

# Agenda

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 6 NOVEMBER 2023</b>
Time	<b>10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the committee	Cllrs D Andre, J Bacon and M Beston
	Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Election of Chairman for the day**

To elect a Chairman for the day, in the absence of the Chairman and Vice Chairman.

2. **Apologies and Changes to Membership (if any)**

To note any changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the Council's Constitution.

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

To confirm as a true record the Minutes of the meeting held on 18 August 2023.

4. **Declarations of Interest**

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



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5. **Urgent Business**

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

6. **Report of the Strategic Director of Community Services**

- (a) Application for a Premises Licence for the Bay Cafe, Madeira Road, Totland, IW (Pages 7 - 60)

CHRISTOPHER POTTER  
Monitoring Officer  
Friday, 27 October 2023

## 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](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date and Time	<b>FRIDAY 18 AUGUST 2023 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs G Peace (Chairman), J Bacon and S Ellis
Also Present	Shane Batchelor, Ben Gard, Regan Matthews, Kevin Winchcombe and Megan Tuckwell

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13. **Apologies and changes to Membership (if any)**

There were no apologies or changes in membership.

14. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 9 August 2023 be approved.

15. **Declarations of Interest**

No declarations were received at this stage.

16. **Urgent Business**

There were no items of urgent business.

17. **Report of the Director of Neighbourhoods:**

18. **Application for premises licence at Lazy Wave Cafe, 2A Esplanade, Shanklin, IW**

The Licensing Officer presented the report and summarised the application. A representative of the applicant was in attendance. Questions were raised regarding the objections to the application, particularly regarding the potential for littering, noise disturbances, and criminal damage. The committee noted the mitigations in place to address these concerns. The committee sought clarification around the seasonal business operating hours and any anticipated increase in footfall.

The Committee retired to private session to consider their decision, and upon reconvening it was:

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 s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy, the sub-committee hereby:

Grants the licence, in accordance with the application and with agreed conditions between the applicant and the Police Authority.

**Reason:**

as per reasons given within same report in order to promote the Licensing objectives and in particular the prevention of crime and disorder and in accordance with the Isle of Wight Councils Statement of Licensing Policy and the s182 guidance.

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	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 6 NOVEMBER 2023</b>
Title	<b>TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR THE BAY CAFÉ, MADEIRA ROAD, TOTLAND, ISLE OF WIGHT, PO39 0JP.</b>
Report Author	<b>COLIN ROWLAND STRATEGIC DIRECTOR COMMUNITY SERVICES</b>

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### BACKGROUND

1. A premises licence issued under section 18 of the Licensing Act 2003 authorises the use of premises for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
2. An application for a premises licence was submitted to the licensing authority on 7 August 2023, by The Wooldridge Partnership, for The Bay Café, Madeira Road, Totland, Totland Bay, Isle of Wight, PO39 0JP. A copy of the application and plans associated with the application can be found at Appendix 1.
3. The Bay Café is an established venue that consists of two storeys on the beach front. The upstairs is used predominantly for dining and the downstairs consists of the kitchen, access to the pier and bathrooms.
4. The application requests that authorisation be granted to allow the supply of alcohol to take place for consumption on and off the premises between 09:00 hours and 23:00 hours each day.
5. The applicant states that the venue will be used mainly for private hire and will have an on-site management team. The main off site sales will be consumed on the surrounding beachfront or through the venue on the connected pier.
6. Any person may make representations in respect of the application during the consultation period and if these are not resolved the licensing authority must hold a hearing to determine the application.

## CONSULTATION

7. 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.
8. The application for a premises licence was originally received on 7 August 2023. The consultation ran for the required period. However, at the end of the consultation period an administrative error was identified in respect of the blue notice that had been displayed and as a result it was necessary for a new consultation period to commence.
9. The new consultation period commenced on 14 September and ended on 11 October 2023. The application was advertised at the premises, on the Council's website and in the Observer newspaper as required.
10. The outcome of the consultation in respect of this application is as follows:

### Responsible Authorities

Children's Services	No Representation made
Fire and Rescue Service	Response received – no representation
Trading Standards Service	Response received – satisfied with measures in place
Planning Services	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made
Environmental Health	Response received – no representation
Police	Response received – conditions agreed see Appendix 2

11. Police have recommended a number of conditions which have been agreed by the applicant. A copy of these can be found at Appendix 2.

### Other Persons

12. Nine representations were received from other persons during the consultation which relate to the licensing objectives of:
  - Prevention of public nuisance
  - Public safety
  - Prevention of crime and disorder
  - The protection of children from harm



13. A copy of the representations received from other persons can be found at Appendix 3.
14. Some of the representations received contain references to issues that do not directly relate to the licensing objectives and these issues cannot be taken into account when determining the application. For ease of reference any part of a representation that contains such references has been redacted.
15. At the end of the first consultation period, five representations had been received.
16. The applicant was notified of the objections received and produced a statement Appendix 4 addressing the concerns that had been raised. This statement was sent to the objectors along with a copy of the agreed police conditions. The objectors were asked to advise if the information contained within the email had alleviated their concerns and whether they wished for their representations to stand. One objector withdrew at this point.
17. When it became necessary to restart the consultation, contact was made with the objectors, and they were asked if they wished for their representation to be carried over. All confirmed that they would like their representations to stand and to be carried over. Confirmation of this can be found at Appendix 3.
18. Details of the specific representations received are as follows:
19. Mr Ratcliff states that the grant of a licence could add considerably to light, noise, traffic pollution and safety concerns but does not expand on how or why he believes these would be consequences of the granting of a licence. Mr Ratcliff also suggests that the area is difficult to police.
20. Ms Pearson raises concerns over parking and the potential for anti social behaviour and noise. She claims that there is already groups of youths who congregate in the area who behave in an anti social manner and believes that the grant of a licence will exacerbate the issue. Ms Pearson also raises concerns over the likelihood of noise from customers when leaving the premises.
21. Mr and Mrs Taft believe that the grant of a licence will inevitably lead to anti social behaviour and will attract serious drinkers to the area. They also raise concerns over noise, acknowledging that the applicant will have no control over individuals once they have left the premises.
22. Mr Walbank states that the local community would benefit from a family friendly café, possibly with a licence permitting alcohol to be served with meals. He does however raise concerns over public safety in relation to the potential for intoxicated people to access the pier or surrounding coastal path.
23. Ms Proles has raised concerns over the potential for an increase in litter, including broken glass, she has also raised concerns over an increase in anti

social behaviour and criminal activity that she perceives will be the outcome if an 'off sales' licence is granted.

24. Mr McCredie has also raised concerns over the grant of an off licence, as he also believes this will lead to an increase in litter and alcohol fuelled anti social behaviour.
25. Mr and Mrs Metcalfe are also against the grant of an off licence. They too believe that there will be an increase in litter including broken glass. They have also raised concerns over the lack of parking in the area and the potential for noise into the evening.
26. Mr Hammett and Ms Inge have raised similar concerns stating that whilst a café will enhance the amenities of the area, the grant of this licence will have a detrimental effect on the area. In their view anti social behaviour will increase by way of litter, broken glass and drinking and drug taking in the surrounding area.
27. Ms Sale has raised concerns around each of the licensing objectives. She has considered the agreed police conditions but her concerns are that these will act as a deterrent but will not prevent anti social behaviour in the form of litter & noise nuisance occurring as a result of an 'off licence' being granted, she believes the issues will move further away from the premises.
28. In relation to public safety and the protection of children from harm, Ms Sale has raised concerns around the location of the premises in relation to the lack of parking in the area. She also raises concerns over a perceived increase in traffic on a narrow road, where it is difficult for cars to pass and where there is no verge. She states that walking down this road is extremely hazardous particularly for families with young children particularly when it is dark.
29. Any objector who submitted representations during the second consultation period has also been sent a copy of the statement produced by the applicant along with a copy of the agreed police conditions.

#### FINANCIAL/BUDGET IMPLICATIONS

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

#### LEGAL IMPLICATIONS

31. The 28-day consultation period ended on 11 October 2023. 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

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

33. 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met;
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.
- 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.
- 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.

- 2.21 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.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 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.
- 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.

- 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

34. 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

35. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.
36. 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”.

37. 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.
38. 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	3.1
Paragraph 4	Integration of Strategies and Other Legislation	All
Paragraph 5	Approach to Licensing Applications	All
Paragraph 6	Major Events and the Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Reviews, and Appeals	8.1 – 8.6 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 – 10.18

## EQUALITY AND DIVERSITY

39. 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).

40. There is no requirement for an equality impact assessment to be carried out.

### OPTIONS

- Option 1: Grant the licence as per the application.
- Option 2: Grant the licence as per the application with any modifications to the proposed hours and/or additional conditions that the Sub-Committee deem reasonable and proportionate to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

### RISK MANAGEMENT

41. With regard to Option 1: To grant the licence as per the application may not adequately address the concerns raised by the objectors if the Sub-Committee deem these to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.
42. With regard to Option 2: The concerns raised 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.
43. 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

44. Section 9.38 of the national guidance states:  
*In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*
- *the steps that are appropriate to promote the licensing objectives;*
  - *the representations (including supporting information) presented by all the parties;*
  - *this Guidance;*
  - *its own statement of licensing policy.*
45. It should be noted that the premises to which this application relates has already been licensed for the same hours and activity that is being applied for now. In February 2020, a licence was granted permitting the sale of alcohol to take place on and off the premises between the hours of 9am and 11pm each day.
46. The only exception to that which is being applied for now is that the previous licence did have a condition which prevented any person removing alcoholic or other drinks from the premises in open containers. A similar condition could

be applied here if members are minded to grant a licence but this will not prevent customers from opening a container once off the premises.

47. However, in relation to the concerns raised by objectors regarding the potential for anti social behaviour to occur as a result of customers to the premises consuming alcohol on the beach, Public Space Protection Orders (PSPO's) are in place in several locations across the island. The area to which this application relates is covered by a PSPO and is a restricted area. A map showing the extent of the restricted area for Totland and Freshwater can be found at Appendix 5.
48. In a restricted area, a police officer may require a person not to consume alcohol and to surrender anything the officer reasonably believes to be alcohol. A person commits an offence if they do not comply with such a request. The maximum fine for this offence is currently £500.
49. A public space protection order does not prevent members of the public consuming alcohol in a public place. The powers the police have under the order are discretionary. The police would not normally request someone to stop drinking in the public place if they were doing so responsibly.
50. The orders do not apply on licensed premises while they are open for the sale of alcohol and for 30 minutes after.
51. Furthermore, the behaviour of people outside the immediate vicinity of any licenced premises cannot be attributed to the management of the premises. Point 2.26 of the Section 182 Guidance for the Licensing Act 2003 states:  
  
*“Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.”*
52. The police, as a responsible authority are consulted and review every application received. The police licensing officer has considered the application and has recommended a number of proportionate conditions which the applicant has agreed. Condition no.7 states “No person will be permitted to take or remove alcoholic or other drinks from the premises in glass containers. All drinks will need to be transferred in to plastic or alternate vessel before being removed from the premises.”
53. All of the conditions that have been agreed with the police can be found at Appendix 2. If a licence is granted then these conditions will be attached and will become legally enforceable.
54. Both the Environmental Health department and the police were asked about any nuisance complaints made in relation to activities that have previously



taken place on the premises and in the vicinity of the premises under the earlier licence.

55. The Police have confirmed that there have been two incidents in the past 12 months, one relating to the building to which this application relates, whereby youths have attempted to gain entry causing minor damage. They have confirmed that there has been no reports of drunken anti social behaviour.
56. The Environmental Health department have confirmed that there have been no nuisance complaints made to them resulting from any licensable activities that took place previously at the premises.
57. In relation to the concerns raised regarding litter, the applicant has advised that *“ All off sales will be decanted and only single measures will be provided, for example a 25ml spirit and soft drink, or a 125ml glass of wine. We do not see this as our main point of trade and will also use common sense as to when and if we even use this part of the license. However this is no different to the license that was held before where no issues occurred. If we do decide to do off sales a member of our team will be dedicated to doing hourly checks to collect any rubbish that may potentially be left behind by customers in order to eradicate litter on the beach front. As for off sales on the pier itself a member of our team will be stationed there to clear tables as often as required. All of our team will have frequent Think 25 training and will adhere completely to the terms of our license at all times.”*
58. In relation to concerns raised around noise disturbance, as a result of people congregating on the beach to consume alcohol that has been purchased from the premises. Again, a licensee cannot be held responsible for the behaviour of others when away from the premises. The Licensing Act places a responsibility on business operators to ensure that the sale of alcohol is made responsibly, and offences exist in relation to under age sales or to people who are drunk. Staff training is expected in order to ensure that sales are made responsibly in order to uphold all of the licensing objectives but the behaviour of those people once away from the premises is not the responsibility of the operator. Other powers exist in order to deal with incidents of anti social behaviour which would include noise nuisance from people in public places, either by way of powers under Public Order legislation, or under the provisions of the PSPO.
59. Officers from the Environmental Health department have not made representations to this application. They have no powers to control the noise from groups of people once away from licensed premises.
60. It should also be noted that there is another licensed premises in close proximity to the pier. The Waterfront has a large garden and has a licence to supply alcohol for consumption on and off the premises until midnight, (an hour later than is being applied for here). The premises is also able to provide regulated entertainment until 00:30 hours.
61. The applicant in this case has not applied for regulated entertainment. Whilst the provisions of the Live Music Act would permit music until 23:00 hours without this being regulated, this application makes no reference to music entertainment.

62. The existence of this business and its daily operations, have not resulted in any of the issues that have been raised by the objectors as potential consequences to the grant of a licence.
63. No other responsible authority has made representations to this application.
64. A further concern that has been raised relates to the issue of traffic and parking. Residents are concerned that due to limited parking on the seafront customers will park illegally or trespass on private parking facilities. This is not something that members can factor into their determination as enforcement of parking violations is a matter for the Parking Services department of the Local Authority.
65. The applicant has stated that they are *“currently putting together a traffic management plan that will hopefully eliminate any issues with noise and car congestion down at the entrance of the Pier. There are limited parking spaces along the front which will be on a first come and paid for basis if available. However, we will also be offering shuttles from around the island for people coming in by Ferry. We are also building relationships with local taxi firms in order to be able to make sure guests are collected safely and dropped home if they are residents.”*
66. Further details have been requested from the applicant in respect of these proposals, in order to confirm that Island Roads are happy with any plans they wish to implement as well as confirming that there are no implications in respect of the private hire taxi licensing regime. At the time of writing this report no further details have been submitted.
67. 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.
68. The Committee should determine the application in accordance with section 18 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

<u>RECOMMENDATION</u>
<p><i>Option 1: Grant the licence as per the application.</i></p>

APPENDICES ATTACHED

Appendix 1 Application for a premises licence under section 17 of the Licensing Act 2003

Appendix 2 Agreed Police Conditions

Appendix 3 Representations from Other Persons

Appendix 4 Statement from Applicant in response to Objections

Appendix 5 Public Space Protection Order (PSPO) map for Totland and Freshwater

### BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2019 – 2024.  
<https://www.iow.gov.uk/azservices/documents/1226-Approved-Licensing-policy-2019-24.pdf>

Contact Point: Andrea Bull, Senior Licensing Officer, phone number: 01983 823159 e-mail: [Andrea.bull@iow.gov.uk](mailto:Andrea.bull@iow.gov.uk)

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## Application for a premises licence to be granted 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.

0

I/We The Wooldridge Partnership

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>The Bay Café</b> <b>Madeira Road</b> <b>Totland</b> <b>Totland Bay</b>			
<b>Post town</b>	Isle of Wight	<b>Postcode</b>	<b>PO39 0JP</b>

Telephone number at premises (if any)	<b>N/A</b>
Non-domestic rateable value of premises	<b>£0.00</b>

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input checked="" type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name The Wooldridge Partnership
------------------------------------

Address Hall Grove Farm Industrial Estate Bagshot GU19 5HP
Registered number (where applicable) N/A
Description of applicant (for example, partnership, company, unincorporated association etc.) The Wooldridge Partnership manages hospitality & retail businesses.
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	5	09 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The Bay Café and Pier is an already established venue that consist of 2 storeys on the beach front. With the upstairs used predominantly for dining and the downstairs consisting of the kitchen area, access to the pier and bathrooms. The venue will be used mainly for private hire with an on-site management team being available. There will be alcohol sales both on & off the premises, with the main off site sales being consumed on the surrounding beachfront or through the venue on the connected pier.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A
-----

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

a) plays (if ticking yes, fill in box A)



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

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>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</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) N/A		
Mon	9:00	23:00			
Tue	9:00	23:00			
Wed	9:00	23:00			
Thur	9:00	23:00			
Fri	9:00	23:00			
Sat	9:00	23:00			
Sun	9:00	23:00			
			<b>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</b> (please read guidance note 6) N/A		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Lucy Charlotte Joan Whittington
<b>Date of birth</b> [REDACTED]
<b>Address</b> [REDACTED]
<b>Postcode</b> [REDACTED]
<b>Personal licence number (if known)</b> [REDACTED]



Sat	8:30	00:00	
Sun	8:30	00:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

We are looking to implement a premises license for the sale of alcohol at The Bay Café. Should this license be granted we will operate the venue to the highest standards. All members of the team will be trained in their responsibilities in regards to the sale of alcohol with regular re-fresher training, all training will be recorded and copies kept on site for inspection if requested by the authorities. The Bay Café will close within an hour of the licensing activities having ceased; this will give adequate time for customers to exit the venue in an orderly manner causing no nuisance to near by properties.

**b) The prevention of crime and disorder**

CCTV will be placed around the venue in appropriate areas including entrance/ exit areas and the main building areas and toilets. The CCTV equipment will be checked daily by management to be kept in good working order and will continuously record throughout the day. The premises license holder will ensure that all CCTV images/ recordings will be kept for 31 days after recording and will be available to view if requested by the police/ licensing authority. Management will ensure that the CCTV has the correct time and date at all times, if the CCTV malfunctions/ ceases to work management will inform the police/ licensing authority in a timely manner and this will be logged in the incident report book. Any issues with CCTV will be rectified as soon as possible with management informing police/ licensing authorities as soon as possible. The premises license will ensure there are competent & trained team members available during licensing hours if CCTV is requested to be downloaded or reproduced.

The DPS of the Bay Café will keep an up-to-date DPS authorisation sheet which will show who has authority to serve alcohol on the premises.

All incidents will be recorded in an incident report book as well as all refusals of alcohol sales. These documents will be available for police and council officers on request.

There will always be sufficient staff on site who will have been trained on all company procedures. Training documents will be available on request.

**c) Public safety**

All members of the team will be trained in hazard perception for any potential dangers or risks that may occur with customers, they will also be trained in the chain of command if an incident does occur. If the member of staff is unable to defuse any situations, they will be instructed by management to call the police. All relevant fire precautions are in place and are marked on the plan, the business also has been fire risk assessed.

There will be an on-site accident book to record and accidents/ injuries that occur on the premises. The accident report book will be retained for inspection by the business and any relevant parties for 3 years.

**d) The prevention of public nuisance**

There will be signage at all ingress & egress points around the venue asking customers to be quiet and respectful of any surrounding residents when leaving the venue. Management and staff will also remind all customers of their responsibility do not cause any disturbance upon exiting. Guests will be directed to the nearest car parks/ facilities and we will arrange for collection and drop off in order to stop any potential congestion going down towards The Bay Café.

**e) The protection of children from harm**

We will be implementing a think 25 policy that all staff will be trained on (with training records kept). We will only accept physical photographic IDs (passports, driving license, military ID). Anyone who appears younger than 25 will be challenged to present ID, if the customer is unable to provide then there will be no sale. Challenge 25 posters will be placed around the venue. Any staff under the age of 18 will need to ask management to take over and complete the sale on their behalf. If we believe a customer is purchasing alcohol for minors then there will be no sale. All refusals will be logged in the refusals book (location: behind bar, next to till) and will be readily available for inspection from the Police or Licensing Officers on request. All children on the premises must be supervised, if a child becomes lost management will be made aware who will follow the companies 'lost child protocol' document.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	07/08/2023
Capacity	General Manager

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	

Capacity	
----------	--

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Legal Requirement**

The Isle of Wight Council is the data controller for the personal information you provide on this form. The council's Data Protection Officer can be contacted at [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk). You can contact the council by phone on 01983 821000, or by writing to us at County Hall, High Street, Newport, IW PO30 1UD.

Your information will be used to allow the Council to process your application. In accordance with Data Protection law, the legal basis for this is for the performance of a task carried out in exercise of official authority. Your information will be shared with other council departments relevant external bodies for the purposes of processing your application.

We will keep your personal data for 6 years or as long as we are required to do so under relevant legislation or in accordance with our operational requirements. You can view our retention schedule on our website [www.iwight.com](http://www.iwight.com).

For further details on how your information is used; how we maintain the security of your information; and your rights, including how to access information we hold on you, and how to complain if you have any concerns about how your personal details are processed, please visit [www.iwight.com](http://www.iwight.com) or email [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk)

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. 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.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. 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.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed

below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Documents which demonstrate entitlement to work in the UK**

An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's

permanent National Insurance number and their name issued by a Government agency or a previous employer.

A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
  - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.





The Bay Café Totland – Agreed Police Conditions

1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. Records will be kept of such training which must be signed and dated by the member of staff who has received that training. All staff will receive refresher training every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.

2. A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 3 years and be made available to the Police and Council upon request.

3. A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person unless exemptions apply within the Licensing Act 2003.

4. A written record shall be retained at the location to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.

5. Recordable CCTV will be installed at the premises. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. Digital systems shall provide good quality playback images that give free flowing playback footage. Recorded footage will be retained for a minimum of 28 days and will be made available to the Police and Council immediately upon request when investigating allegations of offences or criminal activity. A trained member of staff will be able to operate the system and download images will be on duty during operating hours. Any images recovered must be in a viewable format disc and playable on a windows based computer system without the need for technical enhancement. It is preferable that the footage is able to be downloaded and uploaded to any links provided.

6. There will be signage at all ingress & egress points around the venue asking customers to be quiet and respectful of any surrounding residents when leaving the venue. Management and staff will also remind all customers of their responsibility do not cause any disturbance upon exiting. Guests will be directed to the nearest car parks/ facilities and we will arrange for collection and drop off in order to stop any potential congestion going down towards The Bay Café.

7. No person will be permitted to take or remove alcoholic or other drinks from the premises in glass containers. All drinks will need to be transferred in to plastic or alternate vessel before being removed from the premises.



Representations received in respect of Premises Licence application The Bay Café - Totland

Objection 1 Mr Ratcliff

[REDACTED]

This application could add considerably to light, noise, traffic pollution and safety concerns in an area recognized for its peaceful and outstanding natural beauty. An area difficult to police by its very nature.

[REDACTED]

**From:** Ken Ratcliff  
**Sent:** 14 September 2023 13:29  
**To:** Batchelor, Shane  
**Subject:** Re: Premises licence application - The Bay Cafe, Totland - Mr Ratcliff

Good afternoon Shane and thank you for your email.  
I feel strongly that the local community can best be served by a family-orientated cafe and that any alcohol sales associated with such a venture be seriously and appropriately curtailed to that function. Consequently I would confirm that I wish my initial representations to stand alongside those additional comments made to Andrea Bull.  
Kind regards,  
Ken

Objection 2 Mr & Mrs Taft

My wife and I are lessees of Aman Court, [REDACTED] and our apartment overlooks Totland Pier.

We strongly object to the Licensing Application for the sale of alcohol, both on and off premises.

To be selling alcohol from 9.00 am in the morning until 11.00 pm at night, both for consumption on the premises and on a take away off-license basis will inevitably cause antisocial behavioural problems in the vicinity of the pier head and the sea front. It will be a magnet for serious drinkers and quickly establish an undesirable fraternity in this area.

Whilst the applicant, The Wooldridge Partnership, is vowing to install CCTV cameras and discourage clientele from noisy or disruptive behaviour, in practice there is no way that they can control what clientele do once they've left the premises. Granting this license will, without doubt, destroy the peaceful and sociable atmosphere that defines Totland Bay.

**From:** Andrew Taft  
**Sent:** 14 September 2023 12:48

To: Batchelor, Shane  
Subject: RE: Premises licence application - The Bay Cafe, Totland - Mr Taft

Dear Mr Shane,

I've read and noted the contents of your email.

My wife and I both wish the representation we made in our previous email to yourselves to be applied in its entirety without exception. We are wholly against the licensing request that has been submitted for The Bay Cafe.

Sincerely,

Andrew Taft.

Objection 3 Ms Pearson

Isle of Wight Council  
Licensing Section  
County Hall  
High Street, Newport  
PO30 1UD

25 AUG 2023

24th August 2023

TOTLAND PIER CAFE - Sale of alcohol (on and off premises) - Monday to Sunday - 09.00 - 23.00 hours

Dear Sirs,

I would like to object to this objection on many accounts

Parking is becoming more of a problem in the area and should the restaurant at the end of the pier ever open, there would be a major problem for the Waterfront, residents and visitors alike anyway. I live at Aman Court and we are very concerned about people coming in to our carpark and how we could protect our privacy.

Added to which, there are no temporary and unchargeable spots down by the sea for visits to the Pier Cafe and people will just park anywhere.

When the cafe was opened a few years ago, and with the formula it had, it really worked well is greatly missed and was in keeping with Totland Bay. Being open in the daytime, people generally walked down there or to there along by the sea.

Also, you may be aware that there is a gang of youths in Freshwater behaving in an antisocial way to say the least and the authorities seem unable to put a stop to this. Licenced off sales down by the sea is just asking for trouble. Groups of youths do gather on the turf walk as it is and leave their litter everywhere.

Noise could be a major problem, especially when leaving the premises late in the evening. In Aman Court, we actually have paths on three sides of the building. Totland is a busy residential area and a great many people could be adversely affected.

Locals are all very worried about this application, so please do not contribute to the ruination of the bay as a place of peaceful recreation and residence. The company concerned will only be concerned about money and will have no worries at all about the effect of their actions on our lovely Totland Bay.

Yours faithfully

**From:** Julia Pearson  
**Sent:** 15 September 2023 15:22  
**To:** Batchelor, Shane  
**Subject:** Re: Premises licence application - The Bay Cafe, Totland - Mrs Pearson

Dear Shane  
Yes I do please.  
Regards  
Julia Pearson

Objection 4 Mr Walbank



Totland would definitely benefit from a family friendly cafe at the land end of the pier, possibly with a licence allowing alcohol to be served only with meals. It would provide a service to the people using the beach and coast path during the day. It is completely unnecessary and detrimental to Totland to sell alcohol all day from 09:00 until 23:00 and the potential risk of inebriated people on the pier or using the unlit coastal path to Colwell is real and present.

**From:** Bill Walbank  
**Sent:** 18 September 2023 11:29  
**To:** Batchelor, Shane  
**Subject:** Re: Premises licence application - The Bay Cafe, Totland - Mr Walbank

Mr Batchelor

Thank you for your e-mail.

My objection still stands and I am prepared to attend a meeting of the Licensing Subcommittee to amplify my concerns.

Are there any conditions I would need to meet at the meeting - time of representation etc., and would you please give me a rough idea of when that meeting could take place?

Thanks again.

Bill Walbank

Objection 5 Ms Proles

I wish the following representations to be put on record.



2. There could be increased litter from cans, bottles, and other associated rubbish and the danger of broken glass in the area.

3. It will no doubt increase the high level of anti-social behaviour that Freshwater & Totland is experiencing
4. The police do not appear to be coping with the levels of crime in the area now and this is a really quiet location that would invite increased criminal activity and require regular policing.
5. Turf Walk, Stokes Green, the void under the pier café plus many other nooks and crannies would be used for drinking and potentially drug taking which is also a problem in the area.

I welcome the re-opening of the café. I often frequented it and enjoyed the lovely building and beautiful location. However, to grant this licence will only create problems and ruin what has been an ideal café for local residents, walkers, cyclists, holidaymakers, beachgoers etc. For many, many years.

Heather Proles

**From:** Heather Proles  
**Sent:** 03 October 2023 11:18  
**To:** Batchelor, Shane  
**Subject:** Re: Totland Pier Café - Alcohol Licensing Application - Ms Proles

Good Morning,

**Re: Bay Café - Totland - Licensing application ref: 23/01235/LAPNEW**

I most certainly wish to have my objection to the licensing application for "off sales" at The Bay Café at Totland to be taken into consideration.

I would also like to point out that the notices on the pier have been corrected as previously mentioned however, it would be most useful if the Licensing Application reference was also included in any documentation available to the public as I had to phone your department to ask for this information. All this costs time and money on both sides as it's basic common sense to include it!

Regards

Heather Proles

Objection 6 Mr McCredie

**From:** Michael McCredie  
**Sent:** 04 October 2023 15:56  
**To:** Licensing  
**Subject:** Licence application - Bay Cafe, Totland Bay ref. 23/01235/LAPNEW

I object to the grant of an off licence to this business. I appreciate the need for a restaurant/cafe to be able to serve alcoholic beverages as part of their business but that a grant of an off licence would have a seriously deleterious affect on the Totland Bay area. Principally for the following reasons:-

1. Increased litter
2. Anti social behaviour fuelled by the availability of alcohol for drinking off the premises throughout the day.

A with food type licence for consumption on the premises is suitable but not a blanket ability to sell off the premises.

Michael McCredie

Objection 7 Mr & Mrs Metcalfe

**From:** Sandra Metcalfe  
**Sent:** 05 October 2023 17:16  
**To:** Licensing  
**Subject:** Bay Cafe

Hi

After reading this application myself and my husband are somewhat concerned about it. We used to frequent the Cafe previously it was an asset to the area for locals , offering good quality food in pleasant surroundings.

However , this venture appears inappropriate , why would people be encouraged to purchase alcohol to consume off site on the beach front.

We object to this application , the litter , broken glass , lack of parking and noise created from late service would do little to enhance Totland Bay

Kind regards

Sandra and Tom Metcalfe

Objection 8 Trudy Inge & Nigel Hammett

**From:** Trudy Inge  
**Sent:** 09 October 2023 20:14  
**To:** Licensing <[licensing@iow.gov.uk](mailto:licensing@iow.gov.uk)>  
**Subject:** Totland Bay Café ref: 23/01235/LAPNEW

Ref : 23/01235/LAPNEW

Dear Counsellors,

We're writing to object, in part, to the application for alcohol to be sold from the Totland Bay Café for consumption off the premises.

Whilst we agree that a café will enhance the amenities of the area, we are objecting to the granting of this license as it will have a detrimental effect on the local community. There is the potential for increased litter (Including broken glass) and anti-social behaviour with people drinking and drug-taking under the pier and the surrounding green spaces.

Totland bay has been classed as one of the best beaches in England for it's beauty and safety for swimmers, paddle-boarders and canoeists. The area is very special and many families, children, walkers, joggers and dog walkers currently enjoy the beauty of Totland Bay which is currently under threat of being spoilt.

We therefore urge you to consider turning down this application.

Regards,

Nigel Hammett and Trudy Inge

Objection 9 Ms Sale

**From:** Madeleine Sale  
**Sent:** 10 October 2023 20:02  
**To:** Bull, Andrea <[Andrea.Bull@iow.gov.uk](mailto:Andrea.Bull@iow.gov.uk)>  
**Subject:** Licence Application at The Bay Cafe Totland by Wooldridge Group

Dear Ms Bull,

I have submitted an objection via the portal but would like to expand on my objection as follows:

of am writing in relation to the Premises Licence application by Wooldridge Group at The Bay Café, Totland.

I wish to object to this application.

I believe an application for the sale of alcohol seven days per week between 9am and 11pm, all year round i.e. fourteen hours per day, every day of the year, should be refused.

I am aware that the applicant has agreed to accept the Police Conditions relating to the sale of alcohol viz training, ID checks, CCTV etc.

Nevertheless the application should be rejected for the following reasons:

### **Prevention of crime and disorder**

The Police conditions act only as a deterrent to crime and anti-social behaviour, but cannot fully prevent it. The applicant has stated that any alcohol sold which will be 'removed from the premises' will not be sold in glass containers. This means such alcohol will be sold in cans or plastic containers. These may then be left scattered along the length of Totland Bay causing littering and pollution.

I assume the CCTV will be installed in the immediate vicinity of the Pier. It will therefore have no deterrent effect on disorderly behaviours over customers drinking 'Take-away' alcohol. This 'take away' alcohol could then be consumed either all the way along Totland Bay (and as far as Colwell Bay), and also on Stokes Green or on Turf walk.

Anti-social behaviour is frequently associated with alcohol and may therefore arise in any of these locations.

### **Public safety**

There are two main points here:

#### ***Increase in traffic***

The Bay Café is positioned at the bottom of a steep section of Madeira Road, just beyond Granville Road. The road is narrow and it is very difficult for cars to pass. There is no pavement. There is no verge. It is overhung by trees and at night is extremely dark.

Walking down this road is hazardous at the best of times without increased traffic making the road extremely dangerous particularly for families with young children.

#### ***Lack of parking and shuttle service***

There is very limited parking by the Pier Café or along the front. The parking is chargeable.

The applicant's statement says

*“Guests will be directed to the nearest car parks/ facilities and we will arrange for collection and drop off in order to stop any potential congestion going down towards The Bay Café.”*

There are no other car parks in the vicinity of Madeira Road (other than those on the front). The only parking is on the roads around the area which is already congested particular in the summer period.

So this this statement is misleading because:

- a) It is not clear where these car parks/facilities which the applicant refers to are located
- b) How will collection and drop off will operate? This in itself will cause additional traffic and greater danger for visitors to the bay if there is some form of shuttle service.

### **The prevention of Public nuisance**

The Bay Café will have little or no control over the actions of patrons using the ‘take-away’ drinks service once they have left the immediate area around the café.

Potential nuisance will include:

- Litter
- Congestion (from cars)
- Noise. Noise from the beach front is currently clearly audible along Granville Road and on Cliff Road. This will become much worse, particularly in the late evening, if the Café is open for 14 hours per day and attracts a significant number of customers.
- Anti-social behaviour. This is not unusual in situations where alcohol is consumed

### **Retention of Totland Bay as a family resort (and prevention of harm to children)**

In the late nineties and the noughties the pier provided a useful and popular service: café plus a kiosk selling ice creams, fish and chips etc and beach equipment. This amenity has been missed and would be welcomed if it were to return.

The application for the Bay Café to be licenced for the sale of alcohol for 14 hours a day is not compatible with Totland Bay as a family resort. I understand the Licencing Act refers not only to physical harm but should be interpreted in the widest possible sense when granting an application

Furthermore there are the dangers associated with increased traffic as described above.

### **Further observations regarding their Statement**

[REDACTED]

*“Being seasoned hospitality experts, we are well versed in the importance of abiding by the regulations put in place within our license”*

[REDACTED] <https://wooldridgegroup.co.uk/> [REDACTED]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

Madeleine Sale



Statement from Wooldridge Group

We would like to address the concerns you have raised in your objections for the Café to re-open its doors. Since our acquisition of the Pier in November 2022 we have had various discussions internally about the use of the Café and how best it can benefit the local community. Whilst we have applied for a premises license with the option of on and off sale of alcohol, we are keen to use the venue for community events, local yoga groups and schools whilst also offering the space as a hub for the local charity groups if needed.

The fears around sale of alcohol have all been counter-acted with several measures we will be putting in place such as think 25, regular security patrols, no glass allowed off the premises and service to stop 1 hour before people would be asked to vacate the venue. Being seasoned hospitality experts, we are well versed in the importance of abiding by the regulations put in place within our license and would not do anything to jeopardise the local area or its residents but instead we want to be able to provide a unique offering.

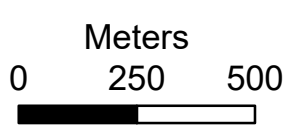
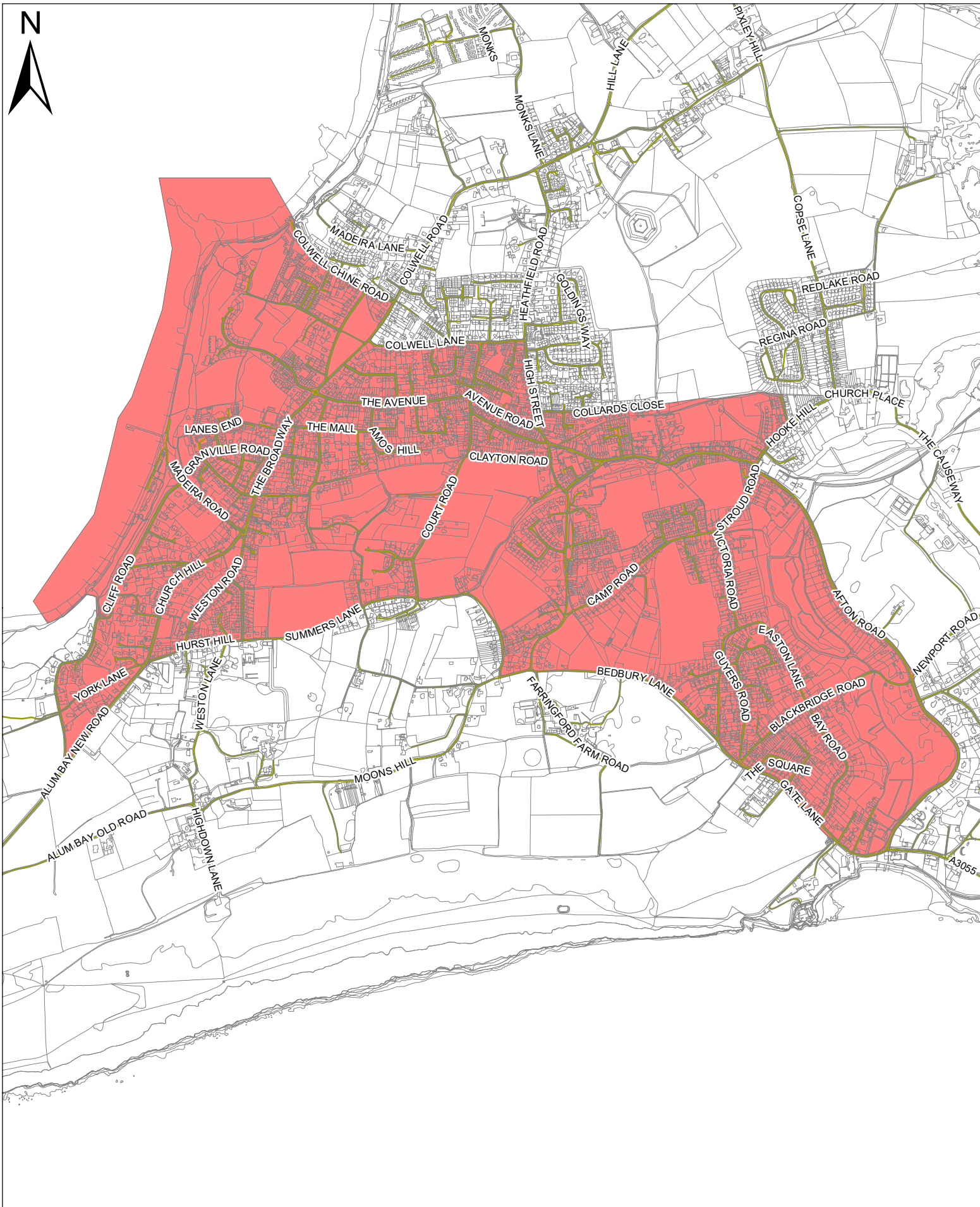
Whilst we have applied for the sale of alcohol between the hours of 9:00 – 23:00 this is so we have the flexibility should an event require but does not confirm these will be the hours alcohol will be sold (which will be significantly less at the Café). Following on from concerns of anti-social behaviour, we will not be serving intoxicated people with registers kept if a refusal is made, signage will be heavily placed around the site asking any guests to leave quietly as to not disturb local residents.

Totland Bay Pier is a piece of local history and we are aware that the venue currently being sat there not being used is increasingly becoming an issue drawing interest from unwanted parties this has already led us to be the victims of crime with attempted break-ins. With the presence of our team being on the island we are hoping this will stop the current incidents from occurring at Pier. We are looking forward to working with and supporting the local community and are open for any questions you may have. Please feel free to contact myself directly at [REDACTED] where I can answer any queries/ concerns.

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# Isle of Wight Council ~ Freshwater & Totland Bay Alcohol Consumption in Public Space Protection Order ~ 2019 Map

Appendix 5



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