

Shane Batchelor
Licensing Officer
Jubilee Stores
Newport

Blackwater Road
Newport
PO30 3BE



Dear Mr Batchelor

1st October 2017

Newclose County Cricket Ground Ltd. Application for variation ref 17/01217/LAPVAR

I wish to object strongly to the proposed variation to the current Licence IW 044067 submitted under the above application reference number and list below my reasons and concerns.

Part 1) Brief History

NCCG and pavilion were originally approved by IW Planning for cricket use only. Shortly after the ground officially opened the operators applied for, and were given, Licensing and Planning permission to enable the pavilion and a marquee to operate as a bar, restaurant and party venue. The serving of alcohol and events with live or recorded music enabled the operators to open to the general public even when no cricket was taking place. The "cricket ground" in effect became a business using the pavilion as a pub/bar, a restaurant and a party venue whilst the marquee hosts wedding, birthday parties and other large private functions. The relevant Council departments involved seemed unaware or not bothered that a rural area was totally unsuitable for these activities. In 2013 the marquee hosted events, many of which resulted in noise nuisance to neighbouring properties thus preventing the right to the peaceful enjoyment of our properties. As a result a review of NCCG's licence took place in March 2014. Conditions were placed on the licence under Annex 3, which I understand will not be affected in this latest application. It is a sad fact that even after the licence review neighbouring properties were subjected to yet another summer of excessive noise nuisance from events in the marquee. Occupants of nearby properties again made many late night calls to EH. One event, I understand even prompted complaints as far away as Blackwater and Whitecroft. The Council seemed powerless to do anything but gather "evidence" after which I understand warning letters were issued to the relevant parties concerned, nothing more. Whilst we were aware of events within the marquee in 2015 we did not wish to make any complaints and in 2016 we were again aware of the use of the marquee but we did not feel the music was more than barely audible.

If longer hours are approved, I assume that the licensing terms and conditions would also apply to the marquee, although a planning condition currently does not allow its use beyond 11pm.

I understand that there has recently been a change of management at the ground. Perhaps this explains why we have been disturbed by a couple of events over recent weeks. One event related to live music coming from the marquee. This was definitely more than "barely audible". The next event was held in the pavilion licence under a TEN until 1am. That night we were prevented from sleeping until after the event finished as we were kept awake by loud screaming and shouting. I can only

assume that people were wandering around within the grounds. It was a still night and even their conversations were audible in our house (warm night windows open).

Having recently experienced the rowdiness of the afore mentioned late night /early morning event held in the pavilion I remain unconvinced that there will not be more to come if longer licensing hours are approved and if condition 2 in Annex 2 which states that "the provision of live or recorded music shall take place on not more than 18 calendar days in any calendar year" is removed as the applicant has requested.

Part 2

These are my comments on the four licensing objectives as proposed by the applicant:

b) The prevention of crime and disorder

I am concerned that the need to use door staff could imply that some people using the pavilion might be considered to be a nuisance or concern, should there be longer licensing hours. The marquee I assume, would be used mostly for private events but perhaps could be considered to be subject to the same sort of risk, particularly if licensing and /or planning conditions are ever varied.

c) Public Safety

No mention is made to the control of glassware/bottles sold for consumption off the premises.

There seems to be nothing to stop someone opening a bottle in the car park, or elsewhere within the ground and smashing the bottle on the ground endangering children, adults, wildlife. Even neighbouring driveways or footpaths may not be safe from the same type of abuse. Longer opening hours for the sale of alcohol COULD make this all the more possible.

d) The prevention of public nuisance

Conditions relating to the noise emanating from activities in the marquee is mentioned by the applicant, but outside the marquee (i.e. in the ground) and the pavilion nothing is mentioned. Noise from the ground and pavilion should also be considered to be a nuisance. Just a few weeks ago we experienced noise nuisance coming from an event which was held in the pavilion. I think that people must have been wandering around the ground as their screaming and shouting kept us awake until after the 1 am finish. It was a still night and even their conversations could be heard inside my house.

e) The protection of children from harm

There seems to be no mention of either the English Cricket Board Child Protection Policy or the exclusion of children in the bar area without them being accompanied

by a responsible adult.

This is after all supposed to be a cricket ground open to all ages but it seems evident to me that the intended use is now more of an adult entertainment centre. If children are to be present during licensing hours, adult supervision, I assume, should still be considered necessary.

Part 3

ANNEX 2 Conditions

The proposed removal of ALL the conditions in Annex 2 replacing them with section M of the application causes me great concern and I object to several of the conditions being removed. They are as follows:

Condition 1

The request to allow members of the public to enter the premises 2 hours earlier on Saturday and Sunday is presumably for serving breakfasts. I do not know the original reason(s) for Licensing applying the condition but I can only assume that circumstances have not changed and longer opening hours would not be looked on favourably.

From my point of view longer opening hours means more traffic on the already busy road.

Condition 2

An extra half an hour Monday to Saturday and an extra hour on Sunday encourages more drinking. At the moment I assume that the latest times that the public can be on the premises does not allow any "drinking up time" so people are loath perhaps to order drinks just before the end of the current licensing hours. The extra half an hour and whole hour on Sundays could encourage that extra drink and could lead to more noise nuisance to neighbouring properties both from inside and outside the pavilion.

Condition 6

Taking away this condition would presumably allow children to wander in and out of both the pavilion and marquee bar areas without an adult accompanying them which is not acceptable. I am sure the reasons speak for themselves.

Condition 9

If the applicant wishes to remove the ECB Child Protection Policy does this indicate that cricket will be a decreasing activity at the site?

Condition 10

It is my understanding that Newclose stated that the use on CCTV positioned on the marquee would not be possible due to it's structure and a planning condition

regarding lighting .Would infra red lighting not be an option and cannot a way be found to secure cctv to the structure. Surely this should be considered to be a safety measure.

condition 12

This condition currently allows Newclose to hold no more than 18 events with live or recorded music per calendar year. If the condition is removed the operators would be able to have as many events with music as they wish. Removing this condition, increasing the hours that the ground is open to the public, extending the hours for the provision of serving alcohol and longer hours for live/recorded music would definitely pose a threat to the rights of neighbours to peacefully enjoy their properties. This condition SHOULD NOT be removed.

Condition 13

This condition currently permits Newclose to provide licensable activities in an outdoor area including any marquee on not more than 12 calendar days in any calendar year.

Removing this condition would no doubt have the same effects as I have stated in my comments of Condition 12 and SHOULD NOT be removed.

Condition 14

This condition to keep a written record of an occasion on which licensable activities are provided in conditions 12 and 13 would, I assume, not be needed. No controll

Condition 15

The marquee has planning permission to be erected from 1st April to 30 September and is only to be in use between the hours of 11am to 11pm. Condition 15 states that licensable activities are only permitted to take place between 1st April and 30th September. Should the conditions in Annex 2 be removed and the proposed new licensing hours be granted I fear that the operators will once again attempt to request a variation or removal of planning conditions on the marquee. This has the potential to be disastrous for those living close by.

Approving this application in it's proposed form would, I believe, increase the probability of noise nuisance to neighbouring properties.

I believe that the Licensing department has a duty to listen to those who have been affected by this non cricket related facility and not to risk putting them through a similar situation as experienced in 2013 and 2014 when neighbouring properties suffered unbelievable noise nuisance for months whilst the Council was unable to do anything except gather evidence.

I am not convinced that this will not happen again and this application should be refused.

Yours Sincerely

(MRS). DENISE HARDY 46

Mrs Denise Hardy

From
Licensing Department
Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Tel (01983) 823159
Email licensing@iow.gov.uk
DX 56361 Newport (Isle of Wight)
Web www.iwight.com/licensing

Date: 3 October 2017
Reference: 17/01217/LAPVAR

LEGISLATION – Licensing Act 2003

Variation Application for a Premises Licence - Newclose County Cricket Ground, Blackwater Road, Newport

Dear Mrs Hardy

Thank you for your representation, received on the 2 October 2017, detailing your concerns relating to the Premises Licence Variation application for Newclose County Cricket Ground.

In order to ensure I have addressed all points raised within your representation, please find my responses below:

Brief History of NCCG

Even though complaints received and investigations carried out by relevant officers are considered in relation to new or variation applications for new or current premises licences, these would need to be relevant to the proposed changes as well as being within suitable timescales. Complaints and actions taken within the period 2013 to 2014 were carried out in accordance with the Regulatory Services Enforcement Policy at the time, therefore would not be considered in relation to the current variation proposal.

I acknowledge your comments relating to the events held on 19 and 26 August 2017, these were both discussed and addressed through written correspondence and during a programmed Licensing Act inspection in order to ensure the licence holder and designated premises supervisor were aware of complaints received and their responsibilities in relation to the licence and its conditions.

Prevention of Crime and Disorder

Your comments suggest that the use of door staff imply that members of the public that use the pavilion or marquee could be considered a nuisance, particularly due to the proposed extension of hours. The use of SIA registered door staff when deemed appropriate could also prevent or reduce the risk of crime and disorder and public nuisance from taking place. Irrespective of the operating hours SIA staff in line with best practice proves to be an effective method of reducing occurrences of nuisance and crime and disorder within licenced premises. The use of such staff would help to promote the above objective.

Cont ...

Public Safety

Your concerns relating to the smashing of glassware is duly noted. Processes to prevent premises users from taking glassware away from the premises would include the use of SIA door staff to monitor users when exiting the pavilion or marquee. The use of polycarbonate vessels would also reduce the risk of breakage and potential harm to others. Concerns raised need to be evaluated in the correct manner and be given the appropriate weighting. Should the removal of glassware be deemed a likely occurrence, therefore impacting on the licensing objective of public safety then relevant actions or conditions can be added to the licence should these be deemed proportionate.

Prevention of Public Nuisance

With regards to your comments relating to potential noise nuisance from the marquee, outside of the marquee and the pavilion I can confirm that conditions within the current licence, notably Annex 3 are applicable to noise that is generated from events within the marquee and outside of the marquee (i.e. the cricket ground). Should any complaints be received from alleged noise nuisance from these two areas then the Licensing Section will be able to investigate potential breaches of the Premises licence conditions as described in Annex 3. Should any complaints be received with regards to noise nuisance from within the pavilion then in the first instance Environmental Health will be able to investigate such allegations under legislation such as the Environmental Protection Act 1990.

Protection of Children from Harm

Following on from a programmed licensing inspection it is clear that the current management of the cricket club are very aware of the need to promote the above licensing objective. Age verification policies at the time of inspection were in place and expectations were relayed to all staff. I can confirm that children are not permitted without being accompanied by an adult and they are not permitted to frequent the bar area. Conditions should be added to a licence if they are deemed appropriate and proportionate, therefore if there are robust management practices in place to promote one or more of the licensing objectives then conditions would not necessarily be justifiable.

I will now look to address your concerns relating to the conditions mentioned in your representation, please find each one addressed below:

Condition 1

The proposed removal of this condition and your concern that this may result in increased traffic flow is something which cannot be considered in relation to the current application. The licence holder cannot be responsible for the flow of traffic adjacent to the premises to where the licence is applicable to and conditions cannot look to control this, therefore this particular concern would not be deemed relevant when determining the current application.

Condition 2

I can confirm that the current application proposes the sale of alcohol up until 00:00 hours (Fri and Sat) and 23:00 (Mon to Thurs and Sun). The opening hours of the premises on each of the days are for 30 minutes longer to allow for drinking up time. It is an offence under Section 141(1) of the Licensing Act 2003 to sell or supply (or attempt) to allow or supply sale of alcohol to a person who is drunk, therefore each licence holder is made aware of this and this is expected to be covered in staff training also. Further control measures such as age verification policies and the prohibition of irresponsible drinks promotions are also required as these form part of the mandatory conditions in order to promote the licensing objectives further.

Cont ...

Condition 6

As mentioned in the section above titled "Protection of Children from Harm" the management practices at the time of my programmed inspection were robust in relation to the control of children when on the premises. The proposed removal of this condition would not necessarily permit children to wander or frequent the bar area without being unaccompanied by an adult as management procedures and parental supervision would help to avoid this. As stated a condition needs to be appropriate and proportionate and should be justified.

Condition 9

I am unable to confirm whether the removal of condition 9 suggests that it is the intention of the applicant to reduce the activities of cricket. This is not a factor that can be considered when determining the current licence application.

Condition 10

I am unable to comment in relation to the capabilities of an infrared CCTV system for the marquee. This is not a condition or expectation that forms part of the current licence and the variation application does not cover this subject therefore cannot be considered. The Police as a responsible authority who we would take steer from in relation to the objective for the Prevention of Crime and Disorder would be best placed to raise concerns with regards to this should they have any.

Condition 12

The proposed removal of condition 12 would permit the licence holder to allow the provision of live and recorded music between the times of 23:00 hours and the closing time of the premises. Should there be complaints received with regards to alleged noise nuisance from the provision of music then Environmental Health will have the powers to investigate in accordance with the Environmental Protection Act 1990. Environmental Health, as a responsible authority who we would take steer from in relation to the objective for the Prevention of Public Nuisance would be best placed to raise concerns with regards to this should they have any.

Condition 14

The control in relation to nuisance that could potentially result from an organised event would be within the licence holder's control. Should complaints be received then such allegations will be investigated in line with Environmental Health or Licensing procedures. The amount of events that are permitted within the marquee form part of the planning requirements therefore will remain. The control of noise nuisance and assessment of such during an event will also remain as these form part of Annex 3 of the licence.

Condition 15

Events and activities that take place within the marquee are as you say limited to 1 April to 30 September, for the times of 11:00 hours to 23:00 hours and for 12 times per year. This will remain unaffected by the current licensing application. Should the licence holders apply to remove these planning restrictions in the future, the application to do so will be determined in accordance with planning processes and procedures.

I hope the above comments have helped to resolve your concerns in relation to the variation application. During the consultation period all responsible authorities such as the Police and Environmental Health will have the opportunity to raise concerns or suggest conditions should they deem these to be appropriate and proportionate.

Cont ...

Could I please ask that after considering the above comments that you confirm if any of your concerns remain outstanding or whether you are satisfied that your concerns have been addressed.

Once I receive this response from you I will then be able to determine which way to proceed once the consultation period has ended,

Yours sincerely

Shane Batchelor
Licensing Officer

Batchelor, Shane

To: Batchelor, Shane
Subject: RE: Newclose County Cricket Ground ref 17/01217/LAPVAR

From: Batchelor, Shane
Sent: 13 October 2017 11:13
To: 'Denise Hardy'
Subject: RE: Newclose County Cricket Ground ref 17/01217/LAPVAR

Good morning Mrs Hardy and thank you for your response below.

Please be assured that the application has not been determined and is not "in the bag".

During the application process all interested parties and responsible authority's comments are taking in consideration and applied consistently in relation to guidance and relevant legislation, in this instance the Licensing Act 2003.

As you are aware if all representations are unable to be resolved through open dialogue during this period then legislation states that a hearing must take place in order to determine the application.

This is the stage that we are at with regards to this application and as mentioned in my previous email all parties will have the opportunity to raise concerns during the hearing, of which I would encourage you to do so, but ultimately this is a decision for you personally to make.

I can confirm that Councillor Julie Jones Evans is a member of the Licensing Sub Committee but does not necessarily mean that she will be one of the members that sits at the hearing to determine the application.

If she were to do so and felt that she had an interest then it would be for her to decide if this interest should warrant her declaring it.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council

00 Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH

Tel: (01983) 823159

From: Denise Hardy
Sent: 13 October 2017 10:44
To: Batchelor, Shane
Subject: Re: Newclose County Cricket Ground ref 17/01217/LAPVAR

Dear Mr Batchelor

Thank you for your email.

Your comments quite clearly suggest that I have wasted my time by trying to defend my right to enjoy my property in the future. I have no doubt that this new licence which is obviously “in the bag” will be a noise nuisance at some point in the future because of longer hours and no restriction on the number of events with music allowed. Usual council tax expectation “pay up, put up and shut up”

Regards

Denise Hardy (mrs)

On 13 Oct 2017, at 10:16, Batchelor, Shane <Shane.Batchelor@IOW.gov.uk> wrote:

Good morning Mrs Hardy and thank you for the email below.

I do note your concerns with regards to previous management of the premises and actions that have been taken in relation to past complaints, however these are not relevant to the application that is being determined at present and therefore cannot be considered.

At the time of the review, the Licensing Sub Committee deemed the conditions that were added to Annex 3 were appropriate and proportionate to dealing with the concerns relating to the licensing objective for the Prevention of Public Nuisance.

The Licensing Sub Committee will receive a report prior to the hearing which will detail all representations and relevant documentation, including my evaluation of the application and consultation process.

During the hearing and after listening to the Applicants, Responsible Authorities, Interested Parties and Licensing Authorities views, the Committee will then be advised as to what they are able to consider and what is not able to be considered before determining the application.

For your information I have until the 9 November 2017 to arrange for the hearing to take place and notification will be sent to all interested parties prior to this date in order for all to have the opportunity to attend and raise their concerns,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH
Tel: (01983) 823159

From: Denise Hardy
Sent: 11 October 2017 15:17
To: Batchelor, Shane
Subject: Re: Newclose County Cricket Ground ref 17/01217/LAPVAR

Dear Shane

Thank you for your email of 10th October.

I am not surprised by your comments after having personally discussed the matter with you recently. As you know we have experienced disturbance quite recently from the ground on a couple of occasions with noise nuisance coming from events both in the marquee and the pavilion late at night. I am therefore unable to share the same positive feelings you have about the new management/licensee.

Thank you for quoting conditions 1 and 2 of Annex 3 (of which I am already fully aware) but these conditions alone will not solve any noise problems which may occur in the future without the need to go through many months of investigation as before. In 2013 Council officers witnessed numerous breaches and sent some letters to the operator. In March 2014 a licence review took place and Annex 3 was added to the licence.

In April 2014 as soon as the marquee was operational noise nuisance was once again a problem. At the end of May 2014 the Council issued a formal notice which was not dated correctly so was invalid. A replacement notice was issued later in July after more noise complaints from yet more events. Finally a formal warning was issued by the Council on 12 September 2014 to the owner of Newclose and the licensee who had already left the premises. That was it, no further action from the Council so another year had passed with yet another summer of disturbance. All the neighbours could do was keep their fingers crossed for the future.

Incidentally, we had experienced and reported noise nuisance back in 2012 when a different management was in operation.

Perhaps you and the Committee (if applicable) will now be in a better position to understand why I have little or no faith in any current or future management of the cricket ground or the Council's ability to control any noise problems. Waiting six months for the Council to gather evidence of any noise nuisance from ANY part of the ground is not acceptable and I remain unconvinced that the noise problem has gone away never to return.

I stand by everything I have said in my letter and subsequent emails and do not wish to retract my representation. Your confirmation that the Responsible Authorities believe that the proposed conditions are appropriate and proportionate leads me to believe that I would be wasting my time attending any hearing (if applicable). However, I do hope that the Licence Sub Committee members will, if there is a hearing be given the chance to read ALL my communication regarding this matter.

I notice that Julie Jones-Evans is on the Licensing Sub Committee. Is this the same person who I have seen commenting on the Newclose Facebook? If they are one of the same and this Councillor visits the ground would this mean an interest has to be declared?

Kind regards

Denise Hardy

From: Batchelor, Shane
Sent: 10 October 2017 09:27
To: 'Denise Hardy'
Subject: RE: Newclose County Cricket Ground ref 17/01217/LAPVAR

Good morning Mrs Hardy,

Thank you for your response below.

I can confirm that should condition 13 be removed from the current Premises Licence and should an outdoor event take place within the grounds of Newclose then conditions 1 & 2 of Annex 3 of the licence will still need to be complied with, which would control the level of noise emanating from the ground. Please see these below for your information.

1. *During the provision of regulated entertainment within a marquee or outside at the premises, including live music and any DJ announcements, the noise shall be contained within the premises, or be at a limit which will be barely audible* at the boundary of any noise sensitive premises.*

**Barely audible is defined as at a level that, whilst it may be audible (heard), is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of any noise sensitive premises*

2. *When regulated entertainment including live music is taking place in a marquee or outside at the premises, regular assessments of the noise coming from the premises will be conducted and steps will be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book and shall include the date and time of the checks, the person making them and the results including any remedial action. The log book shall at all times be available for inspection by an authorised officer of the local authority or Police.*

Should this not be the case and the level of noise rises above the barely audible definition, then Licensing would be able to take further action as the condition would have been breached.

If condition 13 were to be removed from the Premises Licence as a result of the current Licensing application and subsequently at some point in the future, Newclose apply to remove the planning condition relating to the amount of events permitted within the marquee, then responsible authorities and other interested parties would be able to submit their support or objections in relation to this application.

Part of the current application is attempting to remove conditions from Annex 2, however the statements as described within the operating schedule within the application will form part of the licence (as conditions), if granted to address potential outcomes in relation to the four licensing objectives.

I can confirm that Environmental Health have not submitted an objection in light of the conditions relating to noise nuisance being unaffected by the current application.

Should the current licensing application proceed to a hearing I can confirm that it will be the Licensing Sections view that the proposed conditions and those that would remain within Annex 3 of the licence would look to address concerns and are enforceable.

It would be the recommendation of the Licensing Authority within the committee report to grant the licence as per the proposed conditions within the applications operating schedule and those as stated within Annex 3 of the current premises licence. This view is supported by the Responsible Authorities that have been consulted, who believe the proposed and current conditions are both appropriate and proportionate.

After considering the above could I ask you to confirm whether you intend your representation to stand or whether you intend for it to be withdrawn. Should you wish it to stand then you will have the opportunity to raise the concerns at a Licensing Sub Committee Hearing, which will need to take place within 20 working days of the end of the consultation period, this being Wednesday 11 October 2017.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH
Tel: (01983) 823159

-----Original Message-----

From: Denise Hardy

Sent: 09 October 2017 16:23

To: Batchelor, Shane

Subject: Newclose County Cricket Ground ref 17/01217/LAPVAR

Dear Shane

Thank you for your letter dated 3 October 2017.

You have addressed all but one of my concerns which has to do with Condition 13. I appreciate that you have confirmed that the marquee has a planning condition which allows 12 events with music during the six months of the year that it is in operation. However, you have not addressed my concern relating to the licensing condition which restricts Newclose providing licensable activities in an OUTDOOR area to not more than 12 calendar days in any calendar year. If this condition is removed then outside activities would be able to take place on any number of days. The risk of noise nuisance would therefore increase.

I understand that Newclose was granted a licence several years ago allowing them to have live/recorded music in the marquee after they were able to point out that there was nothing to stop them from having music just outside the marquee, therefore it would be no different to having it inside the marquee which has no ability to contain noise. I am concerned that if condition 13 is removed Newclose would be able to put forward the same argument again to Planning and be allowed to have unlimited events with music in the marquee. Planning, I appreciate is not your concern but the reality is that it could become a noise nuisance if condition 13 is removed and paves the way for the removal of the current planning condition.

All that said, your comments, I am sorry to say, have failed to satisfy my concerns. In the past, neighbours, planning and licensing departments have all been given promises by Newclose of "no intention of". Before too long that was usually forgotten. Both Planning and Licensing applied conditions to protect the peace and quiet of neighbouring properties only to later remove some of the said conditions. I find it difficult to understand why ANY conditions have been changed or SHOULD be changed whether it be planning or licensing. The reasons for the conditions should still be applicable in order to protect neighbouring properties Nothing has changed we are all still here.

Perhaps it is time for Licensing to look again at their previous concerns and refuse this application.

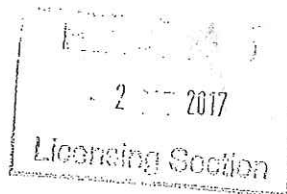
I hope this email will be accepted but if you require a copy in writing kindly let me know.

Regards

Denise Hardy

Blackwater Road,
Newport,
Isle of Wight
PO30 3BE
01983 52613
1st Oct.2017

The Head of Licensing,
Licensing Section,
Isle of Wight Council,
Jubilee Stores,
The Quay,
Newport,
Isle of Wight
PO30 2EH



Dear Sir,

Reference 17/01217/LAPVAR

Application for a variation to a premises licence - Newclose County Cricket Ground

I shall be grateful if you will take into account my comments regarding this application.

It is regrettable that a change of use from agricultural land to a cricket ground in 2008, with assurances that it would be used only for cricket and related activities, has been allowed gradually to develop into a commercial public house/cafe/party-venue/entertainment business. Such activity is unsuitable for this location, having the effect of disturbing the rural environment and local residents. Worryingly, this application seems to confirm the operator's determination further to extend activities that can be detrimental to the area and those who live there. It is interesting to note that on Newclose's plan, as usual in their applications, the proximity of Standen House and Elm Cottage is omitted.

My property lies approximately two hundred yards to the south of the marquee and my main concern is noise nuisance. Sound travels easily here, it cannot easily be contained in a marquee and, as is well known, during the course of a musical event the volume is gradually increased. Over the years since the marquee was licensed (its original purpose, we were told, was to provide shelter on match days) it has been necessary to call out Environmental Health Officers to witness excessive volumes of music, bass beat and public address on numerous occasions. Matters have been so bad at times that it was impossible to enjoy the use of our garden and conservatory. It has caused considerable embarrassment when guests were present. It has also been bad enough to prevent sleep after going to bed. The problem was so bad that in 2014 Environmental Health called for a review of the licence. This resulted in the imposition of conditions that should have controlled the noise. Nevertheless, the nuisance continued throughout the 2014 season. During 2015 and 2016 we were aware of events held at the ground but, thankfully, spared anything bad enough to involve Environmental Health Officers. However, more recently we have again experienced nuisance when noise exceeded the approved limit. Specifically, this was when an event was held in the marquee on 19th August 2017 and an event in the pavilion on 26 August 2017. On the latter date, the intolerable noise was that of shouting, screaming and yelling, somewhere outside the building, into the early hours of the following morning.

In terms of the Licensing Objectives, my views on the applicant's proposals are as follows.

Prevention of crime and disorder

The requested removal of annex 2 raises several concerns, mainly the intention to extend activities later into the night. It seems obvious that the longer people can continue the consumption of

alcohol, the greater is the possibility of consequent misbehaviour. To prevent light pollution in this rural area, the exterior of the premises cannot be brightly illuminated.

Public safety

The comments above apply here, too, together with the increased risks associated with the exit onto an unlit road.

Prevention of public nuisance


Extended hours of drinking and attendance will inevitably increase the risk of excessive noise nuisance unless the Noise Management Plan is assiduously enforced to the very end of events. The removal of Annex 2.13, i.e. the limit to 12 calendar days for events outside and in the marquee would, presumably, allow any number of such events to be held, thereby increasing further the possibility of noise nuisance.

Protection of children

The removal of Annex 2.6 and Annex 2.9 is surprising unless it is intended that no children will be allowed anywhere on the premises.

Neighbouring residents have a right to the peaceful enjoyment of their properties but experience shows that this has not always been respected by Newclose. I cannot be confident that they will show respect for it in the future and the proposals in the application make me very concerned that if they are approved there will be a greater likelihood of noise nuisance. There is no question of give and take or neighbourly fairness in this situation. The local residents can do nothing to cause nuisance to Newclose but they could well become victims of unreasonable noise from Newclose again. Please do not make this more likely by granting this application.

Yours faithfully,


Richard Hardy

Mr Richard Hardy

From
Licensing Department
Jubilee Stores
The Quay
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PO30 2EH

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Web www.iwight.com/licensing

Date: 3 October 2017
Reference: 17/01217/LAPVAR

LEGISLATION – Licensing Act 2003

Variation Application for a Premises Licence - Newclose County Cricket Ground, Blackwater Road, Newport

Dear Mr Hardy

Thank you for your representation, received on the 2 October 2017, detailing your concerns relating to the Premises Licence Variation application for Newclose County Cricket Ground.

In order to ensure I have addressed all points raised within your representation, please find my responses below:

Generic Comments relating to NCCG

Even though complaints received and investigations carried out by relevant officers are considered in relation to new or variation applications for new or current premises licences, these would need to be relevant to the proposed changes as well as being within suitable timescales. Complaints and actions taken within the period 2013 to 2014 were carried out in accordance with the Regulatory Services Enforcement Policy at the time, therefore would not be considered in relation to the current variation proposal.

I acknowledge your comments relating to the events held on 19 and 26 August 2017, these were both discussed and addressed through written correspondence and during a programmed Licensing Act inspection in order to ensure the licence holder and designated premises supervisor were aware of complaints received and their responsibilities in relation to the licence and its conditions.

Prevention of Crime and Disorder

I can confirm that the current application proposes the sale of alcohol up until 00:00 hours (Fri and Sat) and 23:00 (Mon to Thurs and Sun). The opening hours of the premises on each of the days are for 30 minutes longer to allow for drinking up time. It is an offence under Section 141(1) of the Licensing Act 2003 to sale or supply (or attempt) to allow or supply sale of alcohol to a person who is drunk, therefore each license holder is made aware of this and this is expected to be covered in staff training also. Further control measures such as age verification policies and the prohibition of irresponsible drinks promotions are also required as these form part of the mandatory conditions in order to promote the licensing objectives further.

Cont ...

Your comment in relation to the exterior lighting of the premises is not a factor that can be considered within the current variation application as this does not form part of the proposed change to the licence and is also not considered a licensable activity.

Public Safety

Your comment relating to an increased risk resulting from vehicles exiting onto an unlit road cannot be considered as this activity is not licensable and does not form part of the variation application.

Prevention of Public Nuisance

With regards to your comments relating to potential noise nuisance from events held within the marquee, I can confirm that conditions within the current licence would remain applicable. The amount of events that are permitted within the marquee form part of the planning requirements therefore will also remain and be enforceable even if the condition was removed from the current premises licence. The control of noise nuisance and assessment of such during an event will also remain as these form part of Annex 3 of the licence. The condition as detailed in Annex 3 would be relevant throughout the duration of any events held in the marquee or outside. Should any alleged noise nuisance complaint be received in relation to the pavilion then in the first instance Environmental Health will have the powers to investigate in accordance with legislation such as the Environmental Protection Act 1990.

Protection of Children from Harm

Following on from a programmed licensing inspection is it clear that the current management of the cricket club are very aware of the need to promote the above licensing objective. Age verification policies at the time of inspection were in place and expectations were relayed to all staff. I can confirm that children are not permitted without being accompanied by an adult and they are not permitted to frequent the bar area. Conditions should be added to a licence if they are deemed appropriate and proportionate, therefore if there are robust management practices in place to promote one or more of the licensing objectives then conditions would not necessarily be justifiable.

The proposed removal of condition 6 and 9 within Annex 2 would not necessarily permit children to wander or frequent the bar area without being unaccompanied by an adult as management procedures and parental supervision would help to avoid this. As stated a condition needs to be appropriate and proportionate and should be justified.

I hope the above comments have helped to resolve your concerns in relation to the variation application. During the consultation period all responsible authorities such as the Police and Environmental Health will have the opportunity to raise concerns or suggest conditions should they deem these to be appropriate and proportionate?

Could I please ask that after considering the above comments that you confirm if any of your concerns remain outstanding or whether you are satisfied that your concerns have been addressed.

Once I receive this response from you I will then be able to determine which way to proceed once the consultation period has ended,

Yours sincerely

Shane Batchelor
Licensing Officer

Batchelor, Shane

To: Batchelor, Shane
Subject: RE: Ref.17/01217/LAPVAR Variation Application Newclose County Cricket Ground

From: Batchelor, Shane
Sent: 13 October 2017 12:52
To: 'Richard Hardy'
Subject: RE: Ref.17/01217/LAPVAR Variation Application Newclose County Cricket Ground

Good afternoon Mr Hardy and thank you for your email.

I will ensure that you are duly notified of the hearing date and receive the committee report so that you are able to attend, if you so wish to raise the concerns that you have submitted as part of the consultation process,

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |

Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH

Tel: (01983) 823159

From: Richard Hardy
Sent: 13 October 2017 12:42
To: Batchelor, Shane
Subject: Re: Ref.17/01217/LAPVAR Variation Application Newclose County Cricket Ground

Good morning Mr Batchelor,

Thank you for your email of 11 October.

I understand your explanations of the way the application will be dealt with and that appropriate and proportionate conditions will be determined. However, as you know, I cannot overlook the fact that noise nuisance has been caused regardless of licence conditions, even as recently as August this year. The possible extension of activities at Newclose only increases my anxiety for the future and therefore I do not have any confidence to withdraw my representation.

Kind regards,

Richard Hardy

On 11 Oct 2017, at 09:46, Batchelor, Shane <Shane.Batchelor@IOW.gov.uk> wrote:

Good morning Mr Hardy and thank you for your response.

I can confirm that the location of the premises (i.e. rural) is not something that would alter the way in which an application would be considered and determined.

What we are able to consider is whether the conditions on a licence are appropriate and proportionate and whether they promote one or more of the licensing objectives.

Your concern that the extension of activities would inevitably increase the risk of nuisance is noted, however the actual extension if granted would be for one hour on a Friday and Saturday and for 30 minutes on a Sunday.

The proposed extension and comments received from the Police and Environmental Health in relation to the licensing objectives for the Prevention of Crime and Disorder and the Prevention of Public Nuisance support the opinion that the proposed conditions are both appropriate and proportionate to the proposed changes within the application. Should complaints be received and justified in relation to nuisance then the conditions as proposed will be enforceable and allow the relevant authorities to seek compliance in relation to such.

The original conditions within the licence are not being dispensed of in their entirety, the proposed operating schedule will look to replace the majority of them and will ensure that such are clear and enforceable. Your concern that the existing conditions are being replaced with terms of the applicants choice is not accurate.

As part of the application and consultation process, responsible authorities such as the Police and Environmental Health will review the proposed suggestions and ensure that they are appropriate in relation to the premises and its operating procedures. The licensing authority will then translate the proposed operating schedule into conditions that are enforceable should non-compliance be identified.

In relation to your comments with regards to the previous, current and future management of the premises and the ability to comply with conditions such as the noise management plan, this will be for the present licence holder and management group to adhere to and comply with. As part of ongoing inspection programmes the licensing authority will make it clear what is expected and how best compliance can be achieved in relation to the conditions within the licence.

We will continue to investigate alleged complaints should they be received and act in accordance with the Regulatory Services Enforcement Policy and the current Premises Licence in whatever form this takes. As stated above we need to ensure that the conditions within a licence are appropriate and enforceable and as part of the application to Vary the Premises Licence for Newclose Cricket Ground we aim to ensure this is the case.

After considering the above could I ask you to confirm whether you intend your representation to stand or whether you intend for it to be withdrawn. Should you wish it to stand then you will have the opportunity to raise the concerns at a Licensing Sub Committee Hearing, which will need to take place within 20 working days of the end of the consultation period, this being Wednesday 11 October 2017.

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |
Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH
Tel: (01983) 823159

-----Original Message-----

From: Richard Hardy

Sent: 10 October 2017 22:18

To: Batchelor, Shane

Subject: Ref.17/01217/LAPVAR Variation Application Newclose County Cricket Ground

Dear Mr Batchelor,

Thank you for your letter of 3rd October. I hope this email will serve as my reply but if you prefer a printed copy please let me know.

I understand your comments in respect of the Licensing Objectives and accept that some of the matters I raised are not licensable activities and are, therefore, irrelevant to the application. However, you have not explained whether or not the rural location is a relevant factor in your consideration of the application.

My overriding concern remains; the proposed extension of activity must inevitably increase the RISK of noise nuisance, especially late at night towards the end of events. If the original conditions were deemed appropriate when the licence was granted, what circumstances have changed to make them dispensable now, to be replaced with terms of the applicant's choice?

When we met on 20th September you seemed optimistic about the current Newclose management's intentions. As we know only too well, the management changes from time to time and I cannot be sanguine about long term adherence to the noise management plan. Investigation of complaints is a stable-door job, allowing further nuisance before remedial action.

MARVEL LANE
NEWPORT
ISLE OF WIGHT
PO30 3DT

Tel. 07860 499851

Mr Shane Batchelor,
Licensing Sub Committee,
Isle of Wight Council,
Jubilee Stores,
Newport,
PO30 2EF,

20th September 2017

Dear Sir,

Newclose County Cricket Ground Ltd.
Application for variation ref. 17/01217/LAPVAR

With reference to the above I am writing on behalf of my wife, Prudence Sweetman and myself to raise objections to the above application.

Planning permission was first granted for the construction of the cricket ground in contravention of a number of planning criteria then in force. Permission was only granted following an undertaking from the applicants that the ground would be used only in connection with cricket. As those of us living nearby and directly affected by activities at the ground feared, the applicants had no intention of honouring this commitment. While cricket is now played at the ground this appears to be but a small part of activities there.

My wife and I have no objection to this providing that we and the businesses we run from the immediately adjoining land are not adversely affected and that activities at the ground do not adversely affect the surrounding natural environment. Our businesses, upon which we rely for our livelihood, include a trout fishery, immediately adjacent to the ground and a holiday cottage and livery stables a short distance from it. All of these, which were established long before planning permission for the cricket ground was granted, rely on peace and quiet to remain viable. While we respect Newclose County Cricket Ground Ltd's. right to peaceful enjoyment of their property they have consistently ignored our right to peaceful enjoyment of ours and our neighbours. We have in the past had to make numerous complaints concerning noise from the ground and while we were not here at the times of extreme noise this year noise from the ground continues to be a problem.

Any relaxation of current restrictions concerning use of the ground that may, and based on current experience will, lead to increased noise disturbance to us and our businesses is totally unacceptable to us. We respectfully ask you to take this into serious consideration in connection with the above application and any future applications.

Yours faithfully,

Dr Steven C Sweetman



NEWPORT,
Isle of Wight.
PO 30 3BD.
6th October 2017

Dear Mr. Batchelor,

Newclose County Cricket Ground Ltd,
Application for variation ref: - 17/012/17/
LAPVAR,
Proposed Variation to Current Licence
1.M.044067.

We are writing to you in
connection with the proposed
variations at the Newclose
County Cricket Club.

We have read the completely
comprehensive letters to you of
1st October from Mr. & Mrs.
Hardy and heartily agree with
and support all they have to

Say — Particularly with regard to
the safe-guarding of children.

There seems to be a worry
 creeping urbanisation of this
 area — it ~~should~~ should be
 resisted.

Yours sincerely,

Head of Licensing,
Licensing Section,
1st of Wright Council,
Tulke Stone,
The Quay,
Newport,
I.W. PO30 2EH.