

*From*  
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19 June 2015

Dear Sir/Madam

LICENSING ACT 2003  
APPLICATION TO VARY A PREMISES LICENCE  
Beach Shack (Devonia Kiosk), Devonia Slipway, Esplanade, Sandown, Isle of Wight,  
PO36 8NJ.

I write to clarify a number of points in relation to the above application.

## 1. Revised Timings

Please be advised that there has been a revision to the timings for the sale of alcohol, recorded music and late night refreshment.

Requested timings are now as follows:

### Recorded Music

Sun – Wed	08:00 - 22:00	
Thurs	08:00 – 22:30	30 minutes earlier
Fri & Sat	08:00 – 23:30	30 minutes earlier

### Late Night Refreshment

Fri & Sat	23:00 – 23:30	30 minutes earlier
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### Supply of Alcohol

Sun – Wed	10:00 - 22:00	
Thursday	10:00 – 22:30	30 minutes earlier
Fri & Sat	10:00 – 23:30	30 minutes earlier

#### Hours Open to Public

Sun – Wed	08:00 - 22:30	
Thursday	08:00 – 23:00	30 minutes earlier
Fri & Sat	08:00 – 23:59	30 minutes earlier

I have included in this letter an extract from an email that I have received from the applicant which explains a little more of his intentions and reasons for making the application. (Please note that the reference to alcohol until 12pm should now read 23:30 hours as the email was received prior to the revised timings being agreed.) I have also included a list of the conditions that will be attached to the licence if the variation is granted.

#### Email extract from Gregory Orr

*"I am writing to clarify our intentions and thinking in light of the complaints you have received concerning our licence application. We applied for a variation of licence because we changed the position of our bar when we carried out the extension works. During the process we consulted with the police and were advised that it probably made sense to apply to vary the hours of our licence rather than apply for temporary events licence for each event as we had been doing. It is not our intention to become a party venue. We believe that perhaps because of the standard wording of the licence application this had led some to believe that this is what we intend. This can be borne out by the fact that we are commencing building works this October to build a holiday let immediately adjacent to our cafe.*

*In the summer, we have tapas evenings at the cafe on a Friday and Saturday evening. Under our current licence, we can serve alcohol until 10pm. When we have tables booked at 8pm, people are often surprised that they cannot order a drink after this time. For this reason we are seeking to extend it to 12 pm. As we understand it, we can already do what we intend to do (with the exception of serving alcohol until 12pm), the only difference with our obtaining the new licence would be that we do not need to apply for a temporary event licence each time we do hold an event. We would naturally understand complaints if these were to be on a weekly basis, but they are not and never will be.*

*One of the complainants pointed out that we have changed considerably from being a mere kiosk. We would like to point out that under the planned Regeneration of Sandown, the Council said that they would only renew our lease if we took part in this and redeveloped. This we have done, much to the delight of most locals and holidaymakers, We are a (mainly seafood) venue on the beach enjoyed by many and hope to carry on this way!"*

Please also be advised that The Legislative Reform (Entertainment Licensing) Order 2014 came into force on the 6 April 2015 and provides that no licence permission is required for: any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:

- i) At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- ii) If the music is amplified, it takes place before an audience of no more than 500 people; and
- iii) The music takes place between 08:00 & 23:00 on the same day.

This does not mean that the premises licence holder can cause a nuisance to residents before 23:00 hours and no action will be taken. The licence holder must still act responsibly as the review of a premises licence can still be sought by the Responsible Authorities as determined by the Act (Police, Fire, Environmental Health, Trading Standards, Children's Services etc) or by any other person if they believe that the Licensing Objectives are not being upheld. Additionally the Environmental Health Department maintain their powers under the Environmental Protection Act 1990.

If after having considered all of the above information your concerns have been addressed and you wish to withdraw your representation then I would be grateful if you would email me at [Andrea.bull@iow.gov.uk](mailto:Andrea.bull@iow.gov.uk) or write to the Licensing Section, Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH. If I do not hear from I will assume that your representation still stands.

I have included with this letter the notification of the Licensing Sub Committee hearing that will be held to determine this application along with the procedure to be followed on the day.

Should you have any queries or wish to discuss any of the information contained within this letter further then please do not hesitate to contact me.

Yours faithfully



Mrs Andrea Bull  
Licensing Officer