



PUBLICAN AWARDS 2022

# Meet the finalists – Best New Site sponsored by Heineken UK

By The Morning Advertiser

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The 2022 Best New Site award will be presented to the business that has opened in the past 24 months, has been trading for a minimum of six months and have demonstrated how effectively trade has been built at the site.



## Rockwater Hove

Rockwater, which fully opened in May 2021 following pandemic delays, is credited as being key in helping regenerate the Western seafront in Hove, East Sussex.

Founders Luke and Maeve Davis have created a social hub by the sea that appeals to a wide range of people, which has far exceeded trading expectations and has given the couple the confidence to open two more Rockwater sites in Poole, Dorset.

The site has three different offers, including a top floor terrace restaurant with retractable roof and amazing sea views. Rockwater's al fresco offers are also impressive with six 'Shacks by The Shore' featuring a range of different food and drink offers.

It has been created from founder Davis's 'coffee and cocktails' vision that you could do lots of different things in one building and be more than a bar/restaurant.

Rockwater is a community hub for all, providing something for everyone - from morning coffee on the deck to cocktails and a meal on its roof terrace and everything in between. Going beyond traditional hospitality, Rockwater offers a crafted wellness programme Rockwater Life, which sees everything from yoga classes to mens' mental health talks available.

1 of 2



1 article remaining

We hope that  
need so

performed at the venue.

## The Flying Handbag, Blackpool

The Flying Handbag, which was successfully relaunched by Daniel Thwaites in February 2020, has been and continues to be an integral part of the LGBTQ+ community in Blackpool.

The aim of its £600k refurbishment and relaunch in February 2020 was to enhance the site, which is part of one of the main party circuits in the town and a short walk from the promenade and Blackpool Tower, without losing its personality and character to continue to attract regulars and new customers to this legendary venue.

As well as a strong local LGBTQ+ customer base, this late-night party venue which offers entertainment seven days a week, is also popular with holidaymakers and those on hen and stag dos.

With its refurbishment, five zones were created at the site – a games area, dancefloor around its stage, dining area and two outdoor areas, with The Flying Handbag now offering three different customer experiences – daytime, early evening and late night.

The Flying Handbag has always been seen as a weekend venue and traded well during peak times, but since relaunch has also successfully driven midweek daytime trade and delivered strong financial results as well as excellent customer satisfaction.

Thwaites has shown with The Flying Handbag that they can run community pubs really well in a non-core market for them.

## The Boat, Catherine de Barnes, Solihull

The Boat, which opened in May 2021 following Covid-19 delays to its launch, is the first site of Greene King's new premium format Crafted Pubs and has been both a financial and customer hit since launch.

A 'social haven' has been created at The Boat to appeal to an affluent customer base, with a stylish but openly warm interior, premium food and drink offer, including a big focus on brunch, and all-year around gardens with cushioned seating, heaters, fire pits and an outside bar.

Although The Boat, which has seen a £1.4 million investment, offers a premium food experience, it

1 of 2



1 article remaining

We hope that  
need so

## Appendix 2



Temporary bar positioned on the external terrace above



# ROCKWATER

## Hove

### COFFEE SHACKS

#### HOT DRINKS

Use your own cup and get 10% off

Alternative milk:- Oat, Coconut, Almond, Soy

Hoogly Tea 2

Chill-out Mint, Classic Green, English Breakfast Tea,  
Earl Grey, Rooibos, Decaf English Breakfast Tea

#### CRAFT HOUSE COFFEE

Espresso	2.5
Americano	2.7
Latte	3.2
Cappuccino	3.2
Flat white	3.1
Mocha	3.45
Cortado	2.7
Macchiato	2.7
Long black	2.7
Babycino	1.7
Hot Chocolate v	3.2
Kids Hot Chocolate v	2.2
Chai Latte	3.2
Dirty Chai	3.7
Syrups	0.5
Vanilla, Hazelnut, Caramel	
Add Cream	0.5
Add Marshmallows	0.5

#### ICED COFFEE

Iced Latte	3.4
Iced Mocha	3.65

#### THE HONEST JUICE CO

Green Press (250ml)	4.25
Celery, Cucumber, Spinach, Kale, Pear, Lime, Pineapple	
Carrot Press (250ml)	4.25
Carrot, Orange, Ginger, Lemon, Apple	
Red Press (250ml)	4.25
Beetroot, Carrot, Lemon, Apple, Pineapple	
Ginger Shot (30ml)	2.95
Ginger, Apple	

#### SWEET TREATS

Hannah's Cup Cakes	3
All Butter Flapjack	2.9
Seeded Granola Bar	2.9
Vegan Granola	2.9
Almond And Honey Slice	2.9
Vegan Rocky Road	2.9
Vegan Chocolate Brownie	2.9
Butter Croissant	2
Pain Au Chocolat	2
Vegan Blueberry Croissant	2

#### SAVOURY SNACKS

Sausage roll	3.25
Vegan sausage roll	3.25

#### SOFT DRINKS

Coke Zero	2
Sprite	2
Folkington's Cloudy Apple Juice	3.75
Folkington's Orange Juice	3.75
BELU Still / Sparkling Water	2
Lime/Blackcurrant And Soda	<div><div>½ Pint</div><div>1.5</div></div>
	<div><div>Pint</div><div>£2</div></div>



# ROCKWATER

## Hove

### BAR SHACKS

#### DRAUGHT

Rockwater Craft Lager 4%ABV	½ Pint 3
	Pint 5.75
Orchard View Apple Cider 4.5%ABV	½ Pint 3
	Pint 5.75

#### CANNED

Unbarred Casual Pale Ale	4.5
Pint 4.5%ABV	
Unbarred Joosy	6
440ml 5.1%ABV	
Unbarred Guest Can	6
Pistonhead Flat Tire Lager	4
330ml 0.5%ABV	

#### SPIRITS

Spirits are served at 25ml (50ml on request)  
DOUBLE SERVE £10

Belvedere Vodka	6
Brighton Gin	6
Cazcabel Blanco Tequila	6
Havana Especial Rum	6
Evan Williams Bourbon	6

#### SPRITZ AND COCKTAILS

Watermelon Spritz	10
Pimms And Lemonade 25%ABV	9.5
Aperol Spritz	9.5

#### FROZEN COCKTAILS

Frozen Margarita	9.5
Frozen Pornstar Martini	9.5

#### WINE

##### WHITE

Organic Macabeo	Btl 25
2021 Familia Castaño, Murcia, Spain	175ml 5.5
‘Terrapieno’ Pinot Grigio	Btl 31
Alpha Zeta, Veneto, Italy	175ml 7.5

##### RED

Organic Monastrell	Btl 25
2020 Familia Castaño, Murcia, Spain	175ml 5.5

##### ROSÉ

Luberon Rosé	Btl 32
2021 Famille Perrin, Southern Rhône, France	175ml 8

#### SPARKLING

Healy n Grey Frizzante	Btl 32
Italy	125ml 6
Chandon Garden Spritz	Btl 45
Argentina	125ml 12
Veuve Clicquot Yellow Label Brut 10.5%ABV	Btl 85
France	

#### SOFT DRINKS

Coke Zero	2
Sprite	2
Folkington’s Cloudy Apple Juice	3.75
Folkington’s Orange Juice	3.75
BELU Still / Sparkling Water	2
Lime/Blackcurrant And Soda	½ Pint 1.5
	Pint £2

#### CRISPS

All Flavours	1
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# ROCKWATER

## BREAKFAST

Choc-Chip Banana Bread £2.25  
All Butter Croissant £2  
Pain au Chocolat £2  
Spelt & Quinoa Croissant **vg** £2

Cupcakes by Hannah Makes Cakes £2.9

All Butter Flapjack £2.9  
Granola Bar £2.9  
Vegan Granola Bar **gf** £2.9  
Almond & Honey Slice £2.9  
Chocolate Fudge Brownie £2.9  
Vegan Chocolate Brownie £2.9

Granola, Coconut Yoghurt &  
Fresh Berries **vg/gf** £3.9

Chia Pudding, Fresh Exotic Fruit **vg/gf**  
£3.5

### Breakfast Muffins - 'til 12pm

Blakes Square Sausage & Egg £5.5  
Dry Cured Streaky Bacon & Egg £5.5  
Egg, Spinach & Chorizo Jam £4.5  
Mushroom, Spinach, Smoked  
Gouda & Fu Fighters TOHU **vg** £5

*All our eggs are free-range*

Tomato Chutney & Sausage Roll £3.25

Black Bean & Vegetable Sausage Roll  
**vg** £3

Baked Oats **vg/gf** £1.5  
Banoffee or Chocolate Orange

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## LUNCH 'TIL LATE - FROM 12PM

Almighty Vegan Hot Dog £7  
+ Sauerkraut & Sweet Mustard £1

Almighty Krakauer Hot Dog £7  
+ Nacho Cheese & Jalapenos £1

Beetroot Cured Salmon Bagel £5.5  
Lemon & Black Pepper Cream Cheese,  
Pickled Shallots

Smoked Carrot & Beet Lox Bagel £5.5  
Cream Cheese & Dill, Pickled Shallots **vg**

Lobster & Prawn Roll £11.5  
Bloody Mary Crème Fraiche, Gem Heart,  
Brioche

Smoked Mackerel Fillet £7  
Pickled Fennel Slaw, Sourdough,  
Herb Crème Fraiche

Seared Tuna Steak £9.5  
Glass Noodle Salad, Sesame Garlic  
Dressing **gf**

BBQ Jackfruit Taco £5.5  
Shredded Gem, Salsa, Guacamole,  
Lime **vg/gf**

Grilled Cod Cheek Tacos £6.5  
Shredded Gem, Salsa, Guacamole, Lime

Roasted Tiger Prawns £7  
Chilli Lime Butter, Sourdough

### Pizza

Roasted Vegetables, Vegan Mozzarella,  
Basil, Rocket Pesto, Tomato Sauce £11 **vg**

Slow Roasted Cherry Tomato, Fior di  
Latte, Buffalo Mozzarella, Tomato Sauce,  
Basil Oil £9

Pepperoni, Fior di Latte, Mozzarella,  
Fresh Oregano & Tomato Sauce £12

Free Range Chicken & Chorizo, Red Onion,  
BBQ Sauce, Fior di Latte, Tomato Sauce  
£12

- All Pizza's Available Gluten Free -







**Rockwater Sandbanks & Branksome Limited**

**(the “Applicant”)**

**Application for a New Premises Licence**

**Sandbanks Beach Café Kiosks, Banks Road, Poole BH13 7QQ (the “New Kiosks”)**

**Mediation Statement**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those maintaining a representation.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

**Background**

The New Kiosks and the adjacent Sandbanks Beach Restaurant (the “Restaurant”) were acquired by the Applicant in January 2022. The same management team already operates Rockwater Hove, a recent finalist in the Publican Awards Best New Site category (see **appendix 1**) which has similar kiosk style operations which work very well.

The intention is to refurbish/redevelop the Restaurant and the New Kiosks which are now rather tired and to improve the food and drink offer. Previously, the New Kiosks sold single use plastic children’s toys (e.g. buckets and spades) and mainstream ice creams/soft drinks, with the Restaurant offered off-sales of alcohol from a temporary bar set up on its front patio (see photograph at **appendix 2**). If this application is granted as sought, the intention is no longer to have a temporary bar on the patio of the Restaurant and to sell drinks (soft and alcoholic), teas, coffees, ice cream and hot food from the main shack (Shack 1 on the proposed plans) and seafood and a smaller selection of drinks from the small shack to the west of the Restaurant (Kiosk 2 on the proposed plans). Following discussions with various stakeholders and Dorset Police (see below) the Applicant has decided to no longer ask for the small shack to the far east of



the Restaurant to be licensed and this will sell healthy drinks, snacks, paddleboards etc. A revised Licensing Site Overview plan will be lodged prior to the Licensing Sub-Committee hearing.

Whilst the temporary bar set up at the Restaurant did not offer off-sales to the time permitted it is licensed to do so until 11.00 p.m.

The Applicant is backed by IW Capital (a Private Equity company) but, day to day operations are performed by an experienced management team comprising:

Mr Lee Wilson, Operations Director

Lee is an experienced multi-unit leader with nearly 30 years' experience in the hospitality industry. He has held senior roles at Stonegate Group, Spirit Pub Company, Convivial London Pubs PLC and a variety of award-winning hospitality businesses.

Mr Justin Shaw

Justin has worked with the previous owner for 24 years running the kiosk businesses during 'the season' and was part of the management team at the Restaurant during the low season. Justin knows the area and seasonality of the coastal businesses incredibly well through his length of service and will be a core part of the New Kiosks' businesses.

Ms Emma Mann

Emma is the manager of the Restaurant and has 13 years in the hospitality industry having been both a chef and manager in the UK and Australia.

**Proposed Offer**

Whilst the price point from the New Kiosks is set to be higher than that sold at the temporary bar at the Restaurant, so will be the quality. Purely from a commercial perspective there is no point in competing with Tesco Express, located on Banks Road some 0.6 of a mile away which, at the time of writing, has three 650ml bottles of Stella Artois for only £5.00 – less than £1.50 a pint. The proposed food and drinks



menus at the New Kiosks will be similar to those at Rockwater Hove, albeit amended to comply with the further conditions agreed below. Please see **appendix 3**.

Subject to the relevant permission being provided, it is hoped that the New Kiosks will serve a decked area on the beach, in much the same way as at Rockwater Hove (see pictures at **appendix 4**).

### **Pre and Post Application Consultation**

As encouraged by the Section 182 Guidance, prior to making the application, representatives of the Applicant met with the Licensing Authority and Dorset Police on site to discuss the proposed application. The proposed hours and conditions were also shared prior to lodging.

In addition, representatives of the Applicant have met and had constructive dialogue with members of the Sandbanks Community Group.

### **The Application**

The hours applied for replicate those permitted at the Restaurant. However, rather than simply repeating the same five conditions (where relevant) as on the Restaurant's premises licence, the Applicant proffered fifteen up-to-date conditions (based on the Model Conditions) which relate to the licensing objectives. A door supervisor condition has been proffered to ensure that, on busy days, the New Kiosks and the surrounding area are adequately supervised.

### **The Representations**

The Applicant was heartened to see that the only representation received from the responsible authorities was from Dorset Police. As stated at paragraph 9.19 of the Section 182 Guidance, 'each responsible authority will be an expert in their respective field' and 'it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective'.



Following a further meeting it is understood that Dorset Police are happy to withdraw their representation as the Applicant is prepared to amend the hours and agree additional/amended conditions as follows:

#### Amended Hours

**The sale of alcohol to be between 11.00 a.m. and 9 p.m. seven days a week.**

#### Additional/Amended Conditions

1. Food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied from the premises.
2. A maximum of four alcoholic drinks may be purchased at any one time per customer.
3. Wine only to be sold by the glass.
4. Spirits shall only be sold with a mixer.
5. When the premises remains open until 21:00 hrs all staff on site at the time shall remain in and around the premises until 22:00 hrs to assist with dispersal and any litter collection.
6. Challenge 25 shall be operated at the premises to all persons purchasing and consuming alcoholic drinks from the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.
7. A First Aider to be available at all times the premises is open for licensable activity.
8. The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors and Marshals at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff/marshals on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises or in the vicinity on BCP land. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.



Nevertheless, there are three representations from local residents (two of which are identical). The Applicant is keen to develop a close relationship with local residents and hopes they will become valued customers over time and are cordially invited to discuss the application with representatives of the Applicant. If this is of interest, they are asked to contact the writer, Niall McCann at [niall.mccann@keystonelaw.co.uk](mailto:niall.mccann@keystonelaw.co.uk) or the licensing team to arrange a convenient time.

Probably the most pressing concern raised was the proposed hours of operation. The Applicant never intended the New Kiosks to be a late evening venue and was merely seeking to replicate the hours already permitted at the Restaurant, hence it was happy to reduce the hours sought after discussions with Dorset Police and the other stakeholders referenced above.

The Applicant's further comments, are as follows:

Concern	Applicant's Comments
Danger to Public Safety/Anti-Social Behaviour	<p>The Applicant is aware that there were incidents of excess alcohol consumption during the height of the COVID-19 pandemic. However, with the amended terminal hour of 9 p.m. and the significantly higher prices charged for alcoholic drinks compared to the nearby Tesco Express it does not believe that the grant of a premises licence will exacerbate this problem. Conversely, with door supervision during the very busy periods, staff on-site to monitor behaviour and the sale also of good quality food, it is hoped that the presence of the New Kiosks will ensure a civilised atmosphere in the early and mid-evenings.</p> <p>As quoted below, the BCP Council Statement of Licensing Policy (the "Policy") recognises that licensing law is not the primary mechanism for the</p>



	<p>general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, as highlighted in two of the representations there is a PSPO in place allowing alcohol to be confiscated if need be.</p>
Lack of Street Lighting	<p>The New Kiosks will only be open during daylight hours.</p>
The Provisions of the Poole Borough Council Act 1986	<p>The Provisions of the Poole Borough Council Act 1986 are not directly relevant with the decision as to whether to grant a premises licence confined to the promotion of the four licensing objectives.</p>
The Lease of the New Kiosks	<p>As with the Poole Borough Council Act 1986 permitted use clauses in leases are not relevant when determining premises licence applications.</p>
Beach Polo Event	<p>Any requirement not to take drinks into the Beach Polo event is a responsibility of the organisers of the Beach Polo event but, in any event, the Applicant is happy to work with the event organisers to help ensure the event runs smoothly.</p>
Drink Driving	<p>Drink driving is a criminal offence covered by legislation other than the Licensing Act 2003.</p>
Broken Glass	<p>A condition that drinks can only be served in plastic/paper/toughened glass has already been proffered. This approach works well in Hove which</p>



	has not had any incidents with broken bottles or glasses. Furthermore, a condition has been agreed with Dorset Police that bottles of wine cannot be sold.
Dangers of Swimming Whilst Intoxicated	It is accepted that it can be dangerous to swim whilst intoxicated. All licensed operators owe a duty of care to their patrons. It is a criminal offence to serve someone who is drunk, underage, or purchasing for someone who is underage. There is an element of supervision or control if beachgoers purchase alcohol from the New Kiosk. Unfortunately, if they bring their own alcohol there is none.

### **The Policy**

Before lodging the application, careful consideration was given to the Policy. It was noted that the New Kiosks are not located within a Cumulative Impact Policy Area and hence there is no rebuttable presumption to refuse the application. The Applicant considers that several paragraphs of the Policy are particularly noteworthy in respect of this application, namely:

“8.6 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the day time, evening and night-time economy within the conurbation.”

“8.7 Each application will be considered on its own merits and in accordance with this Statement of Licensing Policy. Conditions attached to licences and certificates will be tailored to the individual type,



location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions will be avoided and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.”

“8.26 The Licensing Authority wishes to work in partnership with all parties to ensure that the licensing objectives are promoted collectively. To support this aim and to minimise disputes and the necessity for hearings, the Licensing Authority considers it sensible for applicants to seek the views of responsible authorities before formally submitting applications, but it acknowledges that there is no legal requirement to do this.”

“8.37 The Licensing Authority recognises that there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for other premises and is a matter for the planning authority and for the market. This is not a matter for the Council in discharging its licensing functions or for its Statement of Licensing Policy.”

“10.4 The Licensing Authority will support organisations such as Best Bar None, Town Watch and Pub Watch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Bournemouth, Christchurch and Poole that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour. The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.”

“10.7 The Licensing Authority will expect licensees to consider the need for alternatives to glass as part of their application and to have early discussions with Dorset Police on suitable alternatives; • It may be appropriate to provide alternatives to glass in the following circumstances • Where the nature of the event or activity prevents the frequent collection of glass from the venue • High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area • Large outdoor



events • Areas where children or vulnerable adults are likely to be present, e.g. play areas, children's parties • Where there is a history of glass incidents."

"12.6 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Licensing Committee encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise."

"14.10 Licensed premises, particularly those operating after 23:00 hours and into the early morning, can adversely affect people living or working in the vicinity of the premises. The applicant's 20 operating schedule must therefore contain practical steps to prevent disturbance to local residents. The issues will mainly concern nuisance from noise, light, odour and litter."

"14.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time or persons are not permitted in garden areas of the premises after a certain time. More sophisticated design measures to mitigate sound escape from the premises may be appropriate where individual circumstances dictate. Any conditions appropriate to promote the prevention of public nuisance will be tailored to the type, nature and characteristics of the specific premises and its licensable activities."

## **Conclusion**

This application seeks to move the sale of alcohol from a temporary bar at the front of the Restaurant to the New Kiosks. If granted as sought, the Applicant undertakes that alcohol will no longer be sold for takeaway from a temporary bar at the Restaurant. If a premises licence is granted, the alcohol offer will be of better quality (and slightly more expensive as would be expected) with a significantly upgraded takeaway food offer. With a standalone licence with targeted up-to-date conditions, off-sales of alcohol will be more tightly controlled and the terminal hour sought is two hours earlier than permitted from the Restaurant.



The Applicant sought pre-application advice and has consulted throughout the application process. Furthermore, it has recognised the concerns raised and amended the application where appropriate. Whilst the Applicant accepts that problems do arise from beachgoers it submits that it will not add to existing issues. Instead, it hopes that it will, to the extent that it can, ease some of these problems and prove to be a welcome addition to the area.

The Licensing Sub-Committee is urged to grant the application as sought and residents are urged to discuss any remaining concerns that they have with representatives of the Applicant prior to the Licensing Sub-Committee hearing.

**Niall McCann**  
**KEYSTONE LAW**