

SUPPLEMENTARY SUBMISSION BY APPLICANT **RESPONSE TO OBJECTIONS & SUPPORTING PHOTOS**

OBJECTION 1

Committee Hearing Response to Objection 1

Public Safety

Members of the Committee, we acknowledge the concerns raised under the public safety objective. However, we respectfully submit that the description of access to the premises as a narrow gang plank is not accurate. The premises is a floating structure accessed by a professionally engineered marine gantry, which is stable, safe, and suitable for wheelchair users.

The riverside path, including any lighting, railings, or wider public-realm arrangements, is not within the direct control of the premises operator. Those matters are the responsibility of BCP Council. The Committee is therefore asked to consider this application by reference to the premises itself, the access arrangements provided by the operator, and the management controls proposed.

The premises will be operated responsibly. Alcohol will be consumed in a managed environment, with staff expected to intervene where a customer appears at risk, intoxicated, or is behaving irresponsibly. We also maintain a strict zero-tolerance approach to antisocial behaviour and would involve the police where necessary.

Prevention of Public Nuisance

Turning to the prevention of public nuisance objective, the operation proposed is quiet, calm, and consistent with the character and tranquillity of the river. We do not play music. Customers attend to eat and drink responsibly in a relaxed setting, and the premises is not intended to operate as a late-night drinking venue.

Where there is noise in the wider area, that is attributable to other venues and local events, including activity on the green, the funfair, or music festivals. It should not be assumed that such noise is caused, or would be caused, by this premises. The Committee is asked to focus on the likely impact of this specific operation, which is designed to be low-key, supervised, and well managed.

Covenants and the Quomps

Finally, we note the reference to historic covenants affecting Christchurch Quay and the Quomps. Our position is that any land-based covenants relating to the Quomps do not apply to this premises because the operation is located on the water, not on the land forming the Quomps. In any event, the Committee's determination should be based on the statutory licensing objectives and the evidence before it.

For those reasons, we respectfully submit that Objection 1 does not demonstrate that the grant of the licence would undermine the licensing objectives, provided the premises is operated in accordance with the proposed management controls.

Response to Objection #2 – Permission to Operate and Public Safety

Thank you, Chair. Objection #2 raises two points: permission to operate from Christchurch Quay and safety concerns about alcohol being sold from a floating vessel.

On permission, the operation is not on BCP Council land. The relevant consent relates to the waterway, so the appropriate body is the Water Board.

We are already in contact with the Water Board and are progressing any necessary consent directly with them.

That issue is separate from this premises licence application. Today's decision is whether the application promotes the licensing objectives, and we say that it does.

On safety, we recognise the concern about alcohol being consumed on or near the water. Public safety is important, and the applicant will operate with suitable controls in place.

Those controls include supervised boarding and departure, staff oversight, and risk assessments covering the waterside environment.

Alcohol will be sold responsibly, and staff will refuse service to anyone who appears intoxicated. The applicant is also willing to discuss any proportionate public safety conditions the Sub-Committee considers necessary.

In short, the waterway consent is being dealt with through the proper route, and the premises licence can be granted without undermining the licensing objectives.

For those reasons, we respectfully submit that Objection #2 does not justify refusal of the premises licence application.

Objection 3

1.1 The gantry is not connected to the harbour wall because this is BCP property. This matter has been discussed with BCP's legal team, and an agreement has been reached. The gantry is now fitted with two adjustable aluminium legs, each with a footplate for stability. Like ferry operators, we do not operate in severe weather.

The gantry does not create a hazard between the pontoon and the wall. It is cushioned against the wall and has signage advising people to take care when boarding. To date, no incidents have occurred.

1.2 The gangway has been assessed by the fire department, which concluded that it was adequate for evacuation. Fire extinguishers are available on board, lighting is provided around the vessel and gantry, and a medical pack and oxygen tank are also available.

The position and waterway where Harbour Kitchen is situated do not create a problem in severe weather. The pontoon is secure, and 16 separate buoyancy tanks support the vessel, making it unable to sink.

The gantry is a bespoke marine-design structure fitted with anti-slip fibreglass grip boards. This prevents water from sitting on the surface and reduces the risk of slipping. The unit is also completely enclosed, reducing the risk of anyone falling into the river.

1.3 Stability of the pontoon: The pontoon was professionally designed, manufactured and built as a floating marine structure for its intended commercial use. The manufacturer's technical statement addresses structural integrity, buoyancy and stability, including the use of 16 separate buoyancy tanks. Its width, layout

and distributed buoyancy provide stability under normal and uneven loading. Between high water and low water, the pontoon is designed to sit on the mud ground, so it remains supported during the tidal cycle.

1.4 Buoyancy and Environmental Health: The pontoon is supported by 16 separate buoyancy tanks, so it does not rely on a single point of flotation. Evidence relating to buoyancy and flotation has been provided to Environmental Health, who were satisfied that it was suitable for the operation.

1.5 Specialist assessment: These issues have not been treated as matters to be dealt with only by ordinary premises-licence conditions. The structure was professionally designed and manufactured as a floating marine structure, and a technical statement from the manufacturer has been provided addressing structural integrity, buoyancy and stability. The pontoon is supported by 16 separate buoyancy tanks, so flotation is distributed rather than dependent on a single point.

Environmental Health has reviewed the buoyancy information and was satisfied that it was suitable for the operation. The Fire Department has advised that the maximum safe occupancy is 50 persons and has inspected the gantry as the access and escape route. The gantry includes adjustable aluminium legs, footplates, anti-slip surfacing, cushioning at the wall, lighting and warning signage, which address boarding safety, escape and entrapment concerns between the floating and fixed structures.

2. Regarding the licence and permission, we are in discussions with South West Water and Sir Christopher Chope MP. There are rights for anyone to moor in the harbour and the lower part of the Stour for up to 14 days, provided no fixed mooring is attached to the riverbed, such as concrete blocks, chains, or similar items. We move regularly from one part of the lower river to another,

abiding by the rules set by our forefathers. We have the necessary insurance for patrons and staff. We also have gas certificates and food hygiene arrangements in place, and all staff are Level 2 certificated.

2.2

The premises is on water, not land. The gantry provides land-to-water access for people to walk aboard, including those using mobility scooters, prams, and wheelchairs, but this does not make it part of the Quomps.

3. All wastewater is collected and disposed of off-site, which Environmental Health has inspected and approved. Black water is contained in cassettes and disposed of off-site in the proper manner.

4. Existing licences may grant exclusive use of premises or an area, but Harbour Kitchen is not on the Quomps; it is in the water. If exclusive-use arrangements required neighbouring businesses to close whenever an event was held, this would need to apply consistently to every business in the area. I also spoke to the manager of the Boat House, who said there was plenty for everyone.

5. There is no conflict with existing authorised moorings or other legitimate water users, as the vessel is in shallow water that boats cannot access.

6. Environmental Health, Food Standards, and Fire Security have all advised us, and we have complied with their requests. If we had not done so, we would not have been able to trade this year. Our temporary licences have all operated without incident. The police also noted the signage and cameras in place and could not find anything to object to.

Conclusion

In conclusion, Harbour Kitchen has worked with the relevant authorities, followed the advice given, and operated without incident. The structure, access and safety arrangements have been professionally addressed, and I respectfully ask the Licensing Authority to grant the application.

Response to Objection 4: Real Food Markets Ltd

This response is made in reply to the objections submitted by Real Food Markets Ltd. For ease of reference, the response follows the same numbered headings used in the objection.

1. Standing

Harbour Kitchen is not situated on the Quomps. The applicant understands that the area rented by Real Food Markets for the Christchurch Food Festival is The Green only, and not the towpath or quayside promenade, which remain within BCP Council's jurisdiction. Harbour Kitchen is adjacent to the Quomps, on the water, in much the same way as the Boathouse sits adjacent to the edge of the Quomps. It is therefore nearby, but it is not within the festival area understood to be rented by Real Food Markets.

2. Previous premises licence refusal

The previous Harbour Kitchen application for a premises licence appears to have been misunderstood. The objection suggests that the vessel would sit on its legs when the tide goes out, creating a possible danger for children. In fact, the craft floats up and down on its legs with the tide, similar to a floating pontoon used at marinas and at Mudeford Ferry Pier. The legs guide the vessel's movement; they do not create the fixed hazard suggested.

With regard to the allegation that there are no barriers preventing patrons from falling into the water, this is not correct. The sides of Harbour Kitchen are enclosed, and the arrangement has been inspected and accepted by Environmental Health together with the Fire Brigade.

Regarding water storage, this has been passed by Environmental Health. Fresh water is brought on board each day in sterilised five-gallon drums. Toilet capacity is dealt with by use of a cassette-type toilet, which is emptied every day and disposed of correctly.

Since the previous premises application, Environmental Health has inspected Harbour Kitchen, and the applicant understands that the necessary matters relating to public safety and the protection of children from harm have been addressed. In relation to public nuisance, no music has been played from the premises. It should also be noted that the Food Festival, music festivals, Stompin' on the Quomps, the carnival and other events all involve the sale of alcohol and loud music, as does the Boathouse.

Real Food Markets appears to accept that the legs of the craft now rise and fall with the tide. The toilet arrangements have also been addressed and passed by Environmental Health. It is therefore not correct to state that the applicant has failed to address the safety concerns upon which the previous refusal was based.

3. Mooring authority and landowner consent

With regard to South West Lakes Trust and South West Water, the applicant is in negotiations to understand and agree the appropriate licensing and mooring charges. The applicant's position is also that there is a right to moor in the harbour or river for a period not exceeding 14 days, provided no fixed mooring is attached to the river or harbour bed.

5.1 Public safety

There appears to be confusion regarding what are described as spud legs. As explained above, the legs are designed so that the craft floats up and down with the tide. When the tide is out, the unit sits on the mud bed and does not create a danger to members of the public.

Access to and from the vessel is by way of a purpose-built, engineered, non-slip gangway, allowing customers to come and go safely in much the same way as any marina dock. The applicant does not accept that the public risk profile is materially higher than at the location previously applied for. As the craft is a pontoon and is not moving, life jackets are not required under the current coding; however, two safety rings are provided in any event.

5.2 Prevention of public nuisance

The applicant does not accept that noise carrying over water creates a particular concern at Christchurch Quay in this case. The Food Festival itself, together with music festivals, Stompin' on the Quomps, motor shows and the carnival, can generate significant noise when operating. Other nearby venues and events take place on the Quomps, and the Boathouse also plays music. Harbour Kitchen has not played music, and there is no evidence before the Committee that it has caused public nuisance.

The suggestion that local public toilet capacity is already under pressure is not relevant to Harbour Kitchen, as it has its own toilet facility. Commercial waste is collected daily and deposited into the applicant's paid BCP commercial waste bin.

5.4 Protection of children from harm

The applicant does not accept the suggestion that children commonly paddle in the specific area relevant to Harbour Kitchen. The applicant's understanding is that the condition of the riverbed, including rocks and broken glass, makes such activity unlikely and unsafe. The objection again appears to describe the unit and its legs in a way that does not reflect how they actually operate.

6. Cumulative impact and festival dates

The suggestion that there will be an impact or conflict during festival dates is not accepted. The Food Festival operates for only three days. The Boathouse sells alcohol, the café sells alcohol, and the Captain's Club, some distance away, also sells alcohol. Thousands of people attend the festival, and there is room for businesses to operate responsibly alongside one another.

It is difficult to understand the objection that two licensed premises would sit only metres apart. Patrons, holidaymakers and local residents are entitled to go about their business and choose where they wish to walk, visit or spend their money.

Harbour Kitchen has never represented to patrons or members of the public that it is part of, connected with, or endorsed by the Christchurch Food Festival. If Real Food Markets is concerned about possible public confusion, any signage should be neutral and should simply make clear that Harbour Kitchen is a separate business. The applicant would not consider it appropriate for signage to imply that Harbour Kitchen is unsafe, as the applicant does not accept that to be the case. The applicant would also ask whether Real Food Markets would expect similar signage to be placed in respect of other nearby businesses, such as the Boathouse and the Mill Café.

7. Request

The applicant submits that refusal of the application because of the Food Festival would be disproportionate. Real Food Markets is not understood to be asking other nearby licensed premises, such as the Boathouse or café, to close during those three dates. The applicant's position is that the objection does not demonstrate any genuine undermining of the licensing objectives. The committee is also reminded that the Food Festival is understood to rent the Quomps Green only. Harbour Kitchen is moored in the river and is separated from the Quomps by the towpath.

The applicant therefore respectfully asks the Licensing Committee to give limited weight to this objection and to grant the premises licence. The evidence before the Committee demonstrates that Harbour Kitchen can operate safely, responsibly and without undermining the licensing objectives. Any outstanding practical matters can be addressed through appropriate and proportionate licence conditions, rather than refusal of the application.

Objection 5

Licensing Hearing Statement – Response to Representation by South West Water

Chair, Councillors, thank you.

I would like to address the representation submitted by South West Water and explain why, in our submission, the matters raised do not relate to the Licensing Act 2003 or to any of the four licensing objectives.

Communication History

South West Water states that they “reached out” or “advised” us. For accuracy, the only email we have received concerned obtaining a mooring. In that email, we were told that we could not have one, but no explanation was provided.

We are also in ongoing discussions with South West Water regarding licensing and mooring arrangements, together with Sir Christopher Chope MP. We are seeking clarification on that decision. We also understand that, under the relevant byelaw, a vessel may moor in the harbour and Lower Stour for up to 14 days, provided it is not in the channel, not within the designated moorings area, and not on a fixed mooring. We raise this point only to show that the issue is a civil or harbour-management matter, rather than a licensing objective under the Licensing Act 2003.

Licensing Objectives

1. Prevention of Crime and Disorder

South West Water’s concerns relate to land ownership and commercial agreements. These are **civil matters**, not licensing matters. No authority has raised any concerns about crime or disorder.

2. Public Safety

Environmental Health has **inspected and approved** the premises. All safety procedures, risk assessments, and staff training are in place. No responsible authority has raised any public safety concerns.

3. Prevention of Public Nuisance

South West Water has not raised any issues relating to noise, disturbance, or nuisance. We operate with controlled hours, noise management, and responsible waste handling.

4. Protection of Children from Harm

No concerns have been raised relating to children. We operate safely, responsibly, and with Challenge 25 in place.

Matters Outside the Licensing Act

South West Water's comments relate to:

- riverbed ownership
- commercial consent
- internal policy decisions

These are **not relevant** to the Licensing Act 2003 and do not relate to any licensing objective.

Conclusion

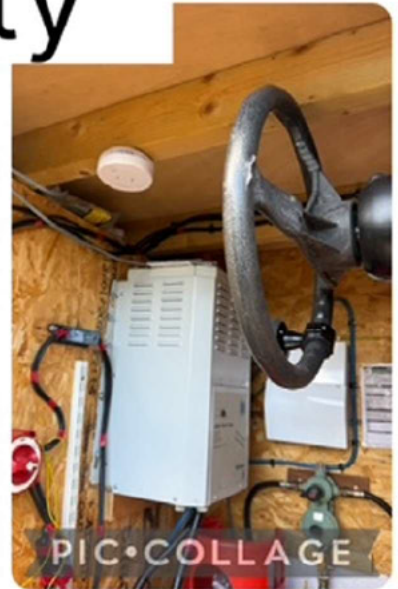
Harbour Kitchen operates safely, responsibly, and in full compliance with relevant requirements. No responsible authority has raised concerns relating to crime and disorder, public safety, public nuisance, or the protection of children from harm. South West Water's representation concerns mooring, ownership, consent, and commercial arrangements. Those matters may be for separate discussion between the parties, but they do not engage the licensing objectives and should not determine this application.

For those reasons, I respectfully ask the Licensing Sub-Committee to give limited weight to South West Water's representation and to determine the application by reference only to the statutory licensing objectives.

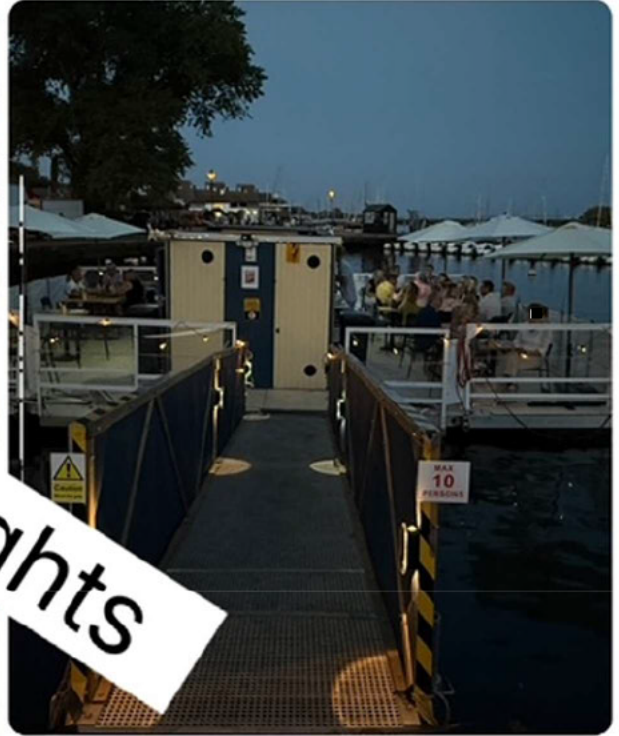
Thank you, Chair and Councillors.



Fire safety



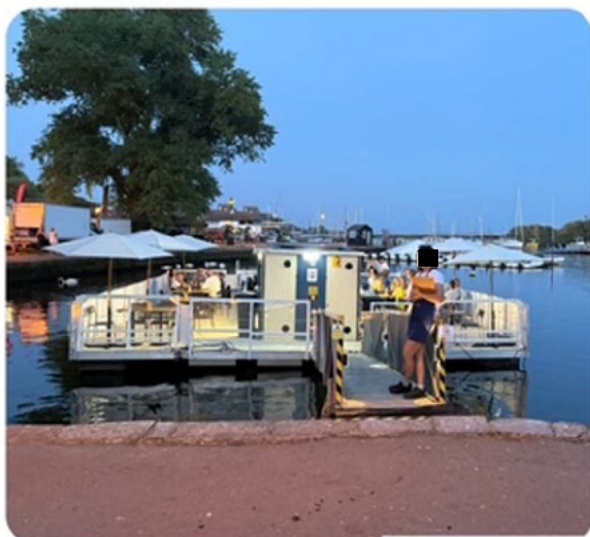
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Lights



General

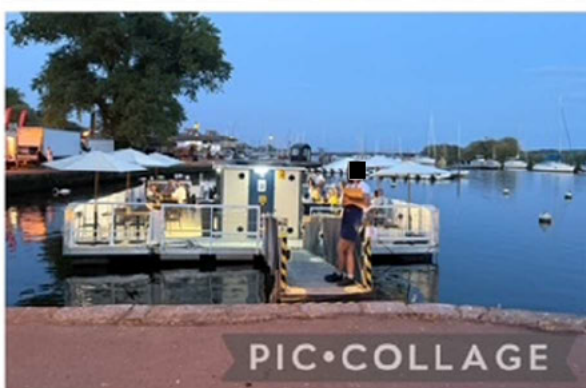


Team





Gantry



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