


## REPRESENTATION RE : VARIATION OF PREMISES LICENCE

BEACH SHACK, DEVONIA SLIPWAY, ESPLANADE, SANDOWN, ISLE OF WIGHT

NAME: Ian Piper

COMMENTS: Environmental Health Isle of Wight Council Jubilee Stores The Quay Newport Isle of Wight PO30 2EH Premises - Alcohol and Entertainment - Licence Application number 048359 Beach Shack (Devonia Kiosk), Devonia Slipway, Esplanade, Sandown, Isle of Wight, PO36 8NJ This objection is raised with reference to the application by Gregory Orr and The Beach Shack licensed café (Devonia Kiosk), Devonia Slipway, Esplanade, Sandown, Isle of Wight, PO36 8NJ to extend its current licensing hours to Sun-Wed 0700-2230, Thurs 0700-2300 and Fri/Sat 0700-2359. I object to the application on the grounds of increased noise and disturbances to the residents of Napoleons Landing due to longer licensed opening hours, later closing and the proposed playing of music, activities likely to result in additional public nuisance, anti-social behaviour, low-level nuisance and non reportable crime, including shouting, swearing and littering. The Beach Shack is immediately adjacent to Napoleons Landing, a residential block, and so late-night opening, licensing and music playing are not appropriate. Application "Part 4 Schedule" states "recorded music" and "entertainment of a similar description to making music and dancing" The playing of music and dancing is likely to lead to an increase in noise, not least due to the construction of the main Beach Shack building (where music will be played) which is has not been designed with noise reduction/mitigation in mind. I don't consider late-night music and dancing to be activities consistent with a "Licensed Cafe". The positioning of the bar immediately adjacent to the main entrance of the premises (shown in the supporting documentation) and the plan to serve late-night refreshment outside (as indicated in Box L), will encourage customers to stand in and around the doorway and once served to leave the premises and drink and take refreshments on the revetment. This is likely to cause disturbance on and around the revetment and particularly to residents of Napoleons Landing. Current UK law demands all smoking activities to take place outside, so smoking customers will congregate outside the Beach Shack further adding to the general noise levels immediately beneath south-end apartment balconies of Napoleons Landing. The acoustics of area immediately surrounding the Beach Shack already make it possible during daytime for residents on several floors to regularly overhear the conversations of customers seated on the revetment below. At night this will be much more intrusive and will cause disturbance, particularly during summer months, when neighbouring property windows will be open.



[REDACTED]

[REDACTED] Previous late-night opening, for private parties, has already resulted in complaints to the Licensee and these are the subject of council records. In view of all the above, I would urge the Licensing Authority to refuse this application. Yours Sincerely, Mr I Piper

NAME: Andrew Lambourne

COMMENTS: We own apartment [REDACTED] in Napoleons Landing which, along with 6 other apartments, directly overlooks the Beach Shack (Devonia Kiosk). Access from Sandown by road or path to and from the kiosk passes directly in front of (via the Esplanade) and to the rear of (via Ferncliff path) the whole of the Napoleons Landing residential development in the quiet cul-de-sac at the South-Western end of the Esplanade. The evening and night-time peace and quietness of its location is one of the main attractions for the owners and residents of Napoleons Landing, a number of whom are older or retired people. The Beach Shack when operated ostensibly during daylight hours as a beachside cafe fits harmoniously with its quiet residential location. Extending its licensing hours to 10:30pm, 11pm or midnight as proposed, with the premises closing 30 minutes after the end of the proposed extended licensing hours, would be inappropriate and not sympathetic to its location. Such a proposal represents a substantive change to the operating constraints and would significantly increase the likelihood of late night noise - regardless of notices asking customers to leave quietly. Even with double-glazing it is possible to hear conversations at street level at night, and with late-night outside dining and late-night licensing it would be highly likely that noise and disturbance would detrimentally affect the Napoleons Landing development in general, and the 7 apartments overlooking the Beach Shack in particular. So substantive would this change be that we urge the Council to reject this application and to encourage operation of the premises in a way which is sympathetic to its location next to a substantial residential property in a quiet location, so that the rights of owners and residents to enjoy their residences peaceably are fully protected.

NAME: Paul Brook

COMMENTS: On behalf of the residents of Napoleons Landing, we have some concern about the late night licence on Friday and Saturday evening till twelve midnight at the Beach Shack. Customers leaving the premises, and the potential noise etc. they could make at that this time of the night. Regards Paul Brook Chairman of the Napoleons Directors.

NAME: Garry Rousseau

COMMENTS: With regard to the application for a music license at the beach shack sandown I will have to strongly oppose the request. The property applying for the licence is adjacent to our apartment and directly below our bedroom. A residential area like this does not need disturbances such as music playing until midnight. We understand the property is going to be extended for holiday accommodation but for it to be allowed to be used as a music venue strikes me as rather strange as it is clearly an eating establishment. Are the owners trying to change the whole usage of the building? What is it really about to become? It has been trading for many years as a café/kiosk.

We have enjoyed the peace and quiet of the area and the isle of wight for a long time now [REDACTED]

[REDACTED] I cannot stress enough how disturbing this will be to the residents of Napoleons Landing please consider the impact this will have on the area and for the residents.

NAME: David Bramley

COMMENTS: photos 1 and 2 to follow The request for variation to the premises licence of the Beach Shack (Devonia Kiosk) Western Esplanade Sandown 11th June 2015 Dear Sirs, We have carefully read the following: The IOW Statement of Licensing Policy for 2014-2019 adopted 15th January 2014. Part A of The Beach Shack Premises Licence No 025417 The Application to Vary Form submitted by Gregory Orr as well as the Notes on that form. Part A of the Licence granted has conditions attached to it, it also specifies the table plan for which the Licence was granted. It says that alcohol must be consumed by people sitting at tables, and that only beer, wines and cider may be served in non-glass containers. The plan for which the licence was granted shows 18 covers 10 of which are directly on the revetment. The other 8 are outside beside the Beach Shack. The variation request plan is for 40 covers of which 18 are inside. In the variation plan no tables are shown on the revetment but there are currently 16 seats with 6 tables (see attached photo No1 dated 10/06/2015.). If the revetment tables are included in the variation request it is 56 seats, 18 inside and 38 outside. This should surely be a Request for a New Licence not a variation. Indeed it could be argued that this establishment should have obtained a new licence after the extension. This beach kiosk upgraded its premises two years ago to have an indoor area and thus be able to operate as a family cafe on some evenings. We actually wrote a letter in support of that planning application and have therefore been supportive of the owner and his business. We recognise in a seaside town there will be higher levels of noise in the summer months. Our apartment is on the wall adjacent to the Beach Shack less than 5 metres away. Our bedroom is on that wall (see attached photo No 2). We believe that the request to extend the alcohol hours up to midnight closing half an hour later is inappropriate for what is a family restaurant as stated by the owner in his application. We believe that an extension for alcohol for these three days (Thursday, Friday and Saturday) to 11.00pm closing at 11.30pm is more reasonable and consistent with a family restaurant. The departure of guests after 11.30pm on one night and 00.30 on two further consecutive nights is beyond reasonable in a residential area. The request to play recorded music from 8.00 until 22.00 and even later Thursdays, Fridays and Saturdays is potentially much more intrusive. In the application there is no definition of what this recorded music may include(required in note 3). Is it quiet mood music, loud music with heavy bass or even Discos which would be wholly inappropriate and inconsistent with the premises licence which stipulates that drink can only be served at tables. It is possible to clearly hear conversations held on the tables outside. With 38 of 56 covers outside, to play recorded music indoors without it being clearly audible and intrusive outside would be extremely difficult to manage, particularly as there are 2 large patio doors to the side together with an entrance door and a servery onto the revetment. The building is of light beach hut type construction and is not very sound proof. As the premises now has inside seating it is possible that it could open 365 days a year playing a minimum of 14 hours music a day. This end of Sandown is the quiet end, we are old age pensioners and bought our apartment to enjoy

our retirement because it was in a quiet position with no through traffic. We believe we have a right to enjoy our balcony and apartment without intrusive music playing all of the daylight hours available in a year. As this is a beach kiosk/family cafe we cannot see the need for any music. If recorded music is granted then we would ask that there are significant and enforceable constraints to enable the residents of the 56 apartments with balconies which comprise Napoleons Landing to enjoy their amenities. If you are minded to allow recorded music we would request you specify: 1. The type of music - to avoid heavy bass music and Discos and amplification. 2. You specify the player is fitted with a decibel triggered cut-off device 3. All windows and doors are kept closed. The intrusion and public nuisance of late hours opening together with all day loud music for the many residents of Napoleons Landing compared to the benefits of this variation to the business would be significantly out of balance. David and Denise Bramley

NAME: Elizabeth Wallis-Smith

COMMENTS: The Beach Shack is adjacent Napoleons Landing, a large residential apartment block and our concerns are as local residents [REDACTED] and apartment owner of [REDACTED] Napoleons Landing, a second floor apartment close to The Beach Shack. Having reviewed the licensing application I am unsure of the proposed closing times as the information in Box O does not correlate with the further information listed below for Thursday, Friday and Saturday closure! Please confirm. Our main concerns are that music may cause a disturbance into the evenings and that late night alcohol serving particularly on Friday and Saturday night til midnight and drinking up time til 12.30 may be intrusive. I assume that if this licence is granted it will be reviewed and can be withdrawn if there are ongoing issues.

Application to Vary a Premises Licence at The Beach Shack, Devonian Kiosk, The Esplanade, Sandown, 9.0.11

Dear Sir,

10.05.2015

11 JUN 2015

10. June 2015

I live on the 4<sup>th</sup> floor of Napoleons Landing in [redacted] next to the Beach Shack. I am retired and have lived here on my own for 10 years. I want to let you know that the Beach Shack is very close to my apartment and my bedroom. I am already able to clearly hear conversation and noise coming from the Beach Shack, and am particularly unhappy when offensive language is used. It is very embarrassing when my grandchildren come to visit.

On the occasions when parties have been held the noise has been loud and has prevented me from sleeping. I feel that music playing all day long every day would be very unfair and disturbing. I am sure being kept awake late at night several days a week would affect my health and cause me unnecessary stress. I would ask that you do not allow recorded music and do not extend the operating hours beyond 10.30.p.m.

I really do not understand why a beach kiosk needs to stay open and play music until the early hours.

Yours sincerely

[redacted]