

Bull, Andrea

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

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

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Ms Bull,

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

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

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

Yours sincerely,
Alison Saxby

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

Dear Ms Saxby

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

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

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

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

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

Establishing appropriate observation points to be factored into the monitoring programme

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

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

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

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

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

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

I’ll wait to hear from you.

Kind regards

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

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

Tel: (01983) 823159 (x6126) |

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

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

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

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Ms Bull,

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

Regards,

Alison Saxby

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

Dear Ms Saxby

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

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

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

Kind regards

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

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

Tel: (01983) 823159 (x6126) |

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

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

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

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Ms Bull,

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

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

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

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

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

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

Yours sincerely

Alison Saxby

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

Dear Ms Saxby

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

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

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

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

Kind regards

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

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

Tel: (01983) 823159 (x6126) |

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

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

From: Bull, Andrea
Sent: 04 July 2022 15:20
To:
Subject: Thorness Bay - Premises licence vary application

Dear Ms Saxby

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

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

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

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

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

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

Kind regards

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

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

Tel: (01983) 823159 (x6126) |

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

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

Important Information - Disclosure, Confidentiality and Monitoring of this email

This email communication may be monitored by the Isle of Wight Council for regulatory, quality control, or crime detection purposes. If you are not the Intended Recipient please contact the sender as soon as possible. It is intended only for the personal attention of the named person, firm or company to whom it is addressed. It may contain information that is privileged and confidential in law. Accordingly any unauthorised dissemination, distribution, copying or other use of this message or any of its content by any other person may constitute a breach of civil or criminal law and is strictly prohibited. No mistake in transmission is intended to waive or compromise any such privilege. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Isle of Wight Council.

The information contained in this e-mail may be subject to disclosure to third parties under either data protection legislation or the Freedom of Information Act 2000 to the extent the law allows and in accordance with the Isle of Wight Council's policies on information management. (If you wish the disclosure of the information in any reply to be restricted please make this clear in your response).

Important Information - Disclosure, Confidentiality and Monitoring of this email

This email communication may be monitored by the Isle of Wight Council for regulatory, quality control, or crime detection purposes. If you are not the Intended Recipient please contact the sender as soon as possible. It is intended only for the personal attention of the named person, firm or company to whom it is addressed. It may contain information that is privileged and confidential in law. Accordingly any unauthorised dissemination, distribution, copying or other use of this message or any of its content by any other person may constitute a breach of civil or criminal law and is strictly prohibited. No mistake in transmission is intended to waive or compromise any such privilege. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Isle of Wight Council.

The information contained in this e-mail may be subject to disclosure to third parties under either data protection legislation or the Freedom of Information Act 2000 to the extent the law allows and in accordance with the Isle of Wight Council's policies on information management. (If you wish the disclosure of the information in any reply to be restricted please make this clear in your response).

Important Information - Disclosure, Confidentiality and Monitoring of this email

This email communication may be monitored by the Isle of Wight Council for regulatory, quality control, or crime detection purposes. If you are not the Intended Recipient please contact the sender as soon as possible. It is intended only for the personal attention of the named person, firm or company to whom it is addressed. It may contain information that is privileged and confidential in law. Accordingly any unauthorised dissemination, distribution, copying or other use of this message or any of its content by any other person may constitute a breach of civil or criminal law and is strictly prohibited. No mistake in transmission is intended to waive or compromise any such privilege. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Isle of Wight Council.

The information contained in this e-mail may be subject to disclosure to third parties under either data protection legislation or the Freedom of Information Act 2000 to the extent the law allows and in accordance with the Isle of Wight Council's policies on information management. (If you wish the disclosure of the information in any reply to be restricted please make this clear in your response).