

LICENSING SUB-COMMITTEE



Report subject	The Beach House, Mudeford Beach Sandbank, Bournemouth, BH6 4EW
Meeting date	12 November 2025
Status	Public Report
Executive summary	To consider an application made by Mudeford Sandbank Beach Hut Association (MSBHA) for the review of the premises licence. MSBHA believe the premises are not upholding the prevention of public nuisance, public safety and protection of children from harm licensing objectives.
Recommendations	It is RECOMMENDED that: Members consider the following options: - (a) Modify the conditions of the licence; and/or (b) Exclude a licensable activity from the scope of the licence; and/or (c) Remove the Designated Premises Supervisor; and/or (d) Suspend the licence for a period not exceeding three months; or (e) Revoke the licence; or (f) Leave the licence in its current state. Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.
Reason for recommendations	Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee. The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Glynn Barton – Corporate Director of Operations
Report Authors	Tania Jardim – Licensing Officer
Wards	East Southbourne & Tuckton
Classification	For Decision

Background

1. An application for review of the premises licence under Section 51 of the Licensing Act 2003, by Mudeford Sandbank Beach Hut Association (MSBHA) was received on 18 September 2025.
2. The application relates to the prevention of public nuisance, public safety and protection of children from harm licensing objectives.
3. The review has been requested by beach hut owners who feel that the business has changed its operating model. They report that the current operation is causing noise disturbances from music and general footfall, as well as issues with littering and public drinking in areas accessible to the general public. Concerns have also been raised regarding public safety due to high footfall and off-sales of alcohol, and the protection of children from harm due to children's exposure to noise, drinking behaviour, and alcohol-related activities.
4. Additionally, it is believed that the premises have shifted from their original operation to an open-air, festival-style venue, which is having a negative impact on residents and the wider community.
5. A copy of the review application is attached at Appendix 1.
6. The premises have had the benefit of a premises licence since 24 November 2005 following conversion from the old Justices Licence and were transferred to the current licence holder, Macemade Ltd in May 2009. A copy of the current premises licence is attached at Appendix 2.
7. A plan showing the location of the premises is attached at Appendix 3.
8. In 2018, the premises sustained significant damage due to a fire that destroyed the roof and affected its usability. In response, the operators erected a temporary structure comprising of storage containers. A Minor Variation application was submitted in July 2019 to amend the licence plan, reflecting the post-fire layout and regularising the configuration pending reconstruction. The application attracted one objection from Dorset Police and three from members of the public ("other persons"). Dorset Police entered into mediation with the licence holder, resulting in agreed conditions being added to the premises licence. Consequently, their representation was withdrawn.

9. The representations from other persons were not considered relevant, as they did not clearly relate to the likely impact of the variation on the promotion of at least one of the licensing objectives, nor were they confined to the subject matter of the variation.
10. Subsequently, the Minor Variation to the licence plan was granted. No other amendments to the licence were made.
11. Since the installation of the new temporary structure, BCP Council has received noise complaints regarding the premises during specific events. These complaints were investigated by the Environmental Health Department at the time.
12. The premises licence holder also holds a separate premises licence in the area for a shop authorised for the off-sale of alcohol only, under licence number BH084904. While this licence is not under consideration as part of the current application, it has been referenced in representations and is therefore included at Appendix 4 for information.

Consultation

13. A copy of the review application was served on all responsible authorities and the licence holder on 18 September 2025.
14. The Licensing Officer attended the premises on 19 September 2025 and displayed four site notices on and around the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
15. A total of 25 representations were received from other persons. 24 in support of the application, shown at Appendix 5 and one objection to the application and expressing support for the premises, shown at Appendix 6. In support of two representations submitted in favour of the application, video footage has been provided and will be presented to members during a closed session.
16. In support of their application, the applicant, MSBHA also submitted a document containing Members Personal Impact Statements. This is shown at Appendix 7.
17. Additionally, the premises licence holder has submitted a petition containing 573 signatures as evidence in support of the premises. A copy of the petition is attached at Appendix 8.
18. No objections were received from Responsible Authorities. However, Environmental Health, Planning, and Dorset & Wiltshire Fire and Rescue Service (DWFRS) provided responses to the application.
19. The Environmental Health Officer outlined the premises' complaints history and provided an update on their current position, including reference to a pending planning application at the time of their response.
20. The Planning Department advised of the conditions currently attached to the temporary planning permission for the structure, which is due to expire on 31 December. Upon expiry, the operator will be required to cease use of the temporary structures and submit a new licence application once the café is rebuilt. At the time of writing, planning matters were on hold, and no further comment could be provided.

21. DWFRS responded with guidance on considerations to be included in the premises' fire risk assessment. Copy of these responses are attached at Appendix 9.
22. A planning application to replace the temporary café building with a permanent structure went before the Planning Committee on 23 October 2025 and this was granted in accordance with the recommendation set out in the officer's report as updated by the Addendum dated 22.10.25. These recommendations included advice from the Environmental Health Officer that a suitably worded condition should be imposed to secure a noise management plan detailing the mitigation measures proposed to control music noise from the site. The condition now included in the planning permission is: -

Prior to the commencement of the use hereby permitted, a Noise Management Plan (NMP) specifically addressing entertainment and people generated noise shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall be reviewed and updated to periodically, particularly in response to complaints or changes in operations. The approved Noise Management Plan shall be implemented in full prior to the commencement of the use and shall be adhered to at all times thereafter.

23. While Licensing Committees are not bound by decisions made by the Planning Committee, members may wish to consider incorporating planning conditions recommended by Environmental Health where they are deemed necessary to promote the licensing objectives. This approach is supported by Section 22 of BCP Council's Statement of Licensing Policy and the Revised Guidance issued under Section 182 of the Licensing Act 2003, which recognises the importance of aligning planning and licensing regimes where appropriate, without duplicating controls unnecessarily.
24. Macemade Ltd submitted a range of documentation in response to the application, including a witness statement with supporting exhibits from the Director, Mr Kimberley Slater, and a witness statement with video and photo exhibits from the Operations Manager, Mr Richard Slater. A copy of the written documentation is provided at Appendix 10. The video exhibits, along with additional footage taken during the event on 1 June 2025, will be presented to members in closed session during the hearing.

Options Appraisal

25. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by Other Persons.
 - The submissions made by or made on behalf of the applicant.
 - The responses from Responsible Authorities.
 - The relevant licensing objectives, namely the prevention of public nuisance, public safety and the protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

26. An appeal may be made against the decision of Members by the applicant, the premises licence holder or anyone who made a representation to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

27. If Members decide on an option available to them which the applicant, the premises licence holder or anyone who made a representation do not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

Summary of human resources implications

28. There are no human resources implications.

Summary of sustainability impact

29. There are sustainability impact implications.

Summary of public health implications

30. There are no public health implications.

Summary of equality implications

31. There are no equality implications.

Summary of risk assessment

32. There are no risk assessment implications.

Background papers

BCP Council – Statement of Licensing Policy

<https://www.bcpCouncil.gov.uk/Assets/About-the-council/Statement-of-licensing-policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025)

https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+_1_.pdf

Appendices

- 1 – Copy Application.
- 2 – Copy current Premises Licence.
- 3 – Copy Location Plan.
- 4 – Copy Premises Licence BH084904.

5 – Representation in support of application.

6 – Objection to the application.

7 – MSBHA Members Impact Statements.

8 – Petition.

9 – Responses from Responsible Authorities.

10 – Documentation in support of Premises Licence Holder.