



Committee report

Committee	LICENSING SUB COMMITTEE
Date	9 NOVEMBER 2017
Title	TO DETERMINE AN APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 FOR NEWCLOSE COUNTY CRICKET GROUND, NEWCLOSE PARK, BLACKWATER ROAD, NEWPORT, ISLE OF WIGHT, PO30 3BE
Report Author	WENDY PERERA HEAD OF PLACE

BACKGROUND

1. Under section 34 of the Licensing Act 2003, a premises licence holder may apply to vary the licence to add licensable activities or alter the times for such activities, or to remove conditions, where this cannot be done by way of a minor variation.
2. The applicant is required to submit a copy of the application to Responsible Authorities, as defined in the Licensing Act, and to place a notice of the application at the premises and in a local newspaper.
3. Any person may make representations in respect of the application and if these are not resolved the licensing authority must hold a hearing to determine the application.
4. A copy of the current licence can be found at Appendix A
5. An application for variation of the premises licence was submitted to the licensing authority on 13 September 2017 for Newclose County Cricket Ground, Newclose Park, Blackwater Road, Newport, Isle of Wight, PO30 3BE. This can be found at Appendix B of the report.
6. The application seeks to extend the hours within the pavilion for the sale of alcohol to midnight on Fridays and to commence from 11:00 hours and finish at 23:00 hours on Sundays. The extension of hours for Live and Recorded Music within the pavilion until midnight on Fridays and Saturdays has also been applied for. The application seeks to add Late Night Refreshment to the licence to allow for hot drinks to be provided on Fridays and Saturdays until midnight. The applicant has also sought the permission for Late Night Refreshment, Live Music, Recorded Music and the sale of alcohol from the

start of hours on New Year's Eve until 01:00 hours on New Year's Day. As part of the application, all conditions as detailed in Annex 2 of the current licence are proposed to be replaced with the conditions as set out in Section M of the application. The application also seeks to update the plans attached to the current licence to show the marquee, which forms part of the current licensed premises.

CONSULTATION

7. The Licensing Act 2003 prescribes a twenty eight day consultation period, commencing the day after the application has been correctly served. Applicants are required to serve each of the Responsible Authorities with a copy of the application, advertise the application at or on the premises and also in the local newspaper.
8. The application for a variation of the premises licence was received on 13 September 2017. The application was advertised in the Isle of Wight County Press, at the premises and on the Council's website. The consultation period ended on 11 October 2017.
9. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children's Services	No Representation made
Licensing Authority	No Representation made
Fire and Rescue Service	No Representation made
Trading Standards Service	No Representation made
Planning Services	No Representation made
NHS	No Representation made
Environmental Health	No Representation made
Police	Conditions agreed with applicant

10. Conditions relating to the installation and maintenance of a CCTV system and the recording of reported incidents and refusals of sale relating to alcohol have been agreed between the Police and the applicant. Please see Appendix C for details.

Other Persons

11. Four valid representations had been received from other persons. Concerns have been raised in relation to all four licensing objectives. Details of these representations, including further communications are attached at Appendix D.

FINANCIAL/BUDGET IMPLICATIONS

12. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Regulatory Services, balances income generated from fees.

LEGAL IMPLICATIONS

13. The 28 day consultation period ended on 11 October 2017. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.

14. Each application on its own merits –

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

15. Determining what actions are appropriate for the promotion of the licensing objectives

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.

16. Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities

and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

17. Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Implications under the Crime and Disorder Act 1998

18. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights

19. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.

20. There are three convention rights, which need to be considered in this context:

Article 6 - Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's licensing system compliant with the convention rights.

Article 8 - Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence. In the case of article 8 there shall be no interference by a public authority with the exercise of this right except as such in accordance with the law and is necessary on a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder and crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 - First Protocol Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties”.

21. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council’s legitimate aim.
22. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2014 – 2019 have a bearing upon the application. Members’ attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	All
Paragraph 2	Licensing Objectives	All
Paragraph 3	Licensable Activities	All
Paragraph 4	Integration of Strategies and Other Legislation	All
Paragraph 5	Approach to Licensing Applications	All
Paragraph 6	Cumulative Effect	N/A
Paragraph 7	Representations, Reviews, and Appeals	7.1 – 7.3, 7.8 – 7.11
Paragraph 8	Enforcement	N/A
Paragraph 9	Operating Schedules	9.1 – 9.4, 9.8, 9.16 – 9.17

EQUALITY AND DIVERSITY

23. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity legislation – race, disability, gender, age, sexual orientation and religion/belief. (NB: this list is not exhaustive, it does cover current legislation but future development could also include poverty and social inclusion as an example).
24. There is no requirement for an equality impact assessment to be carried out.

OPTIONS

- Option 1: Vary the licence as per the application.
- Option 2: Vary the licence as per the application with any additional conditions that the Sub-Committee deem appropriate and proportional to promote the licensing objectives.
- Option 4: Refuse the whole or part of the application.

RISK MANAGEMENT

25. With regard to Option 1: To grant the licence as per the application may not adequately mitigate the potential risk of associated nuisance and disorder that may arise from the increase in hours for the licensable activities of live and recorded music and the sale of alcohol; should the Sub-Committee deem this to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.
26. With regard to Option 2: The risk of nuisance and disorder being evident as a result of the increase in hours with regards to music and provision of alcohol could be reduced by attaching conditions to the licence to promote the licensing objectives. Conditions must be appropriate and proportionate. Any decision to attach additional conditions may be appealed by all parties if they believe the conditions do not adequately promote the licensing objectives.
27. With regard to Option 3: If the Sub-Committee decides to refuse all or part of the application, the decision may be appealed by all parties.

EVALUATION

28. The Police have proposed 3 conditions to the licence which have been agreed by the applicant. Should the committee deem these to be appropriate and proportionate, they may wish to add these to the licence, should the variation be granted.

29. Representations have been raised with regards to the way in which the premises has been previously managed. The processes and procedures of those that have historically been involved with the management of the premises, particularly as regards the premises licence at the time, cannot be considered when determining the current application.
30. Concerns in relation to the licensing objective for the Prevention of Crime and Disorder infer that the need for Security Industry Authority (SIA) staff indicates that those using the premises would be more likely to cause nuisance and disorder.

A further concern is that the increase in licensing hours, specifically for the sale of alcohol will lead to an increased risk of public misbehaviour.

The use of SIA licensed 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, in line with best practice, the use of SIA staff proves to be an effective method of reducing occurrences of nuisance and crime and disorder within licenced premises. The applicant has stated within their operating schedule that they will use SIA staff. The assessment to determine the need of SIA staff will include factors such as the type of event, the duration of licensable activities and the number, age and character of those attending.

There have been no concerns raised in relation to this by the Police and a condition covering this requirement can be added to the licence, if the variation is granted.

31. Concerns have also been raised with regards to the licensing objective of Public Safety, with regard to the use of glassware or bottles and the ability to carry and smash these elsewhere such as in the premises car park. Concerns have also been raised that the extension of opening hours will increase the amount of traffic using the road adjacent to the premises and that vehicles exiting onto an unlit road when exiting the premises at night would cause a public safety issue. 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. To further promote the objective of Public Safety in relation to the concerns raised, the premises use polycarbonate vessels which reduce the risk of breakage and potential harm to others. In relation to increased traffic and vehicles exiting onto an unlit road, this is not something that can be considered when determining the current application. Concerns raised need to be evaluated and be given appropriate weighting and addressed by way of conditions, should the committee deem it to be necessary.
32. Further concerns in relation to the objective for the Prevention of Public Nuisance state that noise that may cause a nuisance from within the marquee structure has been addressed by the applicant but noise emanating from elsewhere within the premises, for example the pavilion has not. Concerns have also been raised that the risk of nuisance would be increased if the limitations for events that are permitted within the marquee and for live or recorded music within the pavilion are removed. The applicant has agreed to

ensure that prominent and clear notices are displayed; requesting premises users to respect the needs of local residents when leaving the premises and this can be added as a condition to the licence, if the variation is granted. The amount of events that are permitted within the marquee were previously determined as part of Newclose Cricket Ground's planning application. This limitation would therefore remain and be enforceable in accordance with the relevant planning regulations. Should the committee grant the licence as per application, including the removal of condition 12 of the current licence which relates to the amount of times live or recorded music is permitted within the pavilion, the licence holder would be able to provide live or recorded music between the times of

23:00 hours and the closing time of the premises. The Live Music Act 2012 deregulated live and recorded music between the hours of 08:00 hours and 23:00 hours, therefore during these times the licence holder is able to play music without the need for authorisation as long as the activity of the sale of alcohol is permitted at the same time. Should there be complaints received with regards to alleged noise nuisance from the provision of music then these will be investigated in accordance with the Regulatory Services Enforcement Policy.

33. Concerns raised in relation to the objective for the Protection of Children from Harm include the lack of detail in relation to whether children are supervised or not within the bar area of the premises. It is for the licence holder and those responsible for the day to day management of the premises to determine whether children should be supervised at all times within 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, conditions would not necessarily be justifiable.
34. The sub-committee must have regard to all of the representations made and the evidence it hears as well as the national guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
35. The Committee should determine the application in accordance with section 34 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
 - a. The Prevention of Crime and Disorder
 - b. The Prevention of Public Nuisance
 - c. Public Safety
 - d. The Protection of Children from Harm

RECOMMENDATION

36. Vary the licence as per the application with any additional conditions that the Sub-Committee deem appropriate and proportional to promote the licensing objectives.

APPENDICES ATTACHED

Appendix A – Current Premises Licence for Newclose County Cricket Ground

Appendix B – Variation Application and associated site plans

Appendix C – Agreed Conditions – Police

Appendix D – Other Persons' Representations

BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2014 – 2019.
<http://www.iwight.com/azservices/documents/1226-Statement-of-Licensing-Policy-2014-2019-Adopted-v1.pdf>

Contact Point: Shane Batchelor, Licensing Officer, ☎ 823159 ext. 6152
e-mail : shane.batchelor@iow.gov.uk

WENDY PERERA
Head of PLACE

Premises Licence Number:

IW 049463

Newclose County Cricket Ground Limited

Newclose County Cricket Ground

Blackwater Road

Newport

Isle Of Wight

PO30 3BE

Licensable Activities Authorised by this Licence

Live Music
(Inside/Outside) Monday to Sunday 11:00hrs to 23:00hrs

Recorded Music
(Inside/Outside) Monday to Sunday 11:00hrs to 23:00hrs

Supply of Alcohol
Monday to Friday 11:00hrs to 23:00hrs
Saturday 11:00hrs to 24:00hrs
Sunday 12:00hrs to 22:30hrs

**This licence authorises the supply of alcohol for consumption on
and off the premises.**

Isle of Wight Council



Licensing Act 2003

Premises Licence Part A

Part 2

Name, address and telephone number of holder of premises licence

Newclose County Cricket Ground Limited
Blackwater Road, Newport, Isle of Wight, PO30 3BE

Registered number of holder

5898059

Name, address and telephone number of Designated Premises Supervisor

Mrs Alison Baxter

Personal Licence Number and issuing authority of personal licence held by designated premises supervisor

IW25341
Isle of Wight Council

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Annex 1

Mandatory Conditions

(Where the Premises Licence authorises the supply of alcohol)

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.
- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - 2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
 - a) a holographic mark, or
 - b) an ultraviolet feature
6. The responsible person must ensure that—
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises , and
 - c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. Maximum permitted price
- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1 —
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V) \text{ where—}$$

- (i) **P** is the permitted price,
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(Where the Premises Licence authorises the exhibition of films)

8. Admission of children to the exhibition of any film is to be restricted in accordance with Section 20.

(Where the Premises Licence includes a condition that door supervisors must be used)

9. All security personnel must be licensed by the Security Industry Authority.

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 049463

Annex 2 Conditions consistent with the Operating Schedule

1. The public are not permitted to enter the premises before 07:00hrs Monday to Friday or 09:00hrs on Saturday and Sunday.
2. The public are not permitted to remain on the premises after 23:00hrs Monday to Friday or 00:00hrs on Saturday or 22:30hrs on Sunday.
3. The marquee when used will be situated on the upper grass level on the eastern side of the cricket pitch.
4. Signs will be displayed at all exits requesting customers to leave the area quietly.
5. The challenge 21 scheme will be adopted as regards proof of age.
6. Children will not be permitted into the bar area unless accompanied by an adult.
7. Glass drinking vessels and bottles will not be removed from the building and the area immediately in front of the veranda.
8. Whenever functions take place a separate written risk assessment will be prepared addressing the requirements of SIA registered door staff.
9. The English Cricket Board Child Protection Policy will be adopted.
10. CCTV will be installed to the satisfaction of the local authority and operated whenever the premises are open for licensable activities. Recorded images will be retained for a minimum period of thirty days and made available to the police and local authority on request.
11. All staff involved in the sale of alcohol will be trained as regards their role and responsibilities under the Licensing Act. Written records of such training will be kept and made available to the police and the local authority on request.

12. The provision of live or recorded music shall take place on not more than 18 calendar days in any calendar year.
13. Licensable activities shall be provided in an outdoor area (including any marquee) on not more than 12 calendar days in any calendar year.
14. The licence holder shall keep a written record of any occasion on which licensable activities are provided in accordance with the previous two conditions above, and such record shall be produced to a police officer or relevant officer of the local authority on reasonable request.
15. Any licensable activities are only permitted to take place in the marquee situated on the licensed premises between 1st April and 30th September each calendar year.

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 049463

Annex 3

Conditions attached after a hearing by the licensing authority

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

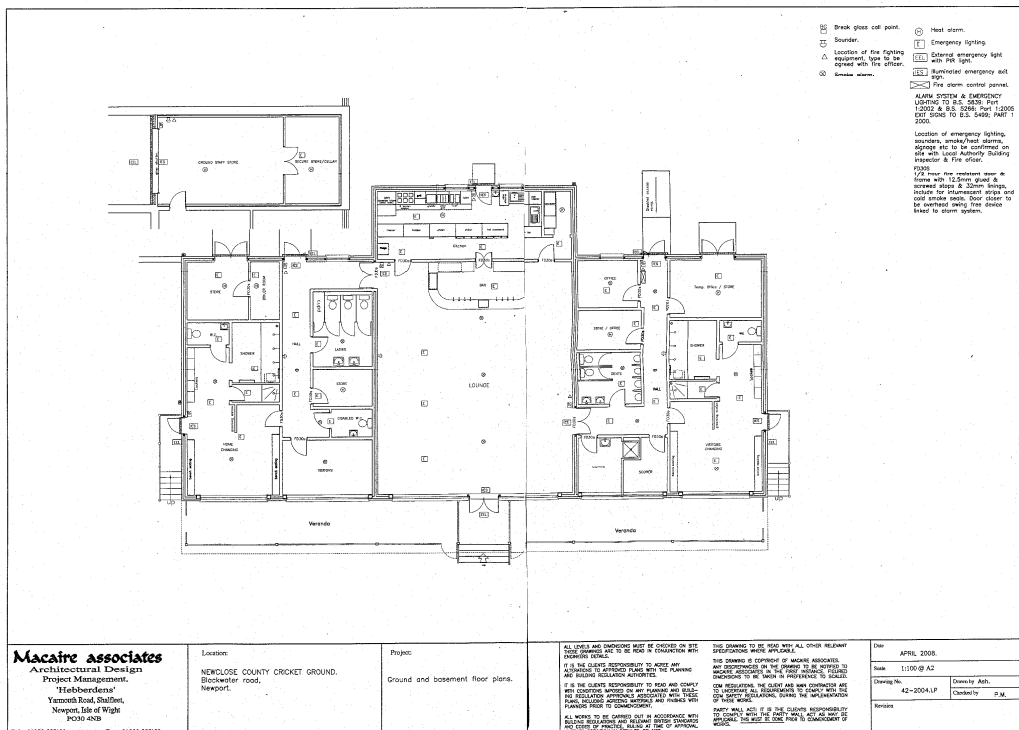
2. When regulated entertainment including live music is taking place in a marquee or outside at the premises, regular assessments of the noise coming from the premises will be conducted and steps will be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. 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.
3. A copy of all public nuisance complaints received shall be recorded in a log book containing the time of complaint, date, complainant's name and address (where provided) along with the action taken by the responsible person to deal with the complaint including the date and time of the actions completion. The log book shall at all times be available for inspection by an authorised officer of the local authority or Police.

ISLE OF WIGHT COUNCIL

Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Premises Licence Number
IW 049463

Annex 4 Plans



<p>Macaire associates Architectural Design Project Management 'Tick-Borders' Yarmouth Road, Shaftesbury, Newport, Isle of Wight PO30 4NS</p> <p>Tel: 01983 553132 Fax: 01983 553133</p>	<p>Location: NEWCLOSE COUNTY CRICKET GROUND, Blackwater road, Newport.</p>	<p>Project: Ground and basement floor plans.</p>	<p>ALL WORKS AND SPECIFICATIONS MUST BE CHECKED ON SITE AND APPROVED BY THE LOCAL AUTHORITY BEFORE COMMENCING WORK. IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN AND MAINTAIN ALL NECESSARY CONSENTS, PERMITS AND LICENCES. THE CLIENT IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY CONSENTS, PERMITS AND LICENCES. THE CLIENT IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY CONSENTS, PERMITS AND LICENCES. THE CLIENT IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY CONSENTS, PERMITS AND LICENCES.</p>	<p>Date: APRIL 2008. Scale: 1:100 @ A2 Drawing No: 42-2004-LP Drawn by: Ash Checked by: S.M. Revised:</p>
--	--	--	--	---

£190
Receipt 468329

APPENDIX B

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Newclose County Cricket Ground Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 049463
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Newclose County Cricket Ground Blackwater Road			
Post town	NEWPORT	Postcode	PO30 3BE

Telephone number at premises (if any)	01983 824570
Non-domestic rateable value of premises	£1,210.00 £11,500.00

Part 2 – Applicant details

Daytime contact telephone number	01983 824570		
E-mail address (optional)	info@newclose-cricket.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- To update the plans attached to the licence to show the marquee that is currently part of the licensed premises
- To extend the hours for Live and Recorded Music on Fridays and Saturdays until midnight inside the pavilion
- To extend the hours for the sale of alcohol until midnight on Fridays and to commence from 11am and finish at 11pm on Sundays in the pavilion
- To clarify that the sale of alcohol is permitted to take place in the marquee between the hours of 11am and 11pm only
- To add Late Night Refreshment to the scope of the licence to allow for hot drinks to be provided on Friday and Saturday until midnight
- To remove all the current conditions contained within Annex 2 of the premises licence and replace them with the conditions within Section M of the application
- To add Late Night Refreshment, Live Music, Recorded Music and the sale of Alcohol to be permitted from the start of hours on New Year's Eve (or 23.00hrs) until 01.00hrs on New Year's Day.
- Entertainment in the marquee/outside remains 11am-11pm

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri	23:00	24:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) <i>from 23.00hrs on New Year's Eve to 01.00hrs on New Year's Day.</i>		
Sat	23:00	24:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> <i>from 23:00hrs on New Year's Eve to 01.00hrs on New Year's Day.</i>		
Fri	23:00	24:00			
Sat	23:00	24:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for the performance of dance (please read guidance note 4)		
Sat					
Sun			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) Hot Drinks only		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri	23:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) from 23.00hrs on New Year's Eve to 01.00hrs on New Year's Day		
Sat	23:00	24:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri	11:00	24:00			
Sat	11:00	24:00			
Sun	11:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			11:00hrs – 23:00hrs in the marquee		
			from 11.00hrs on New Year's Eve to 01.00hrs on New Year's Day.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>from 07:00hrs on New Year's Eve to 01:30hrs on New Year's Day.</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	24:30	
Sat	07:00	24:30	
Sun	07:00	23:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

All current conditions in Annex 2 of the premises licence

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Licensable activities are only permitted to take place in the marquee on up to 12 days between 1st April and 30th September each calendar year.

All persons engaged in the sale of alcohol shall receive training or instruction to prevent the sale to anyone who is drunk or apparently under the age of 18 years. Such training will also include the details of the Premises Licence as well as its conditions. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of:-

- the date the training or instruction was delivered,
- its content, and
- the names of the members of staff who received it.

The record shall be produced to a police officer or an authorised officer from the local authority on reasonable request.

b) The prevention of crime and disorder

The number of door supervisors to be engaged on any occasion shall be determined by the licence holder, taking into account such factors as the nature and duration of licensable activities proposed, the number, age and character of persons likely to attend, and any known risks to impact on the promotion of the licensing objectives. The licence holder shall make a written record of the number of door supervisors to be engaged and the factors taken into account by the licence holder. Any such record shall be produced to a police officer or authorised officer of the local authority on reasonable request.

c) Public safety

Other than sales of alcohol for consumption off the premises, glassware will not be removed from:

- a) the pavilion and the adjoining outdoor seating area
- b) within the marquee.

d) The prevention of public nuisance

Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents by leaving the premises and the area quietly.

The conditions regulating the noise emanating from activities taking place in the marquee remain in place as per the current licence.

e) The protection of children from harm

The "Challenge 21" scheme will be adopted at the point of the sale of alcohol.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature *	(H. H. GRIFFITHS)
Date *	25-6-17
Capacity *	DIRECTOR

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

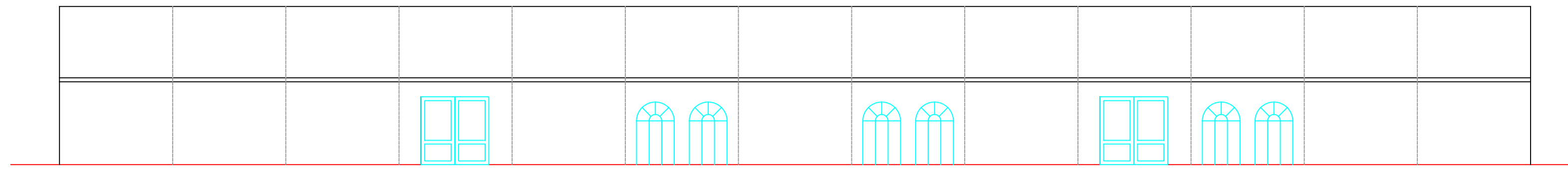
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

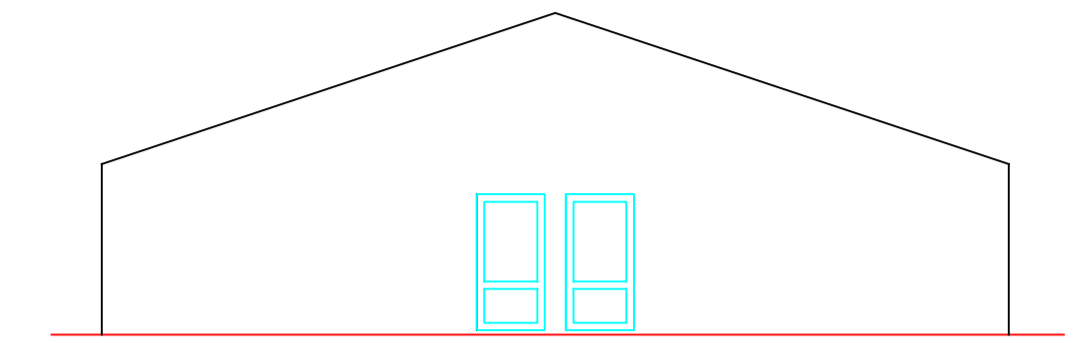
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

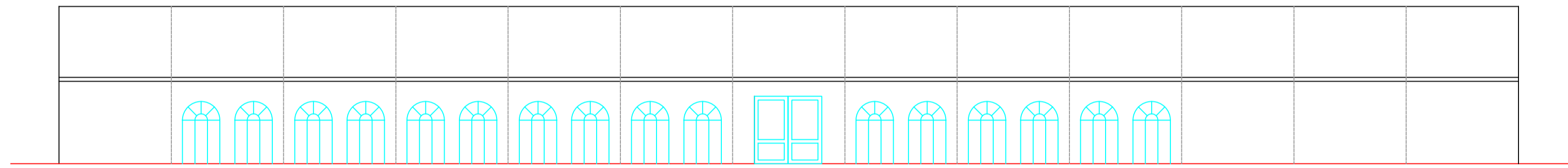
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



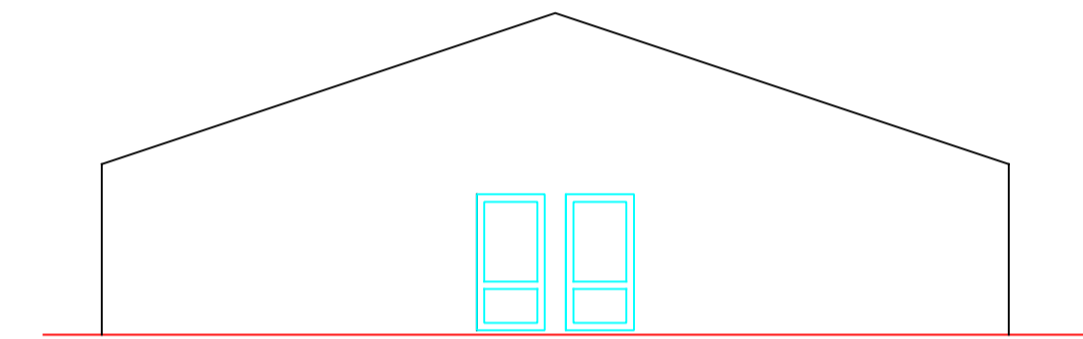
Rear/side elevation



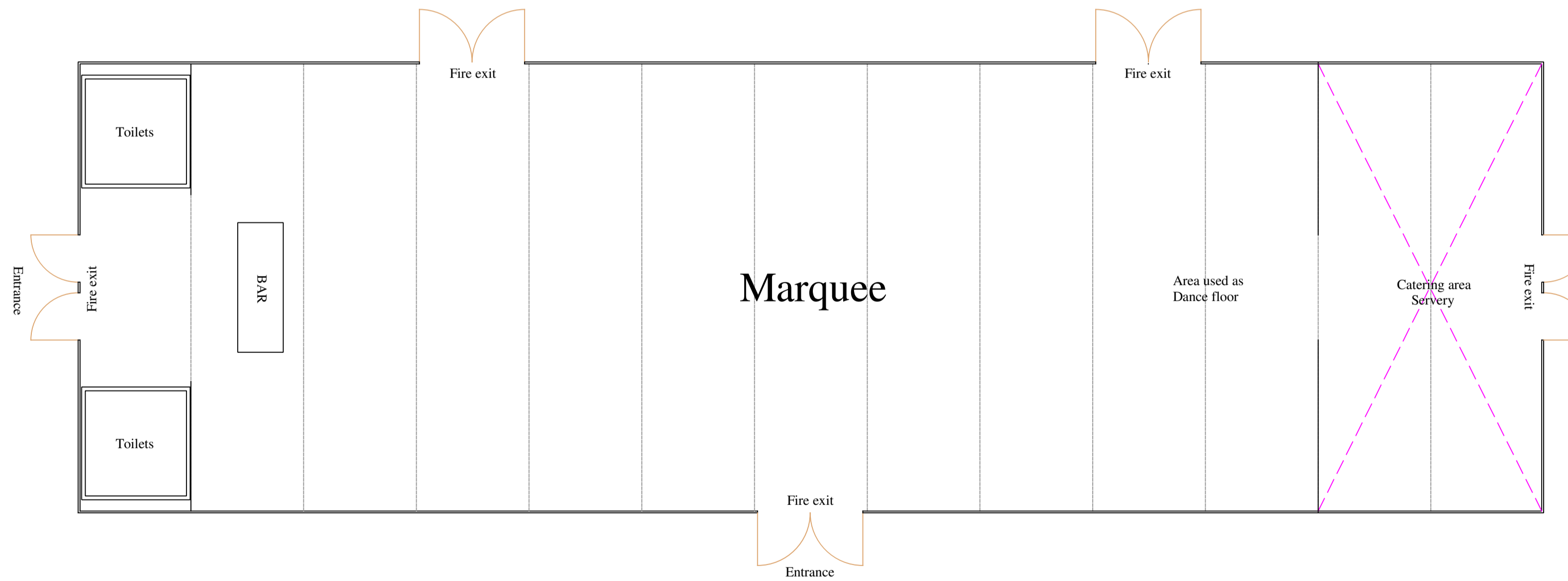
End elevation



Front/side elevation

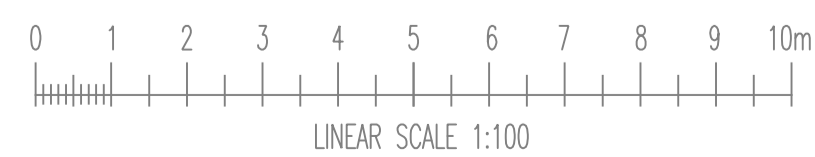


End elevation



Marquee Plan.

ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEERS, AND ALL OTHER SPECIALIST CONSULTANT DETAILS. THIS DRAWING IS COPYRIGHT OF MACAIRE ASSOCIATES. IT IS THE CLIENTS RESPONSIBILITY TO AGREE ANY ALTERATIONS TO APPROVED PLANS WITH THE PLANNING AND BUILDING REGULATION AUTHORITIES. IT IS THE CLIENTS RESPONSIBILITY TO READ AND COMPLY WITH CONDITIONS IMPOSED ON ANY PLANNING AND BUILDING REGULATION APPROVALS ASSOCIATED WITH THESE PLANS, INCLUDING AGREEING MATERIALS AND FINISHES WITH PLANNERS PRIOR TO COMMENCEMENT.



Date	April 2017
Drawn by	PM
Checked by	

Revision

Scale
A1 @ 1:100

Drawing No.
42-2004 MQ

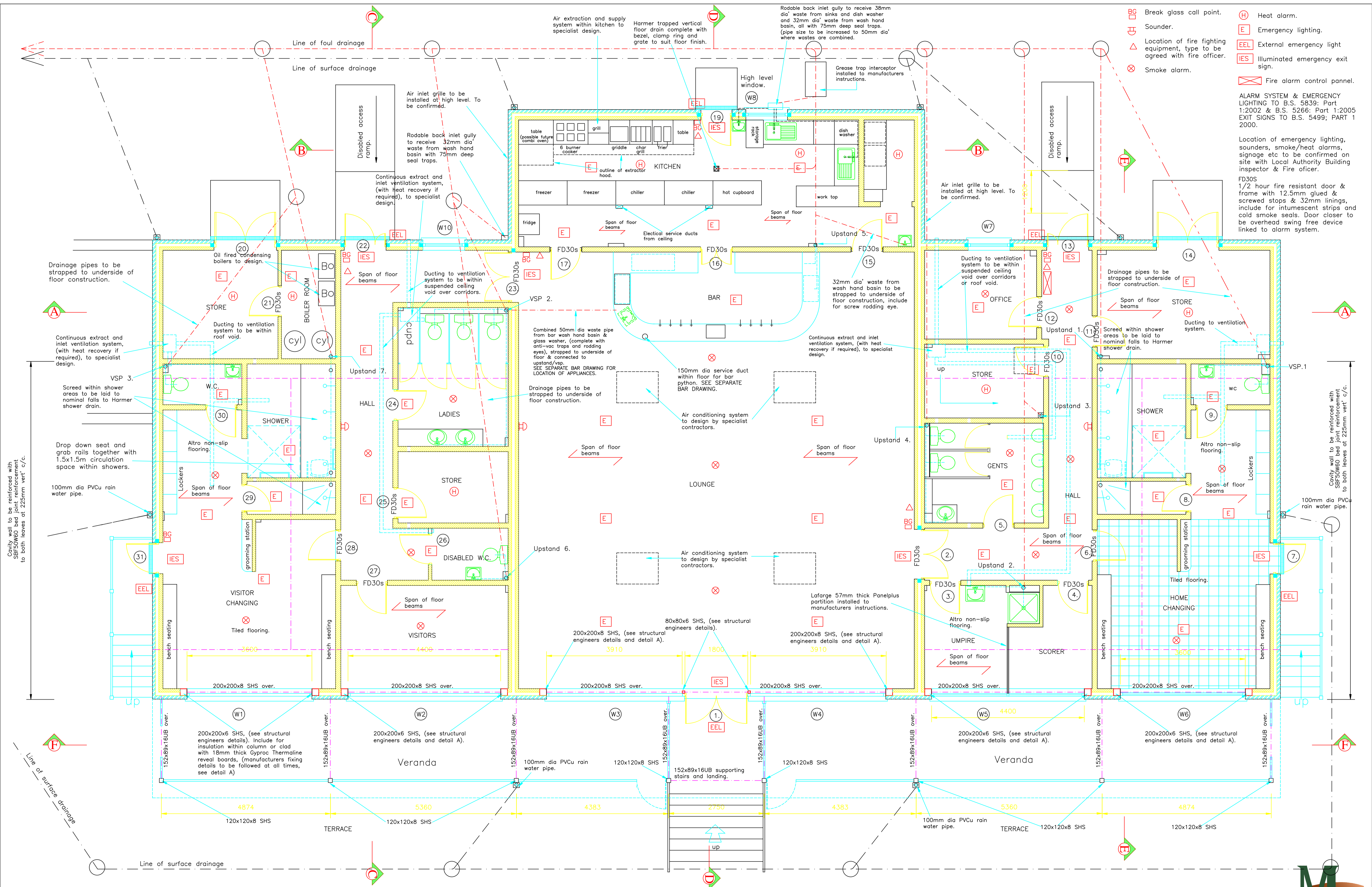
Location:
NCCG
Blackwater.

Project:
Marquee Plan and elevations.

'The Dairy' at Heberdens,
Yarmouth Road, Shalfleet,
Newport,
Isle Of Wight,
PO30 4NB.

Tel: 01983 555132





- ⊠ Break glass call point.
- ⊠ Sounder.
- ⊠ Location of fire fighting equipment, type to be agreed with fire officer.
- ⊠ Smoke alarm.
- ⊠ Heat alarm.
- ⊠ Emergency lighting.
- ⊠ External emergency light
- ⊠ Illuminated emergency exit sign.
- ⊠ Fire alarm control panel.

ALARM SYSTEM & EMERGENCY LIGHTING TO B.S. 5839; Part 1:2002 & B.S. 5266; Part 1:2005 EXIT SIGNS TO B.S. 5499; PART 1 2000.

Location of emergency lighting, sounders, smoke/heat alarms, signage etc to be confirmed on site with Local Authority Building Inspector & Fire officer.

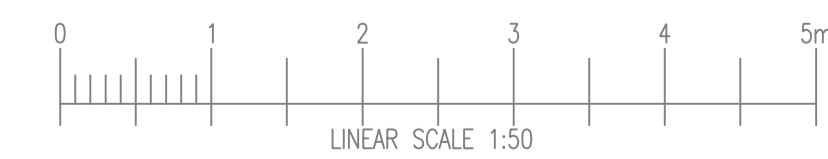
FD30S 1/2 hour fire resistant door & frame with 12.5mm glued & screwed stops & 32mm linings, include for intumescent strips and cold smoke seals. Door closer to be overhead swing free device linked to alarm system.

Cavity wall to be reinforced with SBF50W60 bed joint reinforcement to both leaves at 225mm vert' c/c.

Cavity wall to be reinforced with SBF50W60 bed joint reinforcement to both leaves at 225mm vert' c/c.

ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEERS, AND ALL OTHER SPECIALIST CONSULTANT DETAILS. THIS DRAWING IS COPYRIGHT OF MACAIRE ASSOCIATES. IT IS THE CLIENTS RESPONSIBILITY TO AGREE ANY ALTERATIONS TO APPROVED PLANS WITH THE PLANNING AND BUILDING REGULATION AUTHORITIES.

IT IS THE CLIENTS RESPONSIBILITY TO READ AND COMPLY WITH CONDITIONS IMPOSED ON ANY PLANNING AND BUILDING REGULATION APPROVALS ASSOCIATED WITH THESE PLANS, INCLUDING AGREEING MATERIALS AND FINISHES WITH PLANNERS PRIOR TO COMMENCEMENT.

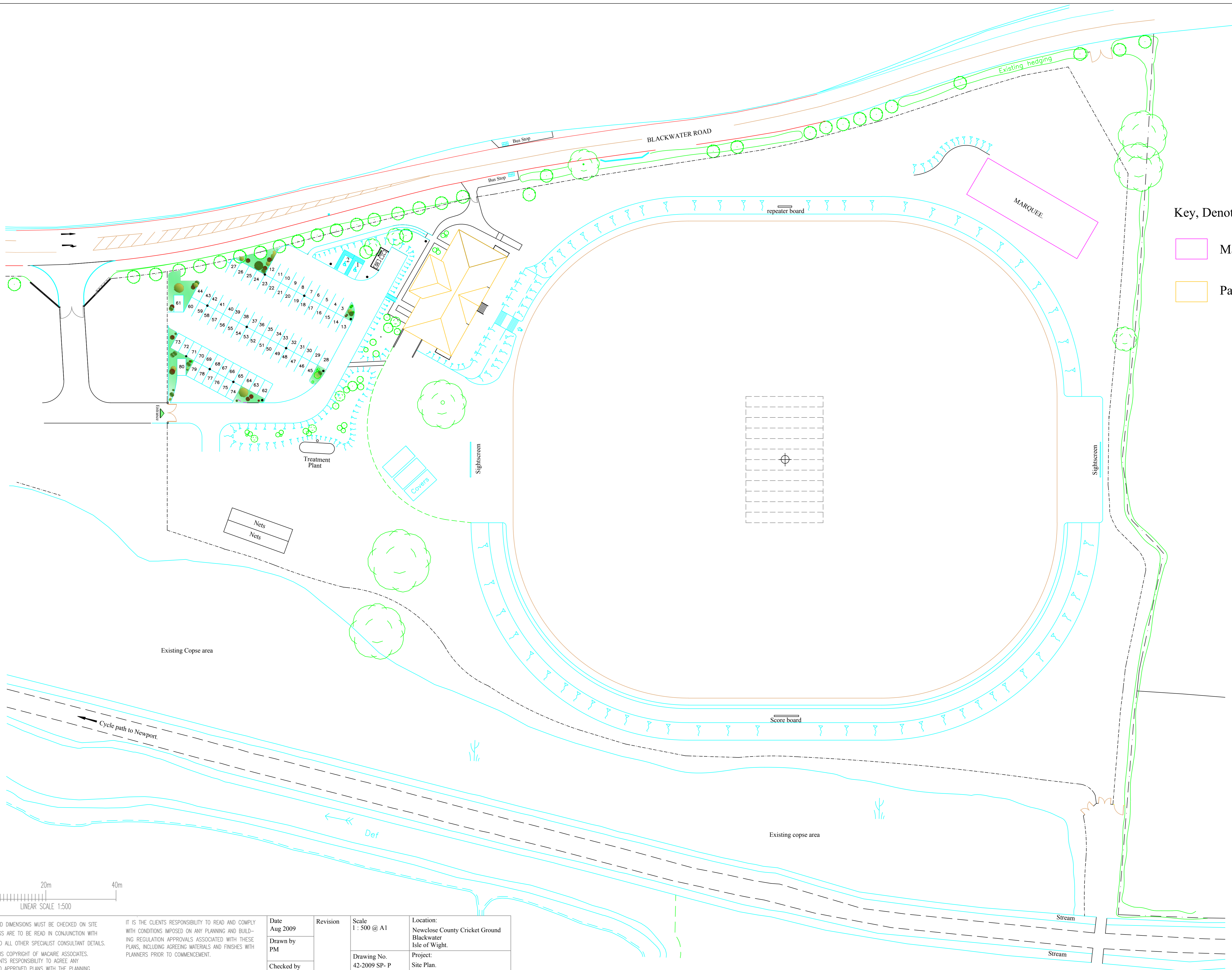
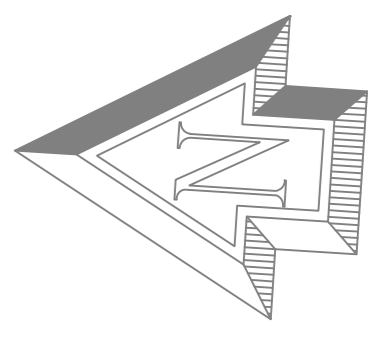


Date Aug 2008	Revision
Drawn by O.A.	
Checked by	

Scale A1 @ 1:50	Location: NEWCLOSE COUNTY CRICKET GROUND, Blackwater Road, Newport, Isle of Wight.
Drawing No. 42-2004.10-AB	Project: As Built drawings GROUND FLOOR PLAN.

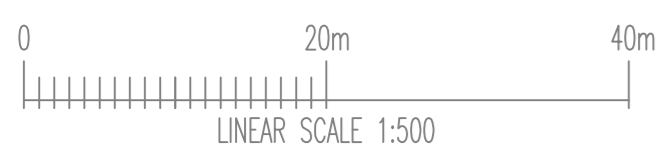
'The Dairy' at Heberdens,
Yarmouth Road, Shalfleet,
Newport,
Isle Of Wight,
PO30 4NB.
Tel:01983 555132





Key, Denotes Licensed premises.

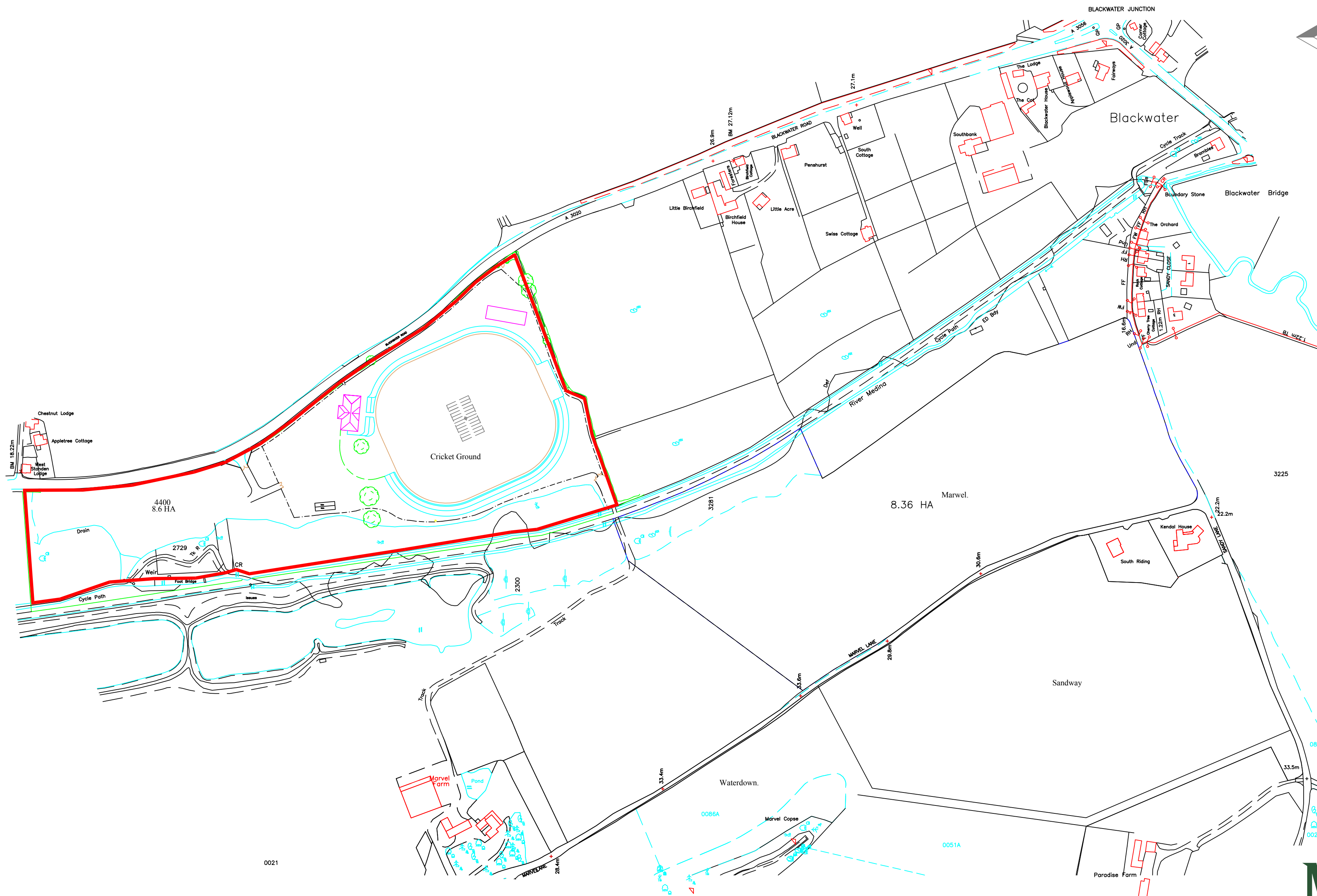
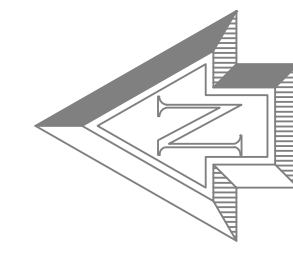
- Marquee
- Pavilion



ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEERS, AND ALL OTHER SPECIALIST CONSULTANT DETAILS. THIS DRAWING IS COPYRIGHT OF MACAIRE ASSOCIATES. IT IS THE CLIENTS RESPONSIBILITY TO AGREE ANY ALTERATIONS TO APPROVED PLANS WITH THE PLANNING AND BUILDING REGULATION AUTHORITIES.	IT IS THE CLIENTS RESPONSIBILITY TO READ AND COMPLY WITH CONDITIONS IMPOSED ON ANY PLANNING AND BUILDING REGULATION APPROVALS ASSOCIATED WITH THESE PLANS, INCLUDING AGREEING MATERIALS AND FINISHES WITH PLANNERS PRIOR TO COMMENCEMENT.		Date Aug 2009	Revision 	Scale 1 : 500 @ A1	Location: Newclose County Cricket Ground Blackwater Isle of Wight.
			Drawn by PM		Drawing No. 42-2009 SP- P	Project: Site Plan.
			Checked by 			

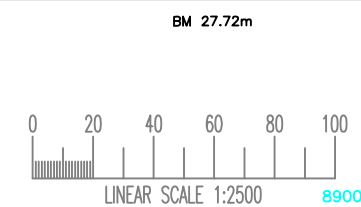


'The Dairy' at Heberdens,
 Yarmouth Road, Shalfleet,
 Newport,
 Isle of Wight.
 PO30 4NB.
 Tel: 01983 555132



ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ENGINEERS, AND ALL OTHER SPECIALIST CONSULTANT DETAILS. THIS DRAWING IS COPYRIGHT OF MACAIRE ASSOCIATES. IT IS THE CLIENTS RESPONSIBILITY TO AGREE ANY ALTERATIONS TO APPROVED PLANS WITH THE PLANNING AND BUILDING REGULATION AUTHORITIES.

IT IS THE CLIENTS RESPONSIBILITY TO READ AND COMPLY WITH CONDITIONS IMPOSED ON ANY PLANNING AND BUILDING REGULATION APPROVALS ASSOCIATED WITH THESE PLANS, INCLUDING AGREEING MATERIALS AND FINISHES WITH PLANNERS PRIOR TO COMMENCEMENT.



Date
Sept 2009

Drawn by
OA + PM

Checked by

Revision
March 2010

Scale
1 : 2500 @ A2

Drawing No.
42-2004 LP

Location:
Newclose County Cricket Ground
Blackwater,
Isle of Wight.

Project:
Location Plan.

'The Dairy' at Hebbardens,
Yarmouth Road,
Shalfleet,
Isle of Wight.
PO30 4NB.
Tel: 01983 555132



APPENDIX C

Suggested Police Conditions for Newclose County Cricket Ground , Blackwater Road, Newport, Isle of Wight, PO30 3BE.

- 1 A CCTV system shall be installed, maintained and must be in operation at all times that the premises are open to the public. Recorded images must:
 - a) be of sufficient clarity to allow personal identification.
 - b) display the correct time and date of the recording which shall be checked regularly for accuracy, taking account of GMT and BST.
 - c) provide coverage of:
 - i. every public entrance and exit.
 - ii. every area where alcohol is sold or displayed for sale within the pavilion and
 - iii. any other location deemed appropriate by the Police or Licensing Authority.
 - d) be retained for a period of at least 28 days
 - e) be produced for a police officer or responsible officer of the local authority to review on request and
 - f) be exported to removable media (e.g. CD/DVD/USB device) if requested by a police officer or responsible officer of the local authority.

A member of staff capable of operating the CCTV system shall be present at all times the premises are open to the public and have access to the system to enable images to be reviewed and/or produced upon request.

2 A written record shall be made of every incident of crime and disorder taking place on the premises, to include any action taken by staff. Every entry in the record shall be signed and dated by the person making it. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request.

3 A written record shall be made of every refusal to sell alcohol to a person who is drunk or apparently aged under 18 years. Each entry shall be signed and dated by the person making it. The record shall be checked and counter signed by the DPS on at least a weekly basis and shall be produced to a police officer or authorised officer of the local authority on reasonable request.

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 |

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.

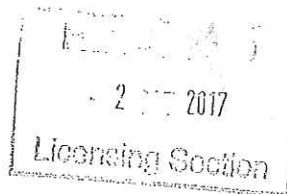
I hope this email will be accepted but if you require a copy in writing kindly let me know.

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
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 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 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.

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
I.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
Concerning urbanisation of this
area — it ~~should~~ should be
revisited.

Yours sincerely,

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