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Agenda

Name of meeting	LICENSING SUB COMMITTEE
Date	FRIDAY 22 JULY 2022
Time	10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	Cllrs D Pitcher (Chairman), J Bacon and S Hastings
	Democratic Services Officer: Marie Bartlett democratic.services@iow.gov.uk

1. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 31 March 2022.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.



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4. **Report of the Director of Neighbourhoods** (Pages 7 - 56)

To determine an application for a variation of the premises licence under Section 34 of the Licensing Act 2003 for Thorness Bay Holiday Park, Thorness Lane, Thorness, Isle of Wight, PO31 8NJ.

CHRISTOPHER POTTER
Monitoring Officer
Thursday, 14 July 2022

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	THURSDAY 31 MARCH 2022 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs D Pitcher (Chairman), D Adams and S Hastings
Also Present	Shane Batchelor, Jodie Gibson, Amanda Gregory, Daniel Power and Megan Tuckwell

13. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 29 September 2021 be confirmed.

14. **Declarations of Interest**

No declarations were made at this stage.

15. **Urgent Business**

The chairman raised no urgent business.

16. **Report of the Director of Neighbourhoods**

Consideration was given to the report of the Director of Neighbourhoods, providing details of an application for a variation of the premises licence under Section 34 of the Licensing Act 2003 for the Harbour House, Ryde Harbour, Esplanade, Ryde, Isle of Wight, PO33 1JA.

The applicant was in attendance, in addition to those opposing the application including seven members of the public and a representative of Ryde Town Council. The Sub Committee followed the agreed procedure, which had been circulated to all parties prior to the meeting. After hearing the application, the Sub-Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the licensing section, oral and written evidence from the applicant, responsible authorities, and other persons, and having regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Isle of

Wight Council's Statement of Licensing Policy, the sub-committee hereby rejects the application as it considers it appropriate to promote the Licensing Objectives.

Having regard to the representations from the responsible authorities, the sub-committee are persuaded by the evidence of Environmental Health before the sub-committee, that no conditions can appropriately be applied to mitigate the harm caused by the proposed variation to this licence in respect of the licensing objective the prevention of public nuisance. The sub-committee therefore consider this decision to be appropriate for promotion of that licensing objective.

In reaching the above decision the sub-committee have had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The sub-committee consider this decision is proportionate and appropriate for the promotion of the 4 licensing objectives under the Licensing Act 2003.

CHAIRMAN



Purpose: For Decision

Committee report

Committee	LICENSING SUB COMMITTEE
Date	22 JULY 2022
Title	TO DETERMINE AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 FOR THORNESS BAY HOLIDAY PARK, THORNESS LANE, THORNESS, ISLE OF WIGHT, PO31 8NJ.
Report Author	DIRECTOR OF NEIGHBOURHOODS

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. 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.
3. A copy of the current licence can be found at Appendix 1.
4. An application for variation of the premises licence was submitted to the licensing authority on 1 June 2022, for Thorness Bay Holiday Park, Thorness Lane, Thorness, Isle of Wight, P031 8NJ. Appendix 2.

CONSULTATION

5. The Licensing Act 2003 prescribes a twenty-eight day consultation period, commencing the day after the application has been correctly served. 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.
6. The application for a variation of the premises licence was received on 1 June 2022. 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 29 June 2022.
7. Specifically, the applicant Park Resorts Limited, seeks to extend the hours that regulated entertainment is permitted both indoors and outdoors and to extend

the hours for the sale of alcohol by bringing the start time forward for this activity.

8. The application also requests the approval of a new site plan showing the location of outdoor activities.
9. The chart below shows the current permitted times for licensable activities and the new proposed timings:

Activity	Days of Week	Existing timings	Proposed timings
Films – Indoors	Monday to Sunday	10:30 – 01:00 hrs	No change
Films – Outdoors	Monday to Sunday	14:00 – 23:30 hrs	11:00 - 23:30 hrs
Indoor Sporting Event	Monday to Saturday Sunday	10:30 – 01:00 hrs 10:30 – 00:30 hrs	00:00 hrs 01:30 hrs
Boxing/Wrestling – Indoors	Monday – Sunday	09:00 – 19:00 hrs	10.30 – 01:00 hrs
Outdoors		As above	11:00 – 22:00 hrs
Live Music, Recorded Music, Performance of Dance, Entertainment of a similar description – Indoors	Monday to Saturday Sunday	10:30 – 01:00 hrs 12:00 – 23:30 hrs	10:30 – 01:00 hrs 10:30 – 00:30 hrs
Outdoors	Monday to Sunday	11:30 – 19:00 hrs	11:00 – 22:00 hrs
Late Night Refreshment Indoors	Monday to Saturday Sunday	23:00 – 01:00 hrs 23:00 – 00:30 hrs	No change
Outdoors	As above	As above	
Sale of Alcohol (supplied for consumption both on and off the premises)	Monday to Saturday Sunday	11:00 – 01:00 hrs 12:00 – 00:30 hrs	10:00 – 01:00 hrs 11:00 – 00:30 hrs
Add an additional outside Horsebox bar	Monday to Sunday		11:00 – 23:00

Non Standard Timings	Bank Holiday Sundays (except Easter Sunday)	12:00 – 02:00	
	New Years' Eve	From the start of permitted hours on New Years' Eve until the start of permitted hours on New Years' Day	No change

Hours premises are open to the public

Days of Week	Open	Close
Not open to the public		

10. The current premises licence is subject to five conditions that were imposed at the time the licence was originally converted and varied. At least three of these conditions are now outdated and no longer serve any real purpose.
11. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children's Services	No Representation made
Environmental Health	No Adverse Comments
Fire and Rescue Service	No Representation made
Trading Standards Service	No Representation made
Planning Services	No Representation made
Police	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made

12. The Environmental Health department have reviewed the application and returned a response of no adverse comments.
13. Despite the old and outdated conditions on the current premises licence the police have unfortunately not responded to this consultation.

Other Persons

14. Two valid representations remain outstanding following the consultation. These can be found at Appendix 3 and relate to the licensing objectives:
 - Prevention of public nuisance
 - Prevention of crime and disorder
15. Miss Jewett states that events that have been run at the site are so loud that it causes her disturbance even through double glazed windows. Miss Jewett is concerned at the prospect of the hours for these activities being extended further into the evening. Miss Jewett's representation can be found at Appendix 3.
16. Concerns have also been raised regarding incidents of trespass and an intruder from the site having previously entered her property.
17. Ms Saxby objects to the application on the basis of noise, nuisance and the adverse effects that she claims the neighbouring properties and businesses experience from an alleged fifteen hours of noise from the site every day. Ms Saxby's representation can be found at Appendix 4.
18. At the end of the consultation period, contact was made via email with both interested parties in order to establish if any compromise could be agreed. Both parties were asked to provide details of a compromise that would be agreeable to them if one existed.
19. Miss Jewett replied stating that she had discussed the matter with members of her household, and they would be agreeable to music being played outside on Friday, Saturday and Sunday evenings but not throughout the week. They would also like the outside entertainment conditioned so that it is permitted between Easter and October each year.
20. Miss Saxby replied stating that in order for the licence variation to be granted she feels that the company should be required to install an effective acoustic barrier to the area designated for outdoor activities, and for maximum noise levels to be set with independent monitoring taking place.
21. This information was fed back to the applicant's solicitor.
22. In the meantime, Miss Saxby was contacted by the Licensing department and asked if she would be agreeable to the licence being granted if the applicants were to accept the limitations proposed by Miss Jewett (detailed in paragraph 19).
23. Ms Saxby replied stating that what had been proposed in her view could form the basis for a compromise, but she still felt that a maximum noise level should be set.
24. Communications with both parties can be found at Appendix 5 & 6.

25. Further information was provided to Ms Saxby explaining why Environmental Health officers have moved away from setting maximum levels, the explanation for this can be found in Appendix F. Ms Saxby was asked to consider this information and advise if she would be agreeable to a compromise on the basis of the limitations detailed in paragraph 19 above, along with the applicant being required to carry out noise monitoring and record actions taken as part of an agreed Noise Management Plan.
26. Ms Saxby replied stating that she believed this could form the basis for a compromise.
27. Again, this information was fed back to the applicants' solicitors at which point I asked for an update on their position. I was advised that at the time discussions were ongoing and the 'sticking point' was the limitation of weekend nights only.
28. At the time of writing the report nothing further has been heard from the applicants' solicitor.

FINANCIAL/BUDGET IMPLICATIONS

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

LEGAL IMPLICATIONS

30. The 28 day consultation period ended on 29 June 2022. 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.

National Guidance

31. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:
32. 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.

33. Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by

unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

34. Determining actions that are appropriate for the promotion of the licensing objectives

9.44 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. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

35. 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. Conditions that are considered appropriate for the prevention of illegal working in premises

licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed 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.

36. 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.

Implications under the Crime and Disorder Act 1998

37. 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

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

39. 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”.

40. 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.
41. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2019 – 2024 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	4.1 – 4.8
Paragraph 5	Approach to Licensing Applications	5.1 – 5.4 & 5.7
Paragraph 6	Major Events & Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Review, Appeals & Complaints	8.1 – 8.6, 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 & 10.2, 10.13 – 10.17
Paragraph 11	Data Protection	All
Paragraph 12	Related Documents	All

EQUALITY AND DIVERSITY

42. 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).
43. 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 reasonable and proportional to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

RISK MANAGEMENT

44. With regard to Option 1: To grant the licence as per the application may not adequately mitigate the risk of nuisance arising from regulated entertainment being held outside potentially every evening; 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.
45. With regard to Option 2: The risk of nuisance being attributed to the premises 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.
46. 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

47. The Environmental Health department have no outstanding representations in relation to this matter and are satisfied with the control measures that are in place.
48. On receipt of Ms Saxby's representation which made reference to the EH officer who had responded to the consultation, I went back to the officer and asked him to provide further details on what factors he'd needed to consider in order to submit his comment.

49. The officer has provided a detailed email which can be found at Appendix 7. He states that in light of the objections received, consideration could be given to the imposition of a condition requiring a Noise Management Plan to be agreed between the applicant and the Environmental Health department.
50. In relation to Miss Jewett's concerns regarding issues of trespass and an intruder being found in her house. Police have confirmed there was an incident, but the individual concerned had not come from the holiday park, so this has no bearing on the application or the activities taking place on site.
51. Police have made no further representations in respect of this application.
52. Both objectors have been willing to consider information provided by the Licensing department and to indicate that they are willing to compromise and agree a 'middle ground' in the interest of all parties.
53. At the time of writing this report the applicants' have not offered any concessions.
54. Members are urged to consider the current conditions on the premises licence and to consider whether such conditions are appropriate and proportionate to the size and nature of the premises in relation to the activities that take place on site.
55. 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.
56. The Committee should determine the application in accordance with section 35 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
 - The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - Public Safety
 - The Protection of Children from Harm

RECOMMENDATION

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

APPENDICES ATTACHED

Appendix 1 Current Premises Licence

Appendix 2 Application for a variation of a premises licence under section 34 of the Licensing Act 2003

Appendix 3 Representations received from Miss A Jewett

Appendix 4 Representation from Ms A Saxby

Appendix 5 Communications with Miss Jewett

Appendix 6 Communications with Ms Saxby

Appendix 7 Email from EH officer

BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2019 – 2024.
<http://www.iwight.com/azservices/documents/1226-Statement-of-Licensing-Policy-2014-2019-Adopted-v1.pdf>

Contact Point: Andrea Bull, Licensing Officer, ☎ 823159 ext 6126
e-mail Andrea.bull@iow.gov.uk

COLIN ROWLAND
Director of Neighbourhoods

LICENSING ACT 2003

PREMISES LICENCE

PART A – Part 1

Thorness Bay Holiday Park Thorness Lane Porchfield Isle of Wight PO31 8NJ	Licence Ref:	17/01484/LAPVDP
	Valid from:	17 November 2017

Premises Licence Holder	Park Resorts Limited, 2 nd Floor, One Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET
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PART A – Part 2

Licensable Activities

Activity	Days of Week	Start	Finish
Films (Indoors)	Monday to Sunday	10:30 hrs	01:00 hrs
Films (Outdoors)	Monday to Sunday	14:00 hrs	23:30 hrs
Indoor Sporting Event	Monday to Saturday Sunday	10:30 hrs 10:30 hrs	01:00 hrs 00:30 hrs
Boxing or Wrestling Entertainment (Indoors and Outdoors)	Monday to Sunday	09:00 hrs	19:00 hrs
Live Music, Recorded Music, Performance of Dance, Entertainment of a Similar Description (Indoors)	Monday to Saturday Sunday	10:30 hrs 12:00 hrs	01:00 hrs 23:30 hrs
Live Music, Recorded Music, Performance of Dance, Entertainment of a Similar Description (Outdoors)	Monday to Sunday	11:30 hrs	19:00 hrs
Late Night Refreshment (Indoors and Outdoors)	Monday to Saturday Sunday	23:00 hrs 23:00 hrs	01:00 hrs 00:30 hrs
Sale of Alcohol (supplied for consumption both on and off the premises)	Monday to Saturday Sunday	11:00hrs 12:00hrs	01:00hrs 00:30hrs

Hours premises are open to the public

Days of Week
NOT OPEN TO THE PUBLIC

Non standard timings

Bank Holiday Sundays 12:00hrs to 02:00hrs (except Easter Sunday) New Year's Eve permitted hours until the start of permitted hours on New Year's Day

Registered number of holder, for example company number, charity number

4133998

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Stephen Mumford

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: IW 031964 Licensing Authority: Isle of Wight Council

Annex 1

Mandatory Conditions

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 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;

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. (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.

For the purposes of this condition –

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 –

$$P = D + (D \times V)$$

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

(2) Where the permitted price given by paragraph b 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.

(3) Sub-paragraph (4) applies where the permitted price 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.

(4) 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 includes a condition that door supervisors must be used)

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.

Annex 2

Conditions consistent with the operating schedule

1. Full risk assessments shall be undertaken regularly.
2. Security personnel shall be employed to patrol the park, the number of persons and regularity of patrols to be determined by the risk assessment.
3. A manager will always be on duty.
4. Alcohol is not permitted around the inside pool area.
5. Photographic proof of age will be required from any person seeking to purchase alcohol who appears to be under 18 years of age.



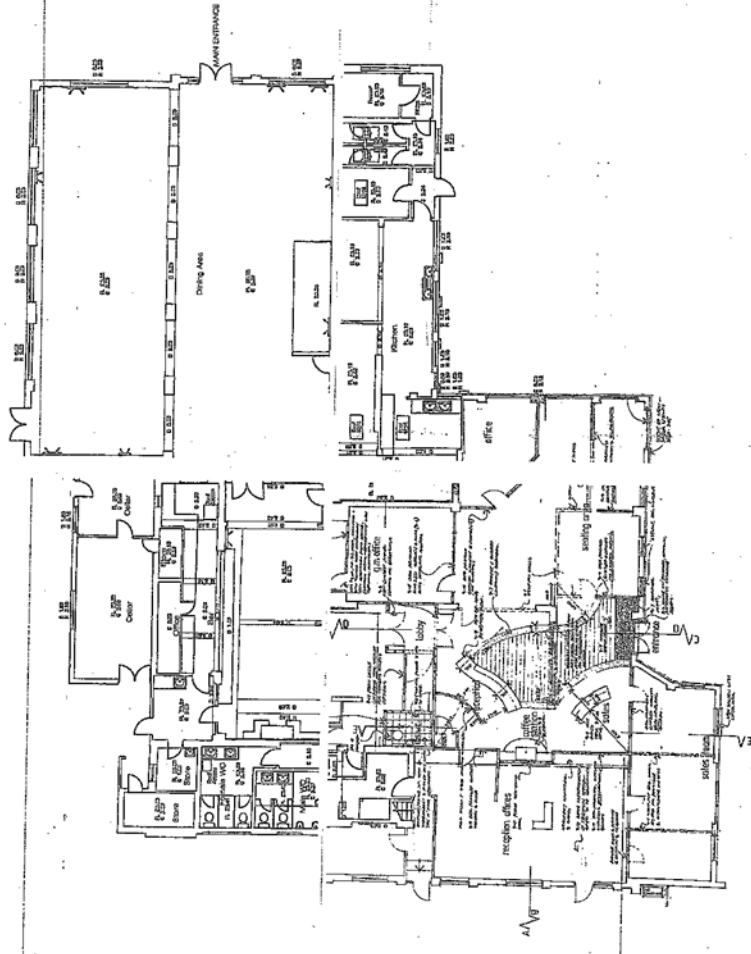
Annex 3

Conditions attached after a hearing by the licensing authority

N/A



ISLE *of*
WIGHT
C O U N C I L



GROUND FLOOR PLAN

LEGEND	
	Reception Counter
	Reception Staff
	Reception Queue
	Reception Signage
	Reception Desk
	Reception Bench
	Reception Staircase
	Reception Lift
	Reception Door
	Reception Window
	Reception Wall
	Reception Ceiling
	Reception Floor
	Reception Lighting
	Reception Heating
	Reception Cooling
	Reception Ventilation
	Reception Fire Alarm
	Reception Security
	Reception Access Control
	Reception Signage (A)
	Reception Signage (B)
	Reception Signage (C)
	Reception Signage (D)
	Reception Signage (E)
	Reception Signage (F)
	Reception Signage (G)
	Reception Signage (H)
	Reception Signage (I)
	Reception Signage (J)
	Reception Signage (K)
	Reception Signage (L)
	Reception Signage (M)
	Reception Signage (N)
	Reception Signage (O)
	Reception Signage (P)
	Reception Signage (Q)
	Reception Signage (R)
	Reception Signage (S)
	Reception Signage (T)
	Reception Signage (U)
	Reception Signage (V)
	Reception Signage (W)
	Reception Signage (X)
	Reception Signage (Y)
	Reception Signage (Z)

BUILDING REGULATIONS ISSUE
 REV C: Issue for Building Regulations
 -12.10.07 - SDD
 REV B: Issue for Tender -
 27.09.07 - SDD
 REV A: update following survey
 August 2007 -CC



client: Park Resorts Thorness Bay
 project: Reception Building
 SDD
 Proposed overall Plan
 date: 27/04/08
 scale: 1:100
 SDD by: 115530
 115530
 115530
 115530



ISLE *of* WIGHT

C O U N C I L

Isle of Wight Council

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.

We Park Resorts Limited

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

17/01484/LAPVDP

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Thorness Bay Holiday Park

Thorness Lane

Thorness

Post town

Nr Cowes

Post code

PO31 8NJ

Telephone number at premises (if any)

Non-domestic rateable value of premises

£400,000.00

Part 2 – Applicant details

Daytime contact

telephone number

E-mail address (optional)

Current residential address if different from premises address

2nd Floor

One Gosforth Park Way

Gosforth Business Park

Post Town

Newcastle Upon Tyne

Postcode

NE12 8ET

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?



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

Day Month Year

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To extend Boxing & Wrestling, Live Music, Recorded Music, Performance of Dance and Entertainment of a Similar Description indoors Monday to Saturday 1030 to 0100 the following morning, Sunday 1030 to 0030 the following morning; to extend Films outdoors Monday to Sunday 1100 to 2330 (existing finish time); to including Boxing & Wrestling, Live Music, Recorded Music, Performance of Dance and Entertainment of a Similar Description outdoors Monday to Sunday 1100 to 2200; extend the Sale of Alcohol Monday to Saturday 1000 to 0100 the following morning and Sunday 1100 to 0030 the following morning (current permitted terminal hour to remain as existing, extension is for the start time for this activity only) and Monday to Sunday 1100 to 2300 for the external Horsebox bar area; all other Regulated Entertainment, Opening hours and Late-Night Refreshment to remain as existing. All current conditions to remain as existing; Also to approve the addition of a new Site Plan showing the new outdoor area to be added for the above activities. All other plans to remain as existing.

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 read guidance note 3)

Please tick all that apply

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

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 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						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 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:30	01:00			
Tue	10:30	01:00	AS EXISTING		
Wed	10:30	01:00	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur	10:30	01:00			
Fri	10:30	01:00	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 7) Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Outdoors only – Monday to Sunday 1100 to 2330		
Sat	10:30	01:00			
Sun	10:30	01:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 6)
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 7)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon	10:30	01:00	Outdoors	<input type="checkbox"/>
Tue	10:30	01:00	Both	<input checked="" type="checkbox"/>
Wed	10:30	01:00	Please give further details here (please read guidance note 5)	
Thur	10:30	01:00	AS EXISTING	
Fri	10:30	01:00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Sat	10:30	01:00	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 7)	
Sun	10:30	00:30	Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday)	
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
			Outdoors only – Monday to Sunday 1100 to 2200	

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:30	01:00			
			AS EXISTING		
Tue	10:30	01:00			
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	10:30	01:00			
			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 (please read guidance note 7)		
Thur	10:30	01:00			
			Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday)		
Fri	10:30	01:00			
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10:30	01:00			
			Outdoors only – Monday to Sunday 1100 to 2200		
Sun	10:30	00:30			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:30	01:00			
			AS EXISTING		
Tue	10:30	01:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	10:30	01:00			
			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 7)		
Thur	10:30	01:00			
			Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday)		
Fri	10:30	01:00			
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	10:30	01:00			
			Outdoors only – Monday to Sunday 1100 to 2200		
Sun	10:30	00:30			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	10:30	01:00	Please give further details here (please read guidance note 5) AS EXISTING		
Tue	10:30	01:00			
Wed	10:30	01:00	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	10:30	01:00			
Fri	10:30	01:00	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 7) Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Outdoors only – Monday to Sunday 1100 to 2200		
Sat	10:30	01:00			
Sun	10:30	00:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	10:30	01:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	10:30	01:00	Please give further details here (please read guidance note 5)		
Wed	10:30	01:00			
Thur	10:30	01:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri	10:30	01:00			
Sat	10:30	01:00			
Sun	10:30	00:30	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,		

			<p>please list (please read guidance note 7) Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Outdoors only – Monday to Sunday 1100 to 2200</p>
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I – NO CHANGE

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			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 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	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 6)		
Mon	10:00	01:00			
Tue	10:00	01:00	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 7)		
Wed	10:00	01:00			
Thur	10:00	01:00	Bank Holiday Sundays 1200 to 0200 the following morning (except Easter Sunday)		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	11:00	00:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

			Outdoor Horsebox bar area restricted to Monday to Sunday 1100 to 2300.
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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 – AS EXISTING

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	24 hours		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 7) 24 hours to holiday makers staying on the park.
Tue	24 hours		
Wed	24 hours		
Thur	24 hours		
Fri	24 hours		
Sat	24 hours		
Sun	24 hours		

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
NONE

Please tick yes

- 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 failed to enclose 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,e) (please read guidance note 11)

Bearing in mind the nature of this variation, conditions already attached to the Premises Licence and those activities already permitted both indoors and outdoors nothing further is required.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

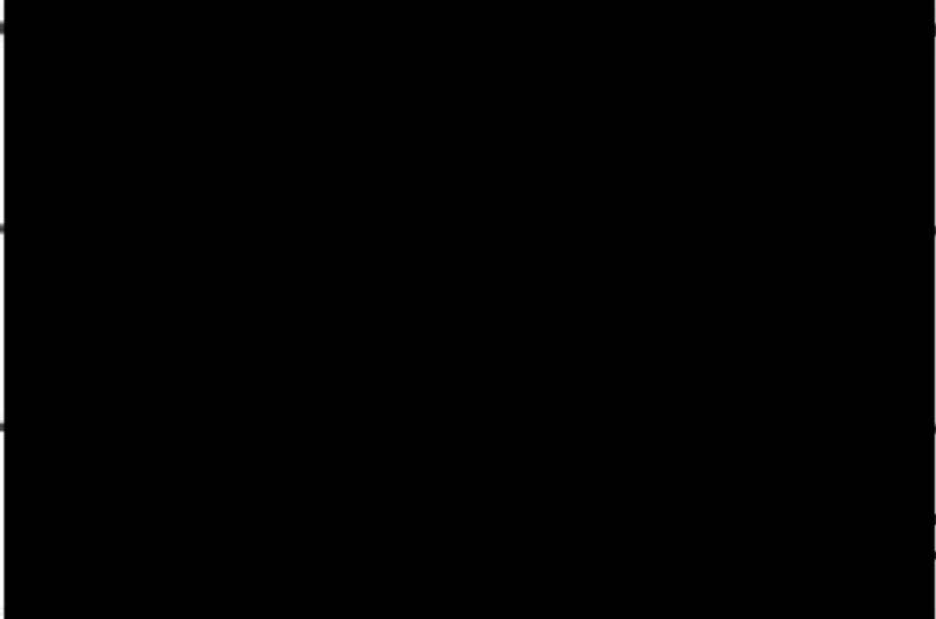
Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised person (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	solicitors for & on behalf of the applicant

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 14). 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 15)			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any) [REDACTED]			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. 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.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Comments for Licensing Application 22/00732/LAPVAR

Application Summary

Application Number: 22/00732/LAPVAR

Address: Thorness Bay Holiday Park Thorness Lane Porchfield Isle Of Wight PO31 8NJ

Proposal: Premises Licence Variation

Case Officer: Ms Andrea Bull

Customer Details

Name: Miss Alexandra Jewett

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Crime
- Nuisance
- Safety

Comment:07/06/2022 7:21 PM I object to this application, the main objection is the noise, currently events have been running, & are so loud that it causes a disturbance even through double glazed windows. It is bad enough when it goes on until 9pm let alone if it was to go on for longer. I am also concerned about the licencing hours, coupled with the events scream of attracting hen & stag parties, & the associated chaos drunken people bring. I have already had an intruder from the camp enter my house, plus many trespassers ignoring 'private' signs and wandering on to my private land & gardens. I have rare breed livestock who get worried when there is loud noise. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Comments for Licensing Application 22/00732/LAPVAR

Application Summary

Application Number: 22/00732/LAPVAR

Address: Thorness Bay Holiday Park Thorness Lane Porchfield Isle Of Wight PO31 8NJ

Proposal: Premises Licence Variation

Case Officer: Ms Andrea Bull

Customer Details

Name: Ms Alison Saxby

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Crime
- Nuisance

Comment: 29/06/2022 9:27 AM I object on the basis of noise, nuisance and adverse effects on all neighbouring properties and businesses. Existing noise levels at our property [REDACTED] from Park Resort's outdoor entertainment are such that we cannot sleep. There is no mention of any current or proposed monitoring of noise levels, or whether this extension would apply year-round. The Noise Policy Statement for England aims to "avoid significant adverse impacts on health and quality of life" and states that these impacts should be mitigated and minimised. How does the Resort propose to do this? Fifteen hours of racket every day represents an adverse impact. I suggest Mr Wootton should actually get out and talk to the Resort's neighbours.

[REDACTED]

[REDACTED]

[REDACTED]

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Bull, Andrea

To: Bull, Andrea
Subject: FW: Re: Thorness Bay - Application to vary a premises licence

From: Alexandra Jewett
Sent: 05 July 2022 08:59
To: Bull, Andrea <Andrea.Bull@iow.gov.uk>
Subject: Re: Thorness Bay - Application to vary a premises licence

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Dear Andrea,

Thanks for your email and the information. I have discussed this with the other members of my household. We are concerned that the activities are going to be every day and that these could be throughout the year. I note your point that this probably will not happen, but once the licencing is passed for this there is no way for anyone to stop the camp doing this. It gives them carte blanche to run events whenever they want in the future. We are trying to protect against this for the future.

When we moved here in 1996 it was a quiet camp, and over the years the owners have changed hands and the camp has grown. We have always been on good terms with the campsite and until this year it has always been quiet and peaceful. That is why we moved here.

This year there has already been loud music on a couple of occasions which has spoilt the peace and quiet and we cannot sit and relax in our garden when the music is playing as it is intrusive. This is our reason for the objection to the licence.

Whilst we do not like the idea of music playing every weekend we are happy to agree to this as I said in my previous email, as a compromise, on a Friday, Saturday and Sunday. Just not on other days throughout the week. We would also like it if the applicant would agree to this only happened between Easter and October, so we have some peace of mind that in future years we are not bombarded with noise, and that we can enjoy relaxing in our garden without being disturbed by loud music and/or loud speakers.

Best regards,

Alexandra Jewett

On 4 Jul 2022, at 20:52, "Bull, Andrea" <Andrea.Bull@iow.gov.uk> wrote:

Hi Alexandra

I've just checked the application, they aren't proposing any changes to the inside activity timings and in relation to outdoor activities they have applied for each activity with the exception of two activities from 11:00 - 22:00 each day. The exceptions are the sale of alcohol where they have applied from 11:00 - 23:00 and the playing of films 11:00 - 23:30. Unless there is a music on a film showing there will be no music after 22:00 hours even at the weekends.

I'm not sure if you are aware of these timings as those shown in the main boxes on the application related to the indoor times. The outdoor times were just a line of text at the

bottom of each box so would you just clarify please if you are happy with the activities outside until 10pm each evening.

The application doesn't state that they'd like the outside activities for a limited period each year but in reality it's not going to be all year. Again I'm happy to put a compromise to them if you'd like. I imagine they'd like the flexibility weather depending to do things outside from Easter through to October half term but I'm just surmising.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

Tel: (01983) 823159 (x6126) |

Email: andrea.bull@iow.gov.uk | Web: www.iwight.com

Please note my working hours are Monday – Wednesday 08:00 – 17:30hrs & Thursday and Friday 09:00 – 14:00 hours.

From: Alexandra Jewett

Sent: 04 July 2022 19:54

To: Bull, Andrea <Andrea.Bull@iow.gov.uk>

Subject: Re: Thorness Bay - Application to vary a premises licence

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Hi Andrea,

We don't mind the music on Friday and Saturday nights and up until around 10:30 on Sunday. We just don't want it every night I have to be up at 6am each weekday for work and if there is going to be loud music until 1 am every night it seems really unfair. I can understand that people on holiday want entertainment but to propose it going on every evening until 1am is over the top.

The other point is will it just be for the holiday season or all year round?

Kind regards,

Alexandra Jewett

Sent from my iPhone

On 4 Jul 2022, at 19:44, Bull, Andrea <Andrea.Bull@iow.gov.uk> wrote:

Dear Miss Jewett

Many thanks for your prompt reply.

I will start to prepare the committee report.

Before I do so is there a compromise position that I could put to the applicant that you would be happy to agree on? If so would you let me know as a matter of urgency so that I can go back to the applicant to seek their views. You are of course under no obligation but sometimes these matters can be resolved by way of negotiation so it is worth me asking the question.

Many thanks

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

Tel: (01983) 823159 (x6126) |

Email: andrea.bull@iow.gov.uk | Web: www.iwight.com

Please note my working hours are Monday – Wednesday 08:00 – 17:30hrs & Thursday and Friday 09:00 – 14:00 hours.

From: Alexandra Jewett

Sent: 04 July 2022 15:53

To: Bull, Andrea <Andrea.Bull@iow.gov.uk>

Subject: Re: Thorness Bay - Application to vary a premises licence

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Dear Angela,

Thank you for your email. I have not had any contact whatsoever from the applicant or their solicitor regarding this matter.

Yes, in the past the camp manager has always consulted us regarding changes at the camp but this time we have had no contact from them. The current manager seems to be away as we have not seen him for a few months.

To reiterate the matter is still unresolved and our objections still stand.

Naturally if the applicant does contact us I will of course let you know.

Regards

Alexandra Jewett

Sent from my iPhone

On 4 Jul 2022, at 15:06, Bull, Andrea <Andrea.Bull@iow.gov.uk> wrote:

Dear Miss Jewett

I write with reference to the above premises and your representation regarding the application to vary the premises licence.

Please be advised that the content of your representation was forwarded to the applicant's solicitor. Your name and address were not disclosed as representations remain anonymous unless it becomes necessary to prepare a committee report for the Licensing Sub Committee, at which point those persons who have made representations are identified by name in the committee report. I understand however, on speaking with the applicant's solicitor, that the applicants have made contact with you of their own accord in order to try and resolve the issues you have raised. I can only assume that this is because you have had previous contact with the operators of the park and they assumed that the representation was made by you.

In any case I have not heard anything more from you or the applicant to advise if any resolution has been found, and I would be grateful if you would please update me asap as to whether your concerns remain or if there are any compromises that can be reached in your view in order to avoid a hearing being necessary.

If your concerns have not already been addressed and there is no compromise that you can see, I will start to prepare a report for consideration by the Licensing Sub Committee in order for them to determine the application.

It is likely that the committee hearing will be on Friday 22 July. Formal notification will be sent to you to advise you of the time and date of the hearing as well as the procedure to be followed at the hearing. It is not mandatory that you attend, however more weight will be given to your concerns if you are there in person to address the committee.

Please also be advised that only matters relevant to the four licensing objectives can be considered at the hearing and therefore not all of your representation will appear in the report. The four licensing objectives are: public safety, the protection of children from harm, the prevention of crime and disorder and the prevention of public nuisance.

I look forward to hearing from you. If you have any further queries please feel free to contact me.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

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Bull, Andrea

From: Bull, Andrea
Sent: 11 July 2022 10:12
To: Bull, Andrea

From: Alison Saxby
Sent: 07 July 2022 07:50
To: Bull, Andrea <Andrea.Bull@iow.gov.uk>
Subject: Re: FW: Thorness Bay - Premises licence vary application

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Dear Ms Bull,

Having considered your proposal for the establishment of a noise management plan, I would agree in principle that this could form the basis of a compromise.

I note that the proposal makes reference to the Camp's complaints history, and would like to point out that the outside entertainment is a relatively recent development. Initially I, like others, assumed it was a temporary response to COVID rules.

However, I agree a compromise is in the common interest.

Yours sincerely,
Alison Saxby

On Wed, 6 Jul 2022, 16:43 Bull, Andrea, <Andrea.Bull@iow.gov.uk> wrote:

Dear Ms Saxby

In relation to the point you raise below, we have over the years moved away from setting noise levels in favour of noise management plans. I've gone back to my environmental health colleagues and asked them to explain the reasons for this. Please see the response from the officer below.

"I note your suggestion in relation to establishing conditioned noise limits, nevertheless, it's worth noting that whilst decibel levels provide a benchmark in terms of attempting to achieve appropriate noise control, they are not an indication of potential disturbance in isolation. Accordingly, set levels alone are unlikely to accommodate for an assessment of key acoustic features that may increase the annoyance factor of a particular noise source, these characteristics include but are not limited to the intermittent and impulsive nature of a noise source.

In addition, it may be unrealistic to set out maximum sound levels given there are other factors to consider prior to doing so, these include reference to the classification of any sound level monitoring device, a review as to how often the device is calibrated and parameters/times used to measure noise, including equivalent noise, background noise, bass levels and a review of octave frequency bands. The latter consideration will require a level of competency which is likely to necessitate specialist assistance and may be considered by the licensing authority at a hearing as unreasonable at this time given the premises existing noise complaint history. Were the revised activities to culminate in complaints of

noise disturbance, this may provide some justification for reviewing whether a move towards setting noise levels is necessary and reasonable.

The formation of a Noise Management Plan on this occasion may be more appropriate given this will enable discussion regarding the key points of any subsequent monitoring programme, these may include;

Establishing appropriate observation points to be factored into the monitoring programme

- *Identification of any particularly sensitive residential dwellings as well as plans to monitor entertainment noise from such receptors*
- *Accommodating for adverse weather conditions (wind speed/direction) which may exaggerate entertainment noise from a particular monitoring location*
- *Confirmation of a means by which local residents may report concerns regarding noise disturbance in real time and a suitable approach to responding to any reported concerns without unnecessary delay*
- *The documentation of a monitoring programme which may be shared with the local authority on request*

Accordingly, the addition of a Noise Management Plan will if anything, create an additional duty on the premises licence holder to ensure appropriate noise control, further to the licensee existing duties to promote key licensing objectives including the prevention of public nuisance.”

If the applicant were to agree to a Noise Management Plan it would be a requirement as part of that condition that the plan be agreed by officers from the environmental health department so it would be subject to scrutiny and would be enforceable.

If you experience noise nuisance on Friday and Saturday evenings you can contact our ‘out of hours’ service via Wightcare on 821105 and officers will look to visit the area and assess the noise levels to establish if a nuisance is occurring. If this is the case then the noise management plan can be amended at our request, and if satisfactory remedial action isn’t taken then this may result in enforcement action being taken by either the Licensing or Environmental Health department which could include a review of the premises licence.

Once you’ve had time to consider this information please let me know if you would be agreeable to the scenario I put to you before i.e. if the application was reduced to between Easter and October and on Friday, Saturday and Sunday nights only, with the times proposed, along with a condition for them to carry out on site monitoring and record their actions **as part of a noise management plan**, would this be acceptable to you?

Again there is no pressure on you to accept this but in my experience it would appear to be a reasonable compromise if the applicant were prepared to agree to it. If this is not agreeable to you then we will proceed to a hearing. If it is acceptable then I will contact the applicants solicitor and offer this as the compromise position which they either accept (which would then require them to agree this in writing after which point I would ask you to formally withdraw your representation) and the licence would be issued. If it is not acceptable to them we will again proceed to a hearing.

I’ll wait to hear from you.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

Tel: (01983) 823159 (x6126) |

Email: andrea.bull@iow.gov.uk | Web: www.iwight.com

Please note my working hours are Monday – Wednesday 08:00 – 17:30hrs & Thursday and Friday 09:00 – 14:00 hours.

From: Alison Saxby
Sent: 05 July 2022 12:40
To: Bull, Andrea <Andrea.Bull@iow.gov.uk>
Subject: Re: FW: Thorness Bay - Premises licence vary application

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Dear Ms Bull,

Thank you for your further email. I think what you suggest could form the basis for a compromise, but I do still feel that there should be a stipulated maximum permissible noise level. Simply monitoring it would serve little purpose in my view.

Regards,

Alison Saxby

On Tue, 5 Jul 2022, 09:25 Bull, Andrea, <Andrea.Bull@iow.gov.uk> wrote:

Dear Ms Saxby

Thank you for your response and providing a clear indication of the compromise you would be prepared to agree. I have just spoken with the applicants solicitor and passed on the details of the compromise that you would be agreeable to. They will speak with the applicant and come back to me as soon as possible.

May I ask, if the application was reduced to between Easter and October and on Friday, Saturday and Sunday nights only with the times proposed along with a condition for them to carry out on site monitoring and record their actions, would this be acceptable to you?

In the meantime I will start to prepare the committee report.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

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From: Alison Saxby
Sent: 05 July 2022 07:58
To: Bull, Andrea <Andrea.Bull@iow.gov.uk>
Subject: Re: FW: Thorness Bay - Premises licence vary application

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Dear Ms Bull,

Thank you for your two emails regarding Parkdean Resort's licence vary application for Thorness Bay.

First let me say that I read the application carefully and am aware of the proposed timings relating to the different activities. The issue is more one of the sheer volume of noise residents are expected to endure, which is of a level to severely impact their quality of life and enjoyment of their own properties.

For the licence variation to be granted I feel that Parkdean should be required to install an effective acoustic barrier to the area designated for outdoor activities. I note on the associated plan that this appears to be a relatively small area.

I would also like to see a limit imposed on the maximum permitted volume of noise and independent monitoring of this.

Finally, I would like to know whether this variation to licence will be limited to summer months or if it is intended to apply year-round.

I hope this is helpful and look forward to hearing from you in due course.

Yours sincerely

Alison Saxby

On Mon, 4 Jul 2022, 21:16 Bull, Andrea, <Andrea.Bull@iow.gov.uk> wrote:

Dear Ms Saxby

Further to my email below I have this evening been in communications with another resident and I thought it might be worth clarifying the timings on the application with you as having reviewed the application it is easy to misinterpret what the applicant is requesting.

The applicants aren't proposing any changes to the inside activity timings and in relation to outdoor activities they have applied for each activity with the exception of two activities from 11:00 - 22:00 each day. The exceptions are the sale of alcohol where they have applied from 11:00 - 23:00 and the playing of films 11:00 - 23:30. Unless there is music on a film showing there will be no music outside after 22:00 hours even at the weekends.

The outdoor times were just a line of text at the bottom of each box on the application so they would have been easy to miss. Would you just clarify please if in light of this information your representation still stands and if it does if there is any compromise position that you would be happy to accept? You are of course under no obligation but sometimes these matters can be resolved by way of negotiation so it is worth me asking the question.

I am due to start writing the committee report so if you would let me know as soon as possible I would be very grateful.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |

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

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From: Bull, Andrea

Sent: 04 July 2022 15:20

To:

Subject: Thorness Bay - Premises licence vary application

Dear Ms Saxby

I write with reference to the above premises and your representation regarding the application to vary the premises licence.

Please be advised that the content of your representation was forwarded to the applicant's solicitor. Your name and address were not disclosed as representations remain anonymous unless it becomes necessary to prepare a committee report for the Licensing Sub Committee, at which point those persons who have made representations are identified by name in the committee report.

Please would you advise asap if there is any compromise that would be agreeable to you in terms of this application. If there is no compromise that you can see, I will start to prepare a report for consideration by the Licensing Sub Committee in order for them to determine the application.

It is likely that the committee hearing will be on Friday 22 July. Formal notification will be sent to you to advise you of the time and date of the hearing as well as the procedure to be followed at the hearing. It is not mandatory that you attend, however more weight will be given to your concerns if you are there in person to address the committee.

Please also be advised that only matters relevant to the four licensing objectives can be considered at the hearing and therefore not all of your representation will appear in the report. The four licensing objectives are: public safety, the protection of children from harm, the prevention of crime and disorder and the prevention of public nuisance.

I look forward to hearing from you. If you have any further queries please feel free to contact me.

Kind regards

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Bull, Andrea

From: Wootton, Mark
Sent: 06 July 2022 16:35
To: Bull, Andrea
Subject: RE: Thorness Bay

Andrea,

I refer to the above application for full variation.

I have reviewed the premises history for noise complaints related to regulated entertainment and can advise that none have been received by environmental health in the last ten years. The premises has an existing licence for various outdoor entertainments at present including live outdoor music (7pm finish) and films (11.30pm finish). The proposed changes appear to extend the hours for outdoor entertainments with earlier start times and later finish times although I note that outdoor amplified music would cease at 10pm. The absence of any noise-related complaints for a sustained period suggests that the licensing objective of the prevention of public nuisance is being achieved.

That said there are objections noted in relation to noise. Environmental Health is happy to investigate any allegations relating to noise from licensed premises but we have not been able to witness and assess any noise from the premises given the allegations/objections have only just come to light. Similarly, we do not know if the objections relate to indoor or outdoor entertainments. At the present time we have no first-hand evidence to support an objection to the variation.

In light of a possible increase in the number of outdoor events and the current objections, consideration could now be given to a bespoke noise management plan to control any open-air events. An agreed noise management plan for outdoor events could consider matters such as speaker/screen/stage orientation, audience size, frequency/number of events, volume levels, noise mitigation measures, locations of sensitive properties, wind speed/direction etc all with a view to afford a proportionate balance to the venue/neighbours and ensure the licensing objectives are maintained. I can suggest condition wording as necessary.

I note that one objector has mentioned the Noise Policy Statement for England (NPSE) and the objective to "avoid significant adverse impacts on health and quality of life". Whilst this principle is perfectly reasonable it must be borne in mind that the noise policy statement for England (NPSE) sets out the government's overall policy on noise. It aims to promote good health and a good quality of life by effective management of noise in the context of government policy on sustainable development. The key point with the NPSE is the context of sustainable development; that it refers to new development and the planning context and not to the licensing of existing, well-established premises. The licensing objectives remain the appropriate reference for address noise matters in this instance.

Please let me know if you require anything further.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services
Isle of Wight Council | County Hall | High Street | Newport | Isle of Wight | PO30 1UD
Email: mark.wootton@iow.gov.uk Web: www.iow.gov.uk
Telephone: 01983 82300 Internal: Ext 6164

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