

APPENDIX M

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Mr Ian Piper



29 June 2015

Dear Mrs Bull

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

I write in response to your "Info letter" dated 19 Jun in respect of the above application in which clarification is attempted by the applicant Mr Orr.
Having reviewed the supporting information I still have significant concerns given that my apartment (49) directly overlooks the Beach Shack and Revetment area.
I urge you to consider the following:

1) Licensing times

Mr Orr indicates in his letter that his application and intention to extend serving alcohol until midnight is because diners taking tables at 8pm are surprised they cannot order alcohol after 10pm. Given the nature of the dining and of the Beach Shack establishment, this is surprising and it would certainly be unusual for such meals to last for upwards of 4 hours. I believe the current hours are perfectly reasonable for the type of establishment and urge you to refuse the request for variation.

2) Drinking on the Revetment

It is of great concern that the condition from the existing license IW 025417, which states that "*Alcohol will only be supplied for consumption by customers sat at tables on the premises or those outside tables approved by the Local Authority*", has been omitted from the document. Whilst I note that the proposed Condition prohibits consumption of alcohol after 23:00 "*in the external area of the premises*" this appears to allow consumption on the revetment, which presumably is not part of the external area of the premises. I asked in my previous email, dated 11 June, that this point be clarified, but you have not replied. (In case you missed it I have attached another copy)

I believe it would be possible under the proposed Conditions for as many as 500 people to be consuming alcohol outside on the revetment until late at night, with the associated risks not just of noise and disturbance but of Public Nuisance, Disorder and anti-social behaviour, and possible inclusion of those under 18 years of age in consumption.

3) Parties or "events"

I also note Mr Orr has not taken the opportunity to reassure neighbours that he would not be having parties. But he has chosen to use a phrase that does (in my mind) exactly the opposite "we do not intend to become a party venue" which is not the same as "we will not be having any parties". This indicates he will be having them but doesn't (for obvious reasons) want to say so. Mr Orr describes them as "events" but does not say what they are. He also suggests the standard wording of the licence application form is the source of my concern, however I note there are several blank sections that allow him to add details about exactly what he is proposing. Assuming the "events" he mentions are Tapas evenings it would seem reasonable and prudent to reinstate the Condition that alcohol should only be supplied for consumption by seated diners and I urge you to include this in your Recommendations. Such a measure would not restrict Mr Orr's stated objectives and would eliminate the risks involved with unrestricted consumption. I believe that for an establishment of this nature, late evening consumption of alcohol, food and beverages should only be permitted inside the premises and by those seated at tables.


4) Music

Unfortunately, it appears that the hours during which recorded music may be played now coincide with licensing hours. This is of great concern and refusing the licence variation would serve to limit disturbance caused by music. Keeping the current licensing times would minimise the risk of noise and public nuisance caused by people leaving the venue. It is a fact that longer licensing hours means more alcohol consumed and as a result a higher risk of public nuisance. Extending the licensing hours and closing times on any evening would in my view have an adverse impact on the adjacent residential area of Napoleons Landing.

I therefore urge you to recommend that the status quo prevails and reject this application.

Yours sincerely

Ian Piper


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Beach Shack (Devonia Kiosk), Devonia Slipway, Esplanade, Sandown, Isle of Wight, PO36 8NJ

I write in response to your "Subsequent Info" letter dated 19 Jun in respect of the above application in which revised timings are proposed and clarification is given by Mr Orr.

Having read the revised proposal and supporting information we still have significant concerns given that our apartment directly overlooks the Beach Shack. Our concerns and proposals are as follows:

1) Parties and standing drinkers

It is of great concern that a material condition from the existing license IW 025417, namely condition (2) which stipulates that *"Alcohol will only be supplied for consumption by customers sat at tables on the premises or those outside tables approved by the Local Authority"*, has been omitted from the document entitled "License Conditions which would be attached". Whilst we note that the proposed Condition (7) prohibits consumption of alcohol after 23:00 *"in the external area of the premises"* this appears not to prohibit consumption on the revetment, which presumably is not part of the external area of the premises. Hence on the face of it, it would be possible under the proposed Conditions for a large number of people (up to 500) to be consuming alcohol outside on the revetment until late at night, with the associated risks not just of noise and disturbance but of Public Nuisance, Disorder and anti-social behaviour, and possible inclusion of those under 18 years of age in consumption.

Although Mr Orr states in Subsequent Info that *"It is not our intention to become a party venue."* this does not explicitly rule out holding parties, and he refers in any case to holding unspecified *"events"*. However his main justification for a change in licensing hours is to satisfy diners on Tapas evenings.

Assuming that the "events" are such things as Tapas evenings and will continue to be held, and that Mr Orr offers some reassurance at least that the Beach Shack will not be used as a party venue, then bearing in mind the risks identified above it would seem reasonable and prudent to reinstate the Condition that alcohol should only be supplied for consumption by seated diners and we urge you to include this in your Recommendations. Such a measure would not restrict Mr Orr's stated objectives and would eliminate the risks involved with unrestricted consumption. At the very least, Condition (7) of the proposed new restrictions should be strengthened to make it explicit that between the hours of 23:00 and 08:00 consumption of alcohol, food and beverages is only permitted inside the premises and by those seated at tables.

2) Licensing times

Mr Orr indicates in Subsequent Info that his application and indeed intention to extend serving alcohol until midnight (which you indicate should be read as 23:30) is because diners taking tables at 8pm are surprised that they cannot order alcohol after 10pm. Given the nature of the dining, this would seem somewhat surprising and it would certainly appear unusual on the face of it for such meals to last for upwards of 4 hours.

A reasonable compromise would be to recommend a licensing extension from 22:00 to 22:30 on Thursday, Friday and Saturday evenings, with closing time set at 23:00, giving diners commencing at 20:00 a full two and a half hours in which to order alcohol and three hours in which to consume it.

Given that the hours during which recorded music may be played now coincide with licensing hours, this would serve to limit disturbance caused by music, and keeping to a closing time of no later than 23:00 would minimise the risk of noise and public nuisance caused by people leaving the venue late at night. Clearly the longer the licensing hours, the more alcohol consumed and the later the closing time, the higher the risk of public nuisance as a result. Extending the licensing hours and closing times beyond 22:30 and 23:00 respectively on any evening would in our view constitute an adverse impact on the adjacent residential area of Napoleons Landing. We therefore urge you to recommend more restricted licensing and opening times than the proposed revisions which in our view do not go far enough to minimise the impact of what is proposed.

3) Notification of hearing on 13th July

In respect of the five questions asked in your letter of 19 Jun concerning the hearing:

1. We feel that a hearing is necessary given the nature and likely impact of the proposals particularly in relation to Prevention of Disorder and Prevention of Public Nuisance
2. We will not be able to attend the hearing
3. We will not be able to speak at the meeting
4. Our representative will be Mr David Bramley and we would request that he is given an opportunity to present our case to the meeting
5. Other than Mr Bramley we do not require anyone else to speak on our behalf

Yours sincerely,

Andrew Lambourne