction of these conditions, we would seek to request that the Licensing Sub-Committee introduce these conditions, as they have agreed to for both new BCP Council applications this week, to ensure that Mark and his team can continue to promote the licensing objectives and support Dorset Police and our partners to deliver the best possible service in keeping people safe when they visit our beaches.

In the event that you wish to query or amend any of these conditions then I am of course happy to discuss this with you.

I look forward to receiving your response and once again apologise for the delay in responding to you.

Regards,

Gareth

Gareth Gosling 2551
Sergeant

28/04/21

Dear Gareth

Thank you for this set of proposals. I have annotated with some commentary and indicated those that are acceptable along with those that need some modification. (See Appendix 6 of report)

One proposal that needs some more thought is No 6 : As drafted, it was a unilateral arrangement with no mechanism of appeal (other than Judicial Review) and so not capable of enforcement as a lawful condition. Perhaps you could think over the points raised and the best way of dealing with those ?

I can see that some of the conditions have been drafted with 'events' in mind, but what we have here is effectively an external area to be used as an extension of the restaurant and not a new area where there will be HVVD. There is no issue with preparing management plans, most of which will be based on the existing ones that have been shown to be effective.

It is important to bear in mind that with the off-sales provision already in place, the area could already be used as such. It would of course be much better if it was however included in the licensed area so that drinks could be served there, rather than customers having to enter the main premises, buy and then resume their seats. In the proposed mode, traffic is then much reduced and the transit of drinks containers to the area can be undertaken by staff in a more responsible and managed way.

Hopefully we can agree on the attached and decide how to deal with the 'resource' issue.

Regards,

Jon Payne

BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (Non-practising), Solicitor

28/04/21

Good Afternoon Jon,

Thanks for coming back to me on this.

Whilst I accept that there is an existing licence, this is an Application for a New Licence which incorporates a significant additional space to the front in a very popular part of Bournemouth beach.

Whilst I would not wish to undermine the existing conditions for the area which is currently covered by a Premises Licence, this additional outdoor space represents a significant risk to crime and disorder which I don't think has been fully appreciated.

The term 'event' has been used as it is likely during the peak periods that this space would be used, however, I am happy for the name to be changed to suit.

The number of deletions from the proposal that has been put in place further along Bournemouth beach is unacceptable to Dorset Police and the effect of this additional provision on Bournemouth is likely to be detrimental to the licensing objective to prevent crime and disorder.

Whilst I would at this stage usually engage in a period of negotiation I feel that on this occasion the risks are too great and any significant departure from the proposal as laid out in my previous correspondence is likely to significantly undermine the efforts of Dorset Police and our partners to deliver a safe experience for visitors to Bournemouth beach this coming season and beyond.

I am grateful for your comments on the proposal and the time taken to obtain your client's instructions, however, on this occasion, given our proposals and your client's view of those proposals, I feel that it would be appropriate for this matter to be decided by the BCP Council Licensing Sub-Committee.

If I can be of any further assistance or you wish to discuss further, please do not hesitate to get in touch.

Regards,

Gareth

Gareth Gosling 2551

Sergeant