
To Shane Batchelor, Licensing Officer
From Mark Wootton, Senior Environmental Health Practitioner
Date 30th March 2023
Subject Licensing Act 2003 ("The Act")
Application for a Premises Licence Variation
Landguard Holiday Park, Shanklin PO37 7PJ

Memo

By virtue of Section 13 (4)(c) and 13 (4)(e), Environmental Health is a responsible authority and may make representations to the Licensing Authority over applications for Premises Licences.

Background

Environmental Health notes that the variation application cannot look to amend or reduce the licensable activities and timings that form part of the current premises licence.

The applicant seeks consent for;

- the 'off-premises' sale of alcohol between 10am and midnight daily,
- for indoors plays, indoor performance of dance and indoor live music to take place from 10am to midnight daily (noted to be one hour earlier each day and one minute later than existing each night),
- late night refreshment from 11pm to midnight daily (noted to be one minute later than existing),
- opening hours from 8am to 12.30am the following day (noted to be 2 hours earlier and 31 minutes later than existing).

A review of the premises history shows that the most recent noise complaint relating to regulated entertainment was in the Spring of 2016. There has been a period of almost 7 years with no noise complaints having been received.

Application

Environmental Health do not consider that the licensable activities, if granted, would have an unreasonable effect on the licensing objective of the prevention of public nuisance. An earlier start time for indoor regulated entertainment is not likely to cause public nuisance and a one-minute later finish time is not likely to have any significant difference over the existing situation. The provision for late night refreshment is not considered to compromise the prevention of public nuisance. The premises will be open 30 minutes later than existing which may allow for a gradual egress of patrons from the premises but may result in a later egress from the premises. It should however, be borne in mind that patrons may be a mix of site residents and non-site residents.

Environmental Health understand that representations have been made that allege problems relating to noise from the site. Whilst not discounting any such commentary, Environmental Health have received no complaints about such matters in recent years and have not been able to substantiate any problem that may exist.

Consideration has been given to whether there might be an opportunity to consider a noise management plan to ensure the licensing objective of the prevention of public nuisance is upheld but environmental health hold the view that in the absence of complaints for a sustained period of time, it would neither be proportionate, appropriate or justifiable to require this at the present time.

The ability to investigate any allegations relating to music entertainment noise etc exists both under the licensing regime and under the statutory nuisance provisions of the Environmental Protection

Act 1990. The Council operates an out-of-hours noise service on Friday and Saturday nights and complaints can be made to either Wightcare or Environmental Health in the usual manner and will then be investigated.

Taking all of the above into consideration and having regard to the Licensing Authority's guidance issued to applicants and its *Statement of Licensing Policy 2019- 2024*, environmental health does not object to the granting of the licence variation as requested with regard to the prevention of public nuisance.

Many thanks for consulting this section.

Mark Wootton
Senior Environmental Health Practitioner