

APPENDIX E

Orcombe Point, Exmouth – Responses to Notice of Hearing

Applicant

Can Do Pub Company Ltd (Oliver Bainbridge)	
Hearing Unnecessary	No
Attending	Yes
Supporting documents	<p>EMAIL RECEIVED FROM APPLICANT 24/04/23, ASKING THAT IT BE CIRCULATED TO ALL PARTIES:</p> <p>Dear all, thank you for taking the time to respond to my application. I thought it might be a good idea to give some context to my application.</p> <p>The idea came from Wesley at Lyme Regis Brewery who simply applies to his local town council, they allot him a space on the seafront, he applies for a license and off he goes. Pouring craft beer to beer lovers on the beach in Lyme Regis. Bays also do the same at Brixham beach, in fact almost all small independent breweries with a connection to the beach are enabled to do a pop-up on their local beach from time to time. That is all we are asking for. Further down the beach at Hangtime they are enabled to have an outside bar, almost every weekend once the weather is good enough (I think they have one this weekend). I have been to many of these events and it is always a very nice atmosphere. Well behaved, courteous and respectful.</p> <p>I understand the concerns around alcohol related issues on the beach I too have been on the beach when this has occurred and its not very nice. This is the reason I didn't apply last year or the year before. The police made it very clear that there was no way a license application would be considered while there was this level of issue. Last summer those issues seem to have significantly reduced and it is thought that the post pandemic environment has passed and normal behaviour seems to have returned. Certainly the police are quite happy for me to apply and have offered no objections.</p> <p>From my experience of the Strand I note that putting licensees on the Strand, giving them responsibility for their area and making them accountable for the licensing conditions has made the Strand a nicer place to be. The issues we used to have on the Strand have reduced significantly since areas of the Strand have been allocated to local businesses. It seems to me that if there is a responsible person there to oversee the area then it is more likely to improve than it would be if it is just left to follow its own path. As I think is born out by the evidence on the Strand.</p>

Our beer is brewed by us in our brewery in Exmouth, we are a family owned business with years of experience in licensing. We know that the kind of people paying £5 a pint for a craft beer lovingly made by a local brewer are not the sort of people who are acting anti-socially on the beach. I would describe the type of person who drinks the beer I make like this, they would be 30-60 years old, normally with a dog, a young family and a fondness for supporting local businesses. These are not the people I witnessed causing issues on the beach. In fact they were the type of people helping the police try to sort out the problems. You might add that we should be encouraging these people to this area, it might do Orcombe Point a lot of good. It'd bring local focused people with good values to the area, who are minded to pay a little extra to keep a family business going rather than buying from Tesco. Might make Orcombe Point less interesting to those who do not share those values. You only have to look at what the people causing the trouble were drinking (cheap beer from a supermarket) to suppose that Tesco and Lidl are more likely to be to blame if indeed it was alcohol to blame at all!

Finally I would like it noted that we use a deposit scheme for our re-usable cups making them much less likely to be thrown away or left behind. We then wash them and re-use them.

Due to our beer being brewed in Exmouth it has the lowest beer miles of any other alcohol supplier on the beach. We use PV cells to pay our electricity bills and recycle 25000L of water a year. We are very proud of our green credentials.

Our license is only for 2 days so we can gather some evidence as to the impact of our idea. The police have made it very clear that if there are any adverse reaction to our pop-up they will not allow another application. I would not want to put one in should there be any problems.

We only intend to pop-up 4 or 5 times a year and so anyone wanting to come to the beach to drink will be bringing their own beer with them as they are unlikely to know when we will be there.

Their consumption of alcohol is unlikely to be impacted by us being there.

Our brewery was started with the support of local people in Exmouth and it has been expressed many times to us that "it seems un-reasonable for one family business to be allowed to pop-up on the sea-front while another be stopped"

I truly hope you will re-consider your representation to my application so we can judge this idea on the merit of evidence gathered. If there are any problems of any sort the police will not

	<p>allow any further applications and they will have the evidence they need to be able to stop this in the future. If it passes without a hitch we will all benefit from another amazing local business waving the flag for how wonderful our town is. Please feel free to contact me at anytime with any questions or concerns.</p> <p>Best wishes Oliver Bainbridge</p>
Summary of key points	-

Other Persons

1.	Laurie Wood
Hearing Unnecessary	No
Attending	No
Supporting documents	-
Summary of key points	<p>Below is a summary of the key points I rely on to support my original representation, and in response to Mr Bainbridge's notes supporting his application (sent by email on 24 April). My representation relates only to Prevention of Public Nuisance.</p> <p>Prevention of Public Nuisance</p> <p>Whether as a one-off event over a single weekend or over several weekends (Mr Bainbridge's email of 24 April), we are concerned that the area around Orcombe Point could become a focus for people visiting for reasons of availability of alcohol rather than for enjoyment of the quieter part of Exmouth beach.</p> <p>My family have over the past 60 years always chosen to use this end of the beach deliberately to get away from all the crowds and we are not alone. Many families come year after year and settle at this quiet end of the beach.</p> <p>The likely increase in people attracted to Orcombe Point to purchase alcohol is worrying for Foxholes Hill residents. As recognised by Mr Bainbridge, alcohol related issues are unpleasant. We have experienced just that since lockdown was eased. In particular, rowdy behaviour, damage to public property (benches and Jurassic coast related interpretation items), foul language and urinating (or worse) alongside residents' properties and in public places. Much of the unpleasantness stems from over-consumption of alcohol – mostly on the beach, but the impact of alcohol-related behaviour extends to residents and people enjoying the high-level coastal footpath. Admittedly, the problems were less apparent last summer, but we fear that the sale of alcohol could bring a return to unsavoury behaviour. Mr Bainbridge's characterisation of his client base may apply if the proposed bar would limit its sales to craft/locally brewed beer. But a condition along those lines is not proposed, and it may be</p>

	<p>unreasonable to expect him to agree to such a restriction. Alcohol of any variety would be sold from the pop-up bar, albeit at higher prices than local supermarkets and served in deposit-returnable cups. The applicant's proposal would not prevent the sale or consumption of the less-pricey beverages; it would just add to the number of people wanting to consume alcohol in this quieter section of the beach.</p> <p>The comparison with the Strand is, in my view, inappropriate. The area around the Strand is smaller, more intimate and highly supervised or regulated. As Mr Bainbridge says, the licensees take responsibility - and they do it well. There is little possibility, however, of the licensee monitoring the behaviour of their clients over the extensive and open areas beyond the beach. They would not have sight of the beach beyond the rocks at Orcombe Point or indeed of the areas above the cliffs and Foxholes Hill. The applicant would be hard pressed to exercise the same level of responsibility over such a large area.</p> <p>Equally, comparisons cannot be made with the licensed premises or pop-ups at the Sideshore complex. There are no residential properties nearby, the complex is well supervised and public toilets close by. The same cannot be said for Orcombe Point. The properties on Foxholes Hill are sited close enough to the Point to be affected by the proposal. Plus, there are no public toilets in close proximity to the suggested position of the pop-up bar.</p> <p>It has to be said, the lack of public toilets is one of our biggest objections to the proposed application. Even for a period of just one weekend, the lack of public toilets within close range would result in public nuisance of a very unpleasant kind.</p> <p>I agree that deposit returnable cups and other conditions suggested would help to control the litter issues. I believe the applicant would be diligent about this matter.</p> <p>Nevertheless, we have serious concerns about this application and would urge you to reject it.</p>
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2.	Robert Cooper
Hearing Unnecessary	Yes
Attending	No
Supporting documents	-
Summary of key points	<p>I actually very much support what the applicant is wanting to do as it could be a positive activity for Exmouth – which I would enjoy myself.</p> <p><u>BUT</u></p> <p>It is the location at Orcombe Point which I object to as there are no toilets. (The nearest being over a ¼ mile away).</p>

	<p>There are 4 public toilet facilities along Exmouth Seafront – I would recommend the applicant re-applies to be by/near one of these. At other seaside resorts these sort of pop-up bars are located by/near public toilets so no risk of people urinating in public.</p> <p>Prevention of Crime and Disorder There will be disorder of people urinating nearby – on the bends of the zig-zag path and/or on the beach.</p> <p>Prevention of Public Nuisance There will be the nuisance of people urinating nearby and the nuisance of public paths then stinking of urine – but if at another location near toilets there would be no risk of this.</p> <p>Protection of Children from Harm It will upset children if adults are openly urinating in public.</p> <p>I would also like to make the following points.</p> <ol style="list-style-type: none"> 1. It is confirmed by measuring on the ground that the toilets are over a quarter of a mile away and also confirmed by looking at Google Maps. 2. It is unfortunate the applicant did not first chose a location next to toilets. 3. It is unfortunate if the applicant has spent money advertising the event before first getting licensing approval. 4. I would suggest the application is refused and a new similar application made next to public toilets - which would be well supported. 5. If the current application is approved I suggest a condition is placed apron it that the applicant provides 6-8 portaloos cubicles to avoid the risk of adults urinating in public if there are no convenient conveniences available.
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3.	Robert Kathro
Hearing Unnecessary	Yes
Attending	No
Supporting documents	Please refer to email 01/05/2023 – subject Orcombe Point Trailer Bar + Key Points Sheet
Summary of key points	<p>Key Points from email dated 01/05/2023</p> <p>The four licensing objectives listed below in bold will all be impacted negatively by the application. The impacts on each objective arise from the problems that already exist at Orcombe Point and the amplification of these problems that the proposed trailer bar will cause.</p> <p>The problems are listed in my two previous submissions made in response to the two applications made and also attached. In summary:</p>

Orcombe Point is a remote location with no passers by on foot or by road, or indeed on the beach, surrounded by areas of vegetation that provide cover for anti social behaviour (ASB). NB this is very different from the example of Hangtime quoted by the applicant which has the restaurant business and patrons, watersports facilities and passersby as part of the location. The point being that Orcombe Point lends itself to misbehaviour given its remoteness - something that is witnessed daily and the area feels lawless at times.

Further, the applicant uses The Strand as an example of how things might be at Orcombe Point. This argument is flawed as the licencees in The Strand were there before they had areas allocated, they are permanent and indeed do oversee their patch up to closing time and after - the applicant will depart and leave Orcombe Point to 'follow its own path' to quote directly from the applicants letter to respondents. Customers in The Strand can use the toilets in each premises, the toilets on Marine Drive are approx. 450m from Orcombe Point and are closed at weekends. The licencees in The Strand also have a relationship to maintain with other businesses and residents, neither apply at Orcombe Point. Police and security routinely patrol The Strand which provides a deterrent. The applicant will sell his beer and residents will pay the price in increased ASB, the applicant will never meet the residents.

Issues that arise at Orcombe Point routinely include: Urination on the footpaths, defecation in public places, bonfires on the beach and on the Donkey Field, camping on the beach and green spaces at the top of the cliff, Nitrous Oxide consumption, Cannabis consumption, anti social driving late at night, including 'drifting' around the flag poles, loud groups of people gathering in residential roads, rubbish from fast food outlets dropped, vanlife/camping on Foxholes Hill with occupants cooking breakfast at 10 in the morning with a stove on the pavement.. These have all seen an increase in recent years and alcohol has been one of the driving forces.

As well as Marine Drive, entry and exit to Orcombe Point is via a quiet residential area (Foxholes Hill along its entire length) which already suffers regular ASB caused in part by revelers returning from the beach to their cars whilst inebriated/under influence. This is via the Zig Zag path and the 'Donkey Field' to Foxholes Hill where parking is free.

Whilst the customers of the proposed trailer bar may be well behaved, as claimed but not guaranteed, the promotion of alcohol consumption at Orcombe Point will place the location 'on the map' for drinking, either whilst the trailer bar is operating or after it

	<p>closes or on other days. This will result in an increase in the problems identified here. The town does not need another location for the consumption of alcohol and any 'pop up bar' should, if deemed necessary, be located in a more prominent and visible location where there are societal pressures to behave and where public transport is readily accessible and the surrounding area cannot be used as a toilet.</p> <p>The suggestion that the likely customers of the trailer bar will improve Orcombe Point is wishful thinking, the location does require serious remedial action to improve it - parking on the pedestrian area included - but a trailer bar selling alcohol is not the first idea that comes to mind as a suitable improvement measure. If the authorities were minded to improve the area, perhaps along the line of Sideshore then as part of that improvement - a traffic free zone, piazza, food and drink, then that would be most welcome, but a temporary licence is not the answer and the evidence gathered will lag the activity, especially as there is no plan to capture feedback.</p> <p>Finally, the applicant states that 'the consumption of alcohol is unlikely to be impacted by us being there' this is clearly incorrect.</p> <p>I do believe in supporting local business and wish the applicant the best of success with his brewery, but the application should be rejected and thought given to an alternative location, for example opposite the Echelon car park.</p> <p>The four objectives are all impacted negatively by the proposed bar. Prevention of crime and disorder - increased ASB Public Safety - increased ASB Prevention of public nuisance - increased ASB Protection of children from harm - increased ASB</p>
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4.	Debra Quine
Hearing Unnecessary	No
Attending	Yes
Supporting documents	-
Summary of key points	<p>Prevention of Crime and Disorder</p> <p>There is historical evidence of violence between drunken members of the public in this area. Our staff have been subjected to awful anti-social behaviour due to the drinking culture at the end of the beach. This current application there will be no control or accountability by the licensee once the sale has been made. Due to the lack of toilets at this end of the beach anti-social behaviour through defecation and urination will pose a serious health risk to the public. I believe the town council even placed a</p>

	<p>roaming camera to catch the perpetrators defecating on the zig zags.</p> <p>Public Safety With no transport links for public buses at this end of the beach an increase of possible drink driving may occur. The proposed location is by a beach, where a high level of children/teens are likely to be present. The sale of beer to people underage will be higher and with no security checks in place after the sale it is likely that alcohol will be passed to underage drinkers. High likelihood of excess littering. Increased noise levels.</p> <p>Prevention of Public Nuisance Single use plastic or glass bottles that will be littered will contribute to environmental damage. If the use of a generator is needed this will impact the peace and quiet of what is a tranquil environment.</p> <p>Protection of Children from Harm Underage drinkers could be at risk of harm from excessive drinking. The close proximity to cliffs and sea assessable by intoxicated children should be of upmost concern. Alcohol consumption can lead to increased rates of violence and crime, which can impact the safety of children.</p>
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5.	Exmouth Town Council
Hearing Unnecessary	-
Attending	No
Supporting documents	-
Summary of key points	-

6.	Nicky Nicholls - Transition Exmouth – no response received
7.	EDDC Beach Safety Officer - no response received