

## LICENSING SUB-COMMITTEE - 21 MARCH 2014

### APPLICATION FOR A GRANT OF A PREMISES LICENCE - NEW FOREST WATER PARK, RINGWOOD ROAD, FORDINGBRIDGE, SP6 2EY

#### 1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the Grant of a Premises Licence under section 17 of the Licensing Act 2003.

#### 2. APPLICATION

- # 2.1 Mark and Melissa Jury have made an application for the grant of a premises licence for the New Forest Water Park, Ringwood Road, Fordingbridge, SP6 2EY. The application is attached as **Appendix 1**.
- # 2.2 The applicants have subsequently amended the application to remove permission for Live and Recorded Music. Confirmation of this request is attached as **Appendix 2**.
- # 2.3 Additional conditions have also been agreed with the Police. These are attached as **Appendix 3**.

#### 3. REPRESENTATIONS

- 3.1 No representations from any other Responsible Authorities have been made.
- # 3.2 Representations have been received from 27 'Other Persons'. Copies of all the representations are attached as **Appendix 4**.

#### 4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:
- The prevention of Crime and Disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- # 4.2 Paragraphs 2.1-2.35 of the current Home Office Guidance issued under Section 182 of the Licensing Act 2003 relating to the licensing objectives are attached as **Appendix 5**.
- 4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives;
  - The relevant representations presented by all the parties;
  - The Home Office guidance;
  - The Council's own Statement of Licensing Policy.
- # 4.4 Paragraphs 9.27 - 9.40 of the current Home Office guidance issued under section 182 of the Licensing Act 2003 relating to the determination of applications are attached as **Appendix 6**.

## 5. CONCLUSION

5.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- Grant the Licence - with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
- Grant the Licence - but modify the conditions proposed in the operating schedule, restrict certain licensable activities or operating hours;
- Reject the application.

## 6. RECOMMENDATION

6.1 That the Licensing Sub-Committee determines the application.

### Further Information:

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

### Background Papers:

Licensing Act 2003  
Section 182 Guidance  
NFDC Statement of Licensing Policy

Copy 106247  
New Forest Water Park.

Appendix 1



LICENSING SERVICES  
15 JAN 2014  
RECEIVED

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.

I/We NEW FOREST WATER PARK  
(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 <u>NEW FOREST WATER PARK</u> <u>RINGWOOD ROAD</u> <u>FORDING BRIDGE</u> <u>HANTS</u>			
Post town	<u>FORDING BRIDGE</u>	Postcode	<u>SP6 2EY</u>

Telephone number at premises (if any)	<u>01425 656 863</u>
Non-domestic rateable value of premises	<u>£ 8,500</u>

Part 2 - Applicant Details

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  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:

Please tick yes

- 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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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	MARK JURY + MELISSA JURY
Address	NEW FOREST WATER PARK RINGWOOD ROAD FORDINGBRIDGE HANTS SP6 2EY
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	PARTNERSHIP
Telephone number (if any)	01425 656868
E-mail address (optional)	info@newforestwaterpark.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	04	2014

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)

Set on 2 lakes within 50 acres, we have a clubhouse with balcony and seating outside. We are a water sports business, and wish to offer alcohol to customers after activities or guests that have come to observe.

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

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

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

Provision of regulated entertainment

Please tick any 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**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					



C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
			<b>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</b> (please read guidance note 5)		

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon			Occasionally we have people bring guitars to play, along with the occasional 'open mic' afternoon.	
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur			only really during summer months July & August.	
Fri	12.00	00.00	<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 5)	
Sat	12.00	00.00		
Sun	12.00	00.00		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	2300	Please give further details here (please read guidance note 3) We play background music through speakers in our clubhouse and occasionally through speakers outside	Both	<input checked="" type="checkbox"/>
Tue	1000	2300			
Wed	1000	2300	State any seasonal variations for the playing of recorded music (please read guidance note 4) We are only open from April - Nov, and only 7 days a week in May, June, July & August.		
Thur	1000	2300			
Fri	1000	2300	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1000	2300			
Sun	1000	2300			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
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 6)			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 2)	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 3)		
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 4)		
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 5)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	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 3)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> - please tick (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon	11 00	23 00		
Tue	11 00	23 00		
Wed	11 00	23 00		
Thur	11 00	23 00		
Fri	11 00	23 00		
Sat	11 00	23 00		
Sun	11 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 5)	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MELISSA JURY
Address	NEW FOREST WATER PARK RINGWOOD ROAD FORDON & BRIDGE HANTS SP6 2FY
Postcode	SP6 2FY
Personal licence number (if known)	FBC 2139/1
Issuing licensing authority (if known)	N. F. D. C



K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0930	2200	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0930	2200	
Wed	0930	2200	
Thur	0930	2200	
Fri	0930	2200	
Sat	0930	2200	
Sun	0930	2200	

**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 9)

N/A

b) The prevention of crime and disorder

N/A

c) Public safety

N/A

d) The prevention of public nuisance

N/A

e) The protection of children from harm

N/A

**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.


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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	
Date	10/01/2014
Capacity	PARTNER

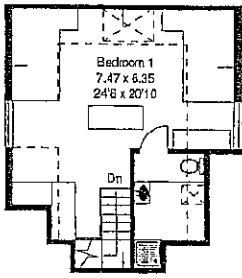
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	10/01/2014
Capacity	PARTNER

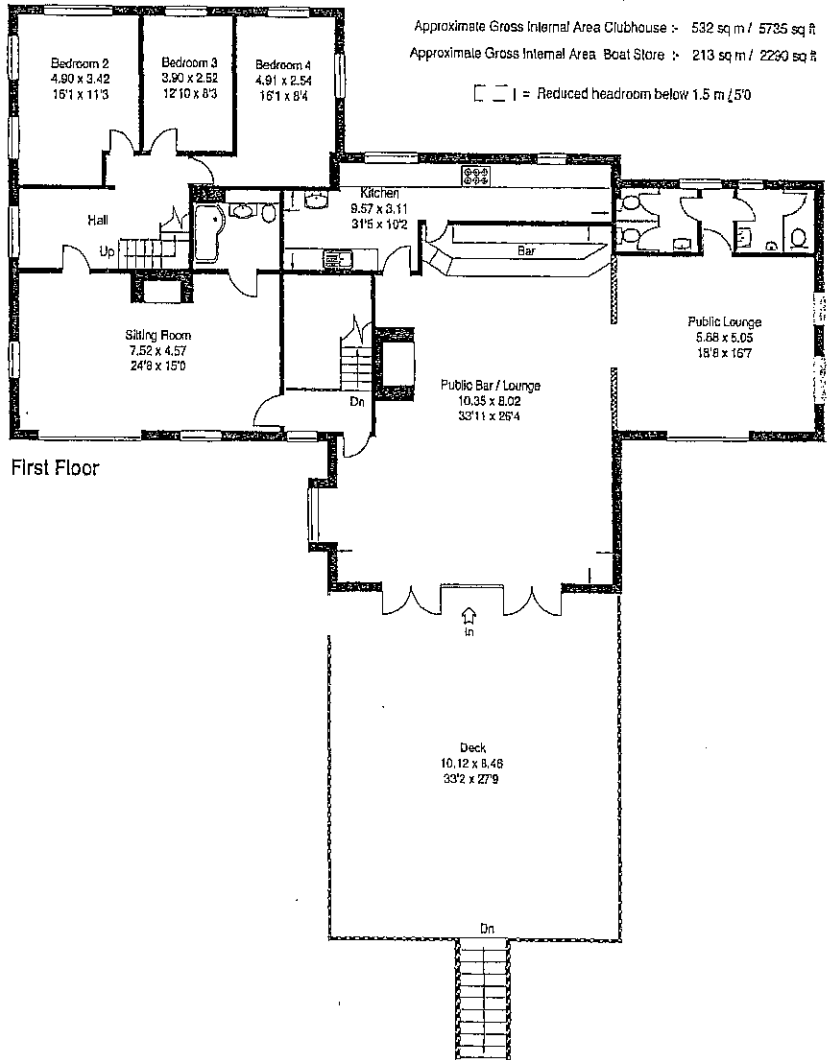
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

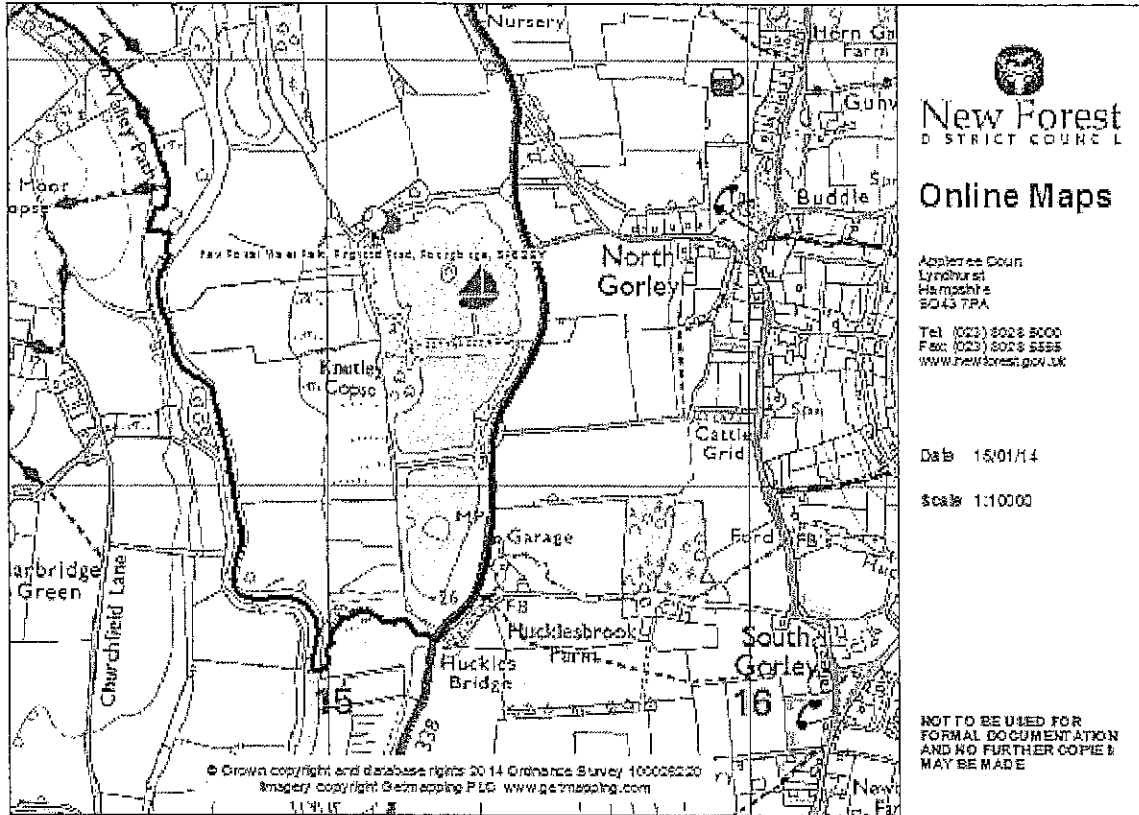
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies,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



Second Floor



First Floor



# NEW FOREST WATER PARK

Appendix 2

Ringwood Road (A368), North Gorley  
Fordingbridge, Hampshire SP6 2EY Tel: 01425 656868

\* Amendment \*

Paul Weston

New Forest District Council

Appletree Court

Beaulieu Road

Lyndhurst

SO43 7PA

Dear Mr Weston,

Further to our discussions please may I amend our application to an alcohol only license? Having taken advice and read the amended guidance issued under section 182 of the licensing act 2003, I am confident we can operate our music in accordance with the regulations set out in this act, so please amend our application.

Yours Sincerely,

Mark Jury

Owner

**CABLE PARK • WATERSKIING • WAKEBOARDING • AQUARIDES  
STAND UP PADDLEBOARDING • KAYAKING  
CORPORATE DAYS • BIRTHDAY PARTIES • STAG/HEN DAYS**

Email: [info@newforestwaterpark.co.uk](mailto:info@newforestwaterpark.co.uk) [www.newforestwaterpark.co.uk](http://www.newforestwaterpark.co.uk)

# \* Agreed Conditions - Police Appendix 3

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 03 February 2014 14:51  
**To:** Sarah Wilson  
**Cc:** Paul Weston  
**Subject:** FW: Premises Licence New Forest Waterpark.

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** LICENSING WESTERN Mailbox [<mailto:western.licensing@hampshire.pnn.police.uk>]  
**Sent:** 03 February 2014 14:32  
**To:** Licensing e-mail address  
**Subject:** FW: Premises Licence New Forest Waterpark.

Good afternoon

In light of the below agreed conditions, the police have no objection to the grant of a premises licence for the above venue.

Kind regards  
Jon

**Police Constable 24288 Jon Harris**  
Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN

External: 02380 674768  
Internal: 741-325

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**From:** [info@newforestwaterpark.co.uk](mailto:info@newforestwaterpark.co.uk) [<mailto:info@newforestwaterpark.co.uk>]  
**Sent:** 03 February 2014 13:12  
**To:** LICENSING WESTERN Mailbox  
**Subject:** Re: Premises Licence

Hello

We are happy to accept the conditions you are proposing for our license, and look forward to working with the police force.

Many thanks

Millie

On behalf of Mark

New Forest Water Park  
[www.newforestwaterpark.co.uk](http://www.newforestwaterpark.co.uk)  
01425 656868



On 3 Feb 2014, at 10:05, <[western.licensing@hampshire.pnn.police.uk](mailto:western.licensing@hampshire.pnn.police.uk)> wrote:

Dear Mark

Thanks for meeting with me the other morning. Just following on from our discussions, I have listed below a couple of conditions that I would like to add to your new premises licence. They are very basic, but will assist you and your family to ensure the licensing objectives are promoted. Please could you get back to me as soon as possible to confirm if you are happy with these conditions and I will then forward on to the council.

Kind regards & best wishes  
Jon

**Police Constable 24288 Jon Harris**

Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN

External: 02380 674768

Internal: 741-325

**Challenge 25**

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the persons 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.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

**Training**

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. 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 annually as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

\* Support  
D. Dodd

Sarah Wilson

**From:** douglas dodd [f]  
**Sent:** 29 January 2014 10:39  
**To:** Licensing e-mail address  
**Subject:** Re: I welcome the water parks application for a license to have entertainment and alcohol on Friday,saturday and sunday night, we have too little entertainment for young people in this area. GRANT IT PLEASE,

**Importance:** High

Dear Sarah Wilson,  
I am happy to provide my full postal address and post code. Douglas A Dodd,Forest Moor,Furze Hill,Fordingbridge,Hampshire, SP6 2PT.  
On 29 Jan 2014, at 10:24, Licensing e-mail address <[Licensing@NFDC.gov.uk](mailto:Licensing@NFDC.gov.uk)> wrote:

> Dear Douglas,  
>  
> Thank you for your email of support of the application for New Forest Water Park.  
>  
> In order for us to validate your support, you will need to provide us with your postal address details.  
>  
> I look forward to hearing from you.  
>  
> Kind regards,  
>  
> Sarah Wilson  
> Licensing Assistant  
> Licensing Services  
> Tel: 023 8028 5505  
> Ext 284444  
> Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)  
> [www.newforest.gov.uk](http://www.newforest.gov.uk)

> -----Original Message-----  
> From: douglas dodd [f]  
> Sent: 29 January 2014 10:16  
> To: Licensing e-mail address  
> Cc: Dai Morgan  
> Subject: I welcome the water parks application for a license to have entertainment and alcohol on Friday,saturday and sunday night, we have too little entertainment for young people in this area. GRANT IT PLEASE,

> Attention Peter Weston  
> \*\*\*\*\*

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> Please examine the full terms of this disclaimer by clicking on the following hyper link: [www.newforest.gov.uk/emaildisclaimer](http://www.newforest.gov.uk/emaildisclaimer)

\* Objection  
T. BARROW

Sarah Wilson

---

From: Tracey Barrow [tr  
Sent: 11 February 2014 12:34  
To: Licensing e-mail address  
Subject: "LICPR/14/00394"

I would like to lodge my objection to the above application.

I feel that if this application were to be accepted it would lead to additional traffic, on already busy roads.

Also, I live in the New Forest and if the wind is in a certain direction then we hear traffic noise from the road in question. The New Forest should be protected not only from buildings and visual external influences, but also noise pollution, in order to retain its natural charm and beauty.

I believe more cars, more noise and pollution is not what we need for the greater good and for future generations. I also feel the area should be protected not only for the local population but for visitors who live in busy, noisy environments and who come here for holidays to escape.

I also disagree with a late license and music as again this causes noise pollution. If you live on a high street you may expect noise and music into the night, but if you live in what should be a pristine environment and wish it to remain so you do not.

I would feel very sad if I were to sit outside in my garden to watch the night-time animals and I heard bands and music playing. It would be a tragedy.

Please can you keep me up to date regarding the application.

Kind regards

Tracey Barrow  
Deerlands  
Blissford Hill  
Frogham  
SP6 2HU

\* Objection  
S.R BIGGS

Sarah Wilson

---

From: Paul Weston on behalf of Licensing e-mail address  
Sent: 10 February 2014 08:28  
To: Sarah Wilson  
Subject: FW: LICPR/14/00394 FAO Paul Weston

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

-----Original Message-----

From: Sarah Venour  
Sent: 07 February 2014 19:34  
To: Licensing e-mail address  
Subject: LICPR/14/00394 FAO Paul Weston

Larkrise  
Buddle Hill  
North Gorley  
Hampshire  
SP6 2PF

Dear Mr Weston

We wish to make it very clear that we think that this application clearly falls under the heading of 'public nuisance'. The live music at the weekends and recorded music for the remainder of the week.

The national park is a protected area. Sound carries across areas of water and across the valley. The other negatives include disturbance not only to our wildlife but to the local residents.

The second issue is reference the sale of alcohol on site. Noise again but also the blind bend in the road close to the entrance onto the A338 which, makes it extremely dangerous and clearly falls under the heading of 'public safety'.

In conclusion we would like to make it very clear that we are in full agreement with our neighbours that this should NOT be allowed to go ahead.

Yours sincerely

SA & RD Biggs

Sent from my iPad

\* Objection  
C. BUCKLEY

Sarah Wilson

---

From: Cindy Buckley  
Sent: 31 January 2014 12:46  
To: Licensing e-mail address  
Cc: Cllr Bill Dow; Cllr Jeremy Heron  
Subject: LICPR/14/00394 attn Paul Weston

Dear Mr Weston

I object to the above application on 2 issues.

### 1-Public Nuisance

We know noise from the waterpark carries for, literally, miles. 20 years ago they had jet skis and residents were well aware how the noise travelled and blighted their enjoyment of their properties. When a planning application was put in for the jet skis it was rejected because of the noise. Music would be far worse in a rural setting.

I am truly horrified at the thought of 13/14 hours of outdoor music, 7 days a week.

It would be run OUTSIDE not just on exceptional occasions but to PERMANENTLY accompany the cable skiing.

Sound which travels over water, particularly calm water, becomes amplified due to refraction and sound travels upwards. The prevailing wind carries it up and along the escarpment. I live half way along Lawrence Lane and (all too) easily heard the voices of children from the Waterpark crying out during the banana rides. The jet skis were like having neighbours permanently strimming their lawns. I live only 200m from the National Park border. The sound will reach well into the New Forest National Park including all those in the new western escarpment Conservation Area and will also affect visitors who have come to enjoy the peace and tranquillity.

Outdoor music would blight my life and live amplified music would make it a complete misery. I would not be able to continue to function safely and effectively in my line of work. My enjoyment of my home and garden would be detrimentally changed beyond recognition. I work long days. My work often requires me to get up at 03.00-04.00 in the mornings and can be any day of the week. How would I be able to do that with loud music playing until 23.00 or midnight? I have usually had a couple of hours sleep before then. On other days I work through the night and return home needing to sleep during the day. When could I ever catch up? When I lived in a town my windows were designed to eliminate external noise. None of us in rural areas have our properties designed to do this. We've had no need.

Many rural residents have work requiring them to rise early or to commute.

The Americans played continuous, loud, Britany Spiers music to torture and weaken the resolve of their opposition -need I say more?

### 2-Public Safety

A planning application on a site just north on the A338 was rejected on grounds of unacceptable traffic hazard.

The A338 is well known to be dangerous and I feel the cable skiing should be up and running at full popularity (it's numbers must still be building up) before licences are granted attracting further traffic to the venue on that bend. Add alcohol available 12 hours a day and a youth orientated clientele.....

Yours sincerely

Dr Cindy Buckley,Carolyne Cottage,Lawrence Lane, North Gorley,SP6 2PG

\* Objection  
E. J. S. CROWAN

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 03 February 2014 14:51  
**To:** Sarah Wilson  
**Subject:** FW: New Forest Water Park, Ringwood Road, Fordingbridge

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** Nettons UK Ltr'  
**Sent:** 03 February 2014 14:41  
**To:** Licensing e-mail address  
**Subject:** New Forest Water Park, Ringwood Road, Fordingbridge

27<sup>th</sup> January 2014.

Mr P. Weston  
Licensing Officer  
New Forest District Council  
Public Health and Safety  
Appletree Court, Beaulieu Road  
Lyndhurst, Hants.  
Re: New Forest Water Park, Ringwood Rd, Fordingbridge. SP6 2EY  
Ref: "LICPR/1400394"

Dear Sir,

We would submit that this site is unsuitably situated for its present use without further increase and as such lodge our objections to the application with the following observations and statement.

**Public Nuisance – Noise.**

This issue has already had an unpleasant effect on our peace and tranquillity, one of the, if not the most important original basic objectives and advantages for saving the New Forest was that it should be preserved for the public to enjoy peace and tranquillity.

The site in question while not within the New Forest National Park is positioned on its very border in the Avon Valley Heritage and Conservation area and as such the noise from the site has already had an adverse effect on the whole area.

We already suffer at week-ends and fine evenings from continual noise, shouting, screaming, cheering and very loud music. Any loud noise coming from this site seems to be exaggerated by the open water. Light pollution has also become another factor affecting us during normal hours of darkness.

**Road Traffic**

The road traffic concerns are obvious. Accidents on these bends already occur with worrying regularity. Any encouragement to increase the present use of this site would be foolhardy. Insufficient warning of the entrance is a current risk and a danger to traffic in this de-restricted zone being too close to the bends on a very narrow 'A' road. People alighting or boarding vehicles on the opposite side of the entrance already constitute a very serious hazard. Likewise there is no deceleration or acceleration lane to accommodate vehicles entering or leaving the site. Any increase in the use of this site would have to be serviced by delivery HGV's and they cannot enter or leave the site without a very wide swing across the carriageway. Fast moving traffic approaching around these blind bends confronting stationary vehicles attempting to enter or slow ones leaving is indeed a recipe for disaster.

There have already been accidents on these bends and with an increase in traffic there will undoubtedly be more.

Yours faithfully

Stewart Cronan Eirwen Cronan

Drove Cottage, Lawrence Lane, North Gorley, SP6 2PG



\* Objection  
A. FARRAND

Sarah Wilson

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**From:**  
**Sent:** 29 January 2014 09:03  
**To:** Licensing e-mail address  
**Subject:** Re: Attn Paul Weston

Yes , please take my email as a formal objection to the application. My Address is The Old Cottage, Furze Hill, Nr. Fordingbridge, Hants SP6 2PX

Ailsa Farrand

On Wednesday, 29 January 2014, 8:48, Licensing e-mail address <[Licensing@NFDC.gov.uk](mailto:Licensing@NFDC.gov.uk)> wrote:  
Dear Sirs,

Thank you for your email concerning the licensing application for New Forest Water Park.

Could you please confirm whether it is your intention for us to accept your email as a formal objection to the application. If this is so, please may you provide us with your full postal address to allow us to correspond with you.

I look forward to hearing from you.

Kind regards,

Sarah Wilson  
Licensing Assistant  
Licensing Services  
Tel: 023 8028 5505  
Ext 284444  
Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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**From:** Ailsa Farrand  
**Sent:** 29 January 2014 08:36  
**To:** Licensing e-mail address  
**Subject:** Attn Paul Weston

New Forest Water Park  
Ref LICPR/14/00394

Dear Mr Weston

I would like to express my concern at the above planning application, the water park is situated so the noise from the site is heard quite a distance away. It is already intrusive that, on a quiet summers day the jet ski's etc can be clearly heard and is intrusive to my quiet enjoyment of my home (SP6 2PX). The thought that noise could go on until midnight all over every weekend (and the noise would be even louder in the Winter when the leaves are off the trees) would be very unfortunate, I think if permission were granted it would impact badly on a great many people. I would therefore ask that you refuse permission.

Ailsa Farrand  
\*\*\*\*\*

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\* Objection \*  
F. FRETTON

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 10 February 2014 08:27  
**To:** Sarah Wilson  
**Subject:** FW: Attention Paul Weston ref LICPR/14/00394  
**Attachments:** Water Park Licence application.pdf  
  
**Importance:** High

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

---

**From:** Fay FRETTON  
**Sent:** 09 February 2014 19:16  
**To:** Licensing e-mail address  
**Subject:** Attention Paul Weston ref LICPR/14/00394  
**Importance:** High

Dear Mr Weston,

We object very strongly to this application. Please find attached letter outlining our objections.

Regards,  
Fay Fretton  
Five Acres,  
Lawrence Lane  
SP6 2PG

Five Acres,  
Lawrence Lane,  
North Gorley  
Fordingbridge,  
SP6 2PG.

9<sup>th</sup> February, 2014.

Mr Paul Weston,  
Licensing Office,  
NFDC,  
Appletree Court,  
Lyndhurst.

Dear Mr Weston,

Re: LICPR/14/00394 New Forest Water Park

With regard to the above application, firstly I had no notification from NFDC regarding this application, despite the fact that our property is probably the closest neighbour (as the crow flies). I only heard about the application via Neighbourhood Watch. When this affects our lives and indeed the value of our property I find this quite unacceptable by the Licensing Authority.

According to Google distance calculator we are less than 0.25miles from the club house at the water park (400meters).

In 1991 as single boat was used at the water park for water skiing. Apart from perhaps fishing, no other activity went on there.

Over the years the amount of activities has increased year on year and they now offer : (taken from website)

- Corporate days
- Stag & Hen parties
- Wedding parties
- Childrens birthday parties
- Family fun days
- Youth group activities
- School trips
- Fishing club
- Water skiing
- Wakeboarding
- Dayaking
- Paddleboarding
- Banana & ringo rides

Their website boast that they are set in "50acres of beautiful New Forest countryside & lakes", but they are applying for a music and alcohol licence, which will completely shatter the peace and

tranquillity all those residents near the water park who chose to live in a beautiful part of the countryside, for amongst other things, the peace and tranquillity of the New Forest.

Towards the end of last Summer we were constantly disturbed by live music coming from the Water Park. I know it was live music because we went over there and there was someone playing a guitar and singing. This became a regular occurrence at the weekends and if we were sitting in our garden we could hear every word of the song – I think this could be classed a **public nuisance** and presumably they didn't have a licence.

It is totally unacceptable to grant the Water Park a music licence – it will disturb a lot of the local residents, who choose to live in the area to enjoy the countryside and listen to the bird song, not live in close proximity to loud music. The noise of the boat and the screaming is bad enough, but to inflict music on local people all weekend up to midnight is outrageous and would definitely be a **public nuisance**.

With regard to the alcohol licence, I see no need to permit this. On Health and Safety grounds I would be interested to hear what the HSE has to say regarding water sports and alcohol, especially as such activities are generally those of the young. If they want to promote it as a family park, why is there a need to serve alcohol?

Finally there is the issue of increased traffic entering and exiting at a very dangerous bend on the A338, where visibility is limited. This road is renowned for accidents, so why encourage more traffic, especially even if just one alcoholic drink is supposedly impair a driver's judgement. The entrance and exit to the Water Park is very difficult to negotiate safely as visibility is very limited and the A338 is a very busy and fast road and I would strongly recommend that the members of Council actually drive to the spot and see how difficult entry and exit is.

It would be an absolute outrage if NFDC allowed the Water Park to become a cross between a party venue and night club as it is pretty obvious that this is the way it is headed and this is what will happen if this application is granted.

In summary granting either or both of the applied for licences will violate or infringe on:

**Public safety** – dangerous sports and consumption of alcohol are a Health & Safety issue  
It will definitely be a **public nuisance** – to all those living in the area, noise travels a long way in the countryside.  
It may increase **crime and disorder**

**If we wanted to live next to loud noise & music all weekend and late into the night we would have chosen to live in the centre of a town!**

Yours sincerely,

Mr & Mrs J. Fretton

\* Objection  
J. GARVEY

Sarah Wilson

---

**From:** JBG [  
**Sent:** 05 February 2014 14:20  
**To:** Licensing e-mail address  
**Subject:** New Forest Water Park- Grant of Premises Licence - LICPR/14/00394

I have had the above application brought to my attention by a neighbour who is most concerned about the implications of the Music element of the application in a letter from yourselves dated 15th January 2014. This letter was sent, it would appear, to the Parish Council and in consequence, it was passed to some residents who it was believed, may be affected by the grant of this licence.

The indication in that letter infers that the Grant of a Premises Licence is to cover live and recorded music and the sale of alcohol. It also states that the details shown in that letter are to be displayed on the premises.

I have already spoken to your Mr Paul Weston and informed him that I have visited the premises, and that the only notice displayed on the outside fencing relates only to the application for a liquor licence.

He informed me that there is no requirement for the music element to be included on the notice as it is already allowed by legislation and that it can only be considered for refusal on the four grounds indicated in the letter. He also informed me that it is unlawful for the NFDC to notify residents directly, although the PARISH Council would have been notified.

I understand that the Liquor Licence for the clubhouse had been allowed to lapse, and I have no objection whatsoever to that aspect of the application.

As far as the music element is concerned, the implication is that it would be possible, once granted, for live and recorded music to be played in the open air up to 7 days a week and until midnight on Friday, Saturday and Sunday.

Depending on the volume of music played, in an open country location, this is highly likely to cause nuisance, disturbance and distress to premises within earshot, which could be up to a one mile radius from the site, therefore it could easily become a public nuisance. There was an incident a few years ago, that a wedding was held on the premises and in consequence of which loud music travelled from there, keeping us awake into the early hours.

As far as the business has been conducted over the fourteen years I have lived here, the only other time that it has come to notice was when waterskiing took place there, but that was only in the daytime so it did not cause a problem.

I would also venture to suggest that, should the outside live music element of the application turn into a small music festival situation, then there would be the added danger of crime and disorder from the supply of drugs and excessive consumption of alcohol.

May I suggest that if the application is allowed, it should be conditional that sufficient sound deadening constructions be installed to minimise sound nuisance to neighbouring properties.

Yours sincerely

John Garvey  
The Oaks  
Ringwood Rd

Fordingbridge  
SP6 2EY

\* Objection  
J. GEERING (1)

1 Corn Store Cottages  
(also known as THE  
Cottages)

Your reference  
LICPR/14/00394  
Attn. Paul Weston



Wood Road  
North Cotswold  
Fordingbridge  
Hampshire  
SP6 2PH  
28.1.2014

Dear Mr Weston,

Unfortunately I do not have the facilities to e-mail you so am putting pen to paper something I very rarely do due to taking a lot of time and not being the best at spelling! On this occasion I am bothering to do so as am feeling greatly upset, worried and pessimistic about the proposed application for a licence for ~~live~~ live music and the sale of alcohol at the New Forest Water Park.

I have lived in the New Forest for many years and do so as enjoy the peace, quiet, tranquillity and living amongst the woodrode and wildlife of the area. NOW THIS! All of the above would be lost or greatly disturbed by this proposed commercial venture.

Sound carries greatly in the New Forest and my lifestyle and needs would come to an end, all because some people want to fill their coffers whilst ruining the lives of others! I was woken one night with a start from loud music, screaming and shouting and swearing and that was from an event at The Red Shoot in Linwood and on another occasion the same thing happened from an event at The Foresters in Frogham! Although these were not on a regular basis I just wish to point out how the sound carries such a great distance in this location. Also when Bygone Days are on in Ibsley

we have no peace for 2 days but this is only once a year and is for an important cause of education and fund raising. Also the traffic is a real nuisance but as so short we do not object to this.

The New Forest Water Park is in closer proximity and just more or less a field away with nothing to absorb the sound in between even though this would not help! A life of hell for us!

The effect on livestock and wildlife would be massive, especially in the breeding season. This is the New Forest and this, and its great natural beauty, is what it is known for for us residents and visitors who often hire buses so as not to disturb it. People who wish to follow water pursuits usually go to the coast and the New Forest does not spring to the forefront of these people's minds! Let this remain so we can all live and enjoy our lives in the manner we wish and choose in a peaceful manner.

As for the entrance at a bend on the A338 I am rendered speechless! It is an extremely dangerous road and we have sirens from our homes almost on a daily basis, sometimes more from the emergency services. There sadly, have been fatalities due to being such a death trap with all the bends, volume and speed of traffic. This, of course would only increase



(3)

I - volume by a great deal of this totally unnecessary venture goes ~~on~~ ahead. As it stands I take my life in my own hands when I try to cross the A338 to catch a bus to Fordingbridge and on my return journey from Ringwood with bags of shopping many people in this and surrounding villages and towns are outraged at this proposal and the huge negative effect it would have on ourselves and the ways of the New Forest and its creatures. That is why it has become a National Park and this we should all protect and treasure with pride. Also people are furious that this proposal was only found out about by some kind, caring person who put copies of letter through doors asking us to inform neighbours. People from around here do not visit the Water Park so would not have seen the notice and we don't all read the local papers. Also because it comes under another parish.

I do hope you have managed to read my heartfelt letter. I have ~~written~~ in my hands which makes writing difficult and painful but I feel so passionate about this proposed ~~minimization~~ of a life I enjoy as it stands and really am so strongly 40 opposed to

(4)

having it changed to one I  
would not find baseable as do  
many others.

Thank you for taking  
time to read this - it's been  
hours for me to write it!

Yours most sincerely  
(Signature)

(4)

\* Objection  
D. GRIERSON

Sarah Wilson

**From:**  
**Sent:** 05 February 2014 19:01  
**To:** Licensing e-mail address  
**Subject:** Re: New Forest Water Park

As requested my postal address is:

Magnolia Cottage, Frogham, Fordingbridge, SP62HN.

Please note I am Mrs Dorothy Grierson not Mr Grierson.

Many thanks.

> On 5 Feb 2014, at 17:01, "Licensing e-mail address" <[Licensing@NFDC.gov.uk](mailto:Licensing@NFDC.gov.uk)> wrote:

>

> Dear Mr Grierson,

>

> Thank you for your email regarding the application for the above premises.

>

> However, in order for us to validate your objection and concerns we will require your full postal address so we may correspond with you by post if necessary.

>

> Kind regards,

>

> Sarah Wilson

> Licensing Assistant

> Licensing Services

> Tel: 023 8028 5505

> Ext 284444

> Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)

> [www.newforest.gov.uk](http://www.newforest.gov.uk)

>

> -----Original Message-----

> From: d

> Sent: 05 February 2014 16:59

> To: Licensing e-mail address

> Subject: New Forest Water Park

>

> For the attention of Paul Weston

>

> Ref LICPR/14/00394

>

>

> Dear Sir

>

> I am writing with regard to the above application from the New Forest Water Park.

>

> I feel that it would be extremely out of keeping with the area being that it is a stones throw from being within the New Forest itself where noise is generally kept to a minimum. Also there is the danger of turning out from the Water Park on to the A338 which could be extremely dangerous to themselves and to others, especially if they have been drinking.

>

> People come on holiday to this area, in general, to have a peaceful and relaxing time, not to be listening to music till late in the evening 7 days a week. I also think no thought has been given to working families who also would be disturbed. Sound travels very much so in this area because 99 per cent of it is a quiet area.

>

> D. Grierson - Frogham

\* Objection  
J. GRIERSON

Sarah Wilson

---

**From:**  
**Sent:** 04 February 2014 11:09  
**To:** Licensing e-mail address  
**Subject:** New Forest Water Park  
**Attachments:** Document1.docx; ATT1464101.txt

LICPR/14/00394

Dear Sir (Attention of Mr Paul Weston)

Please find my objections in the attachment.

John Grierson.  
Magnolia Cottage, Frogham, SP6 2HN

Dear Sir

Regarding the license application from the New Forest Water Park,  
my objections are as follows

- 1) The A338 is a dangerous road at the best of times with far too many accidents each year, to say nothing of the tragic deaths which happen from time to time. So adding more traffic entering and leaving the above establishment – with drivers possibly having been drinking – seems to be inviting more accidents to happen.
- 2) Noise pollution is already a problem in an area of natural beauty and tranquility and adding music on four days a week until 23:00 and on three days till 01:00 is a step too far, residents, and for that matter visitors; come to this part of the Forest for peace and quiet not to listen to music seven days a week.

\* Objection  
P. GUMMER

Sarah Wilson

---

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 03 February 2014 12:46  
**To:** Sarah Wilson  
**Subject:** FW: LICPR/14/00394 att. Paul Weston

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

---

**From:** paul Gummer  
**Sent:** 03 February 2014 11:59  
**To:** Licensing e-mail address  
**Subject:** LICPR/14/00394 att. Paul Weston

Dear Mr Weston,

My address is: Hillview, Frogham Hill, Fordingbridge, SP6 2HP. The Neighbourhood Watch has alerted me to the proposals to play music in the open air at the New Forest Water Park. For some years I have endured the intrusion of the engine noise of water ski boats into my home. The drone of the engines, particularly as the the boats turn at the end of the lake, penetrates even my double glazing. Not having my radio on or my TV during the day means that the drone is unavoidable and endlessly annoying.

I have once sought help from NFDC but I was told to approach the water park owner myself and that any official complaint might make my house difficult to sell if the issue remained unresolved. I had hoped for more help and was left feeling that I was the nuisance. If loud music is to be added to the existing problem, then I really feel that the intrusion will be doubly unacceptable. If the raising of the question about music can also resolve the one of engine noise then I would be very grateful,

Yours sincerely,

Paul Gummer

\* Objection  
B. HALL

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 10 February 2014 08:42  
**To:** Sarah Wilson  
**Subject:** FW: For the attention of Paul Weston

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

---

**From:** Barry Hall [ ]  
**Sent:** 10 February 2014 08:32  
**To:** Licensing e-mail address  
**Subject:** For the attention of Paul Weston

**Planning application new Forest Water Park, ref: LICRP/14/00394**

Dear Mr Weston

We wish to register an objection against this application on the twin grounds of public nuisance and public safety.

The constant noise would greatly affect residents, disturb their peace and sleep. It would also impose on local wildlife.

There were noise problems in the past through the use of jet skis but this has now diminished with the introduction of the aerial cable system.

We still hear the speedboat and associated shrieks of the riders being towed on the inflatable. This is the acceptable sound of people enjoying themselves and only occurs during the daytime.

The potential for loud music 7 days a week until late in the evening is totally unacceptable.

This application is obviously intended to increase the number of visitors to the water park. The granting of such an application will lead to increased traffic on what is already an extremely dangerous stretch of road, historically littered with accidents.

We also wish to register a complaint about the way in which this application has been circulated. As residents who are closest to the water park (500 yards) we were the last to become aware of it, by word of mouth on the 6th of February. Leaving us with very little time to register a response.

We would appreciate being officially informed of any decisions or further applications of this nature from the New Forest Water Park.

Yours Sincerely  
Barry Hall

On behalf of:- Little Court, Ancona, & Avondale. All at SP6 2HB

Barry Hall  
March Cottage  
Lawrence Lane  
North Orley  
Hampshire  
SP6 2HB



\* Objection  
A. & S. HIGNETT

Sarah Wilson

---

**From:** Andrew Hignet  
**Sent:** 10 February 2014 17:16  
**To:** Licensing e-mail address  
**Subject:** New Forest Water Park Licensing Application (Attention: Mr Paul Weston)  
**Attachments:** letter to Mr Weston .pdf

Dear Mr Weston,

Please find attached our objection to the proposed licensing application at New Forest Water Park.

Thank you.

Andrew and Sandy Hignett

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Andrew and Sandy Hignett  
Cass Cottage  
Hyde  
Fordingbridge  
SP6 2QH

10<sup>th</sup> February 2014

Mr Paul Weston  
Licensing Officer  
NFDC  
Public Health and Safety  
Appletree Court, Beaulieu Road  
Lyndhurst  
SO43 7PA

Dear Mr Weston

Licensing Application LICPR/14/00394 – New Forest Water Park

As local residents, we strongly object to the licensing application submitted by the New Forest Water Park. This seeks a license to permit both live music and recorded music (indoors and outdoors) 10am to 11pm and till midnight on Friday, Saturday and Sunday together with an application to sell alcohol from 11am to 11pm.

The relationship between the application site and the escarpment to the east creates a natural amphitheatre, and the playing of amplified music and public announcements would seriously damage the residential amenities current enjoyed by local residents over a disproportionately extensive area.

As you know, one of the licensing objectives that must be taken into account is the likelihood of the proposal causing a public nuisance. This is a very extreme proposal that would be likely to constitute a nuisance in almost all locations, except perhaps an urban area with no residential uses within some distance. In this case, the opposite is true and, in considering whether a public nuisance is likely to be caused, the predominant existing uses and ambient noise levels are clearly relevant in the case of a rural location such as this, with a large number of residents affected.

Furthermore, the majority of the homes affected are within the National Park boundary, and additional statutory duties apply by virtue of the National Parks and Access to the Countryside Act 1949 in terms conserving its natural beauty and promoting its special qualities. It is hopefully common ground that those special qualities relate to the tranquility of the National Park, rather the introduction of amplified noise. The unique qualities of the National Park are of course also enjoyed by visitors as well as residents.

Another licensing objective is public safety. The application site is accessed solely by the A338, which is an extremely dangerous road with a very poor safety record. In

addition, the access is close to a series of bends which impairs visibility for vehicles using the junction.

You will hopefully agree that the proposed location is totally unsuitable for such an extreme set of proposals and that the application should be refused.

Yours sincerely

Andrew and Sandy Hignett

\* Objection  
P. E. HOUGHTON

Licensing Officer,  
Licensing Services,  
New Forest District Council,  
Public Health and Safety,  
Appletree Court,  
Beaulieu Road,  
Hants. SO43 7PA

Gorley Lodge,  
Ringwood Road,  
Fording bridge,  
Hants. SP6 2EY



04.02.2014

Dear Mr Weston,

**Ref. LICPR/14/00394**

As you will see from the enclosed Google photograph, Gorley Lodge (which I acquired in March, 2013) is one of the nearest properties to the applicant's premises from which sound would be expected to emanate.

The intervening space (about 450 m) is largely open water, over which, it is already clearly established through experience in 2013, the sound of voices travels with little attenuation.

Music being played by the applicant for up to 13 hours a day Monday to Thursday and 14 hours a day Friday to Sunday therefore presents a truly appalling prospect and a potentially major interference with the writers' entitlement to quiet and restful enjoyment of their property. Such a measure of sound generation is considered totally immoderate and unreasonable and would constitute a major loss of amenity; it would certainly adversely affect the market value of the writers' property and lead them to seek substantial abatement of Council Tax.

Whether the sound is generated indoors or out seems immaterial, as, with necessary ventilation and access, no insulation between the two is likely to be effective. Likewise, whether the music is live or not is immaterial.

*If any permission is granted at all*, it would seem reasonable that restrictions should be applied to the playing of music in respect of

- a. the level generated – a decibel limit to be set as measured at the road boundary;
- b. the spectrum of sound generated (particularly prohibiting low frequency 'thumping' sounds) – sound below say 150 Hz to be attenuated at >15dB/octave;
- c. the calendar period(s) of such generation – limiting it to say two weeks at Easter, four weeks in the Summer;
- d. the days of the week – one week day and Saturdays only;

/2

- e. the times of day of such generation – perhaps lunch times and/or early evenings only, e.g. noon to 14.00h and/or 18.00h to 20.00h.; and
- f. a trial period - to be defined and following which objections could be publicly considered and consultation allowed on any proposed variations in limitations.

Please register the foregoing objections and proposals and advise how matters are now to proceed.

As comment only, allowing the consumption of alcohol may well tend to exacerbate noise, behavioural and safety problems and would in our opinion be better avoided; if allowed its effect on other factors should be considered.

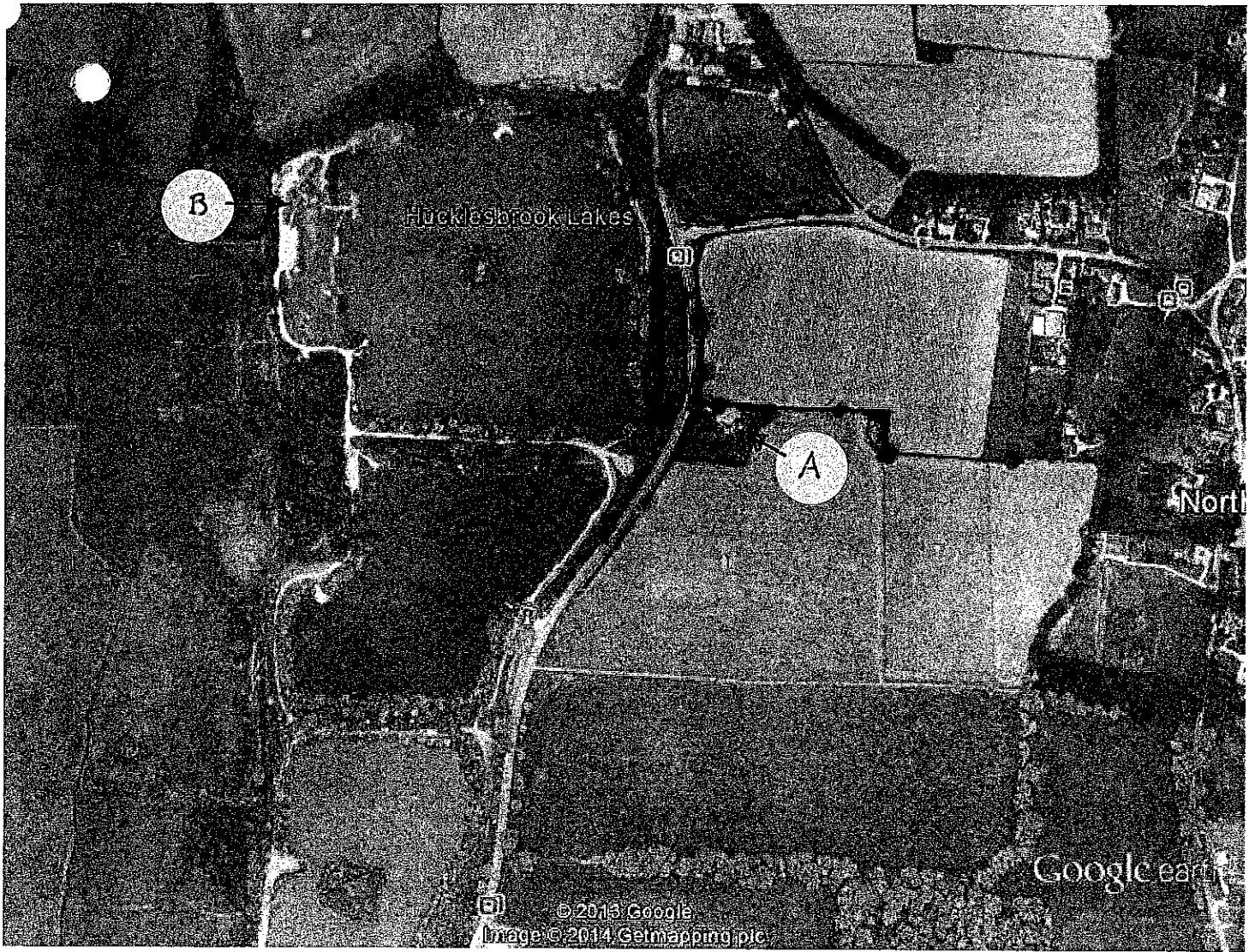
Finally, there may be grounds for objection on purely traffic issues also but we leave it to those better qualified to raise these.

Yours truly,

Peter A Houghton  
BSc(Eng), MIET, FCQI, FIM, ACGI

& Elizabeth A W Houghton (Mrs.)  
SRN, Dip. Asth

Enc.



Google earth



- A GORLEY LODGE
- B NF WATER PARK PREMISES

Sarah Wilson

~~X~~ Objection  
C. INGS

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**From:** Terry Ings  
**Sent:** 29 January 2014 16:28  
**To:** Licensing e-mail address  
**Subject:** LICPR/14/00394

For the attention of Paul Weston

LICPR/14/00394

Both my Wife & I, Mr & Mrs. C T Ings, Sleepy Hollow, Furze Hill, SP6 2PS would like to object to the planning application that the New Forest Water Park has applied for.

The grounds for the objections are:

This would be a significant public nuisance to us all within the area we live. We can hear the noise from the water park at the moment which is not a problem but with live or recorded music, add to that the sale of alcohol and this would be totally unacceptable.

Also there would be a safety risk of introducing alcohol into an environment of water & fast boats a recipe for disaster. I have been involved with many aspects of water sports including swimming, water skiing & windsurfing over many years & one of the golden rules is not to drink alcohol during this time.

There is also the safety aspect with the increase of traffic for the A338 both in & out of the park onto what is already a very busy road with many bends & fatal accidents that have occurred over the last few years. Any extra traffic crossing this road would in our opinion create a serious safety problem.

In our view this is totally inappropriate for the area

Yours Sincerely

Mr & Mrs. C T Ings

R. LITTLEFAIR \* Objection

Woodside, Lawrence Lane, North Gorley, Hants SP6 2PG

Mr P Weston  
Licensing Officer  
New Forest District Council  
Public Health and Safety  
Appletree Court  
Beaulieu Road  
LYMINGTON  
SO43 7PA



30<sup>th</sup> January 2014

Dear Mr Weston

Ref: LICPR/14/00394 New Forest Water Park, Ringwood Road, Fordingbridge SP6 2EY

I am writing to you with regard to the above application that has been made by The New Forest Water Park to the New Forest District Council. The application is to provide a license to sell alcohol and to allow music outdoors and indoors, both live bands and recorded music, on a daily basis for 12 hours a day and longer at weekends when they plan to finish music at midnight.

I strongly oppose this application both for a licence to sell alcohol and also a licence to play any type of music, either indoors or outdoors for the following reasons:

- The New Forest Water Park is situated on the A338, placing it both within the National Park Authority area and also within the Avon Valley conservation area. It is only a few yards from the New Forest boundary. Both areas are protected in their use for both business, pleasure, building and protection of wildlife thus making it a wholly inappropriate location for music and bars.
- It could not be considered to be anything other than disorder to allow this in a national park setting, late into the night, every night. It will attract more people, more cars and traffic late into the night and is totally contrary to the aims of a national park area. Consideration must be given to animals and other wildlife around this site.
- There are serious implications for public safety also. The A338 is a road that has frequent fatal car crashes, as is evident when driving along there with the variety of memorials to dead teenagers that span the road from Fordingbridge to Ringwood. The New Forest Water Park is situated between a series of blind bends on the road and is not a safe area to have an increase of turning traffic into and out from the site. There are no pavements on the A338 so anyone arriving or leaving by bus will have to walk on the road, which is certainly putting them at risk of injury or death. Music and alcohol will draw in youngsters from Fordingbridge who are within walking distance but this could result in carnage if it were allowed on this road.
- The lie of the western escarpment is such that it channels noise up into the surrounding villages. Noise from screaming and shouting youngsters can currently be heard for miles around. Music noise will carry much, much further and will impact on the lives of all local residents within Hyde parish. It will impact on every home and garden, every person out enjoying walking, cycling, fishing, and working. It will spoil the natural quiet and peaceful character of this area, deprive residents of sleep and impact negatively on the enjoyment of the special qualities of this area. In short, it will be a public nuisance.

I would urge you when considering this application from the New Forest Water Park to take into account these objections and reject this proposal for music and alcohol licenses.

Yours sincerely

Roy Littlefair



\* Objection  
M. MAHANY



The Spinney  
Ringwood Road  
North Gorley  
near Fordingbridge  
Hants  
SP6 2PJ  
1<sup>st</sup> Feb 2014

Mr Paul Weston  
Licensing Officer  
New Forest District Council  
Appletree Court  
Lyndhurst

reference: LICPR/1400394

Dear Mr Weston,

Thank you so much for letting me know about the proposed changes of useage at New Forest Water Park, which would have severe detrimental effects on our enjoyment of life at our home in North Gorley.

Live music on such a scale is not consistent with water sports, thus changing the ethos.

The threat of loud music and for long periods of time is disturbing as we know from experience how noise travels in this area.

There was a previous problem of jet skis causing nuisance, which showed that noise from the water park travels over the field and hits the hill of the escarpment and then is bounced back, thus multiplies the noise. This makes the noise appear to be from two directions. There is no way to get away from the nuisance.

It is not consistent with what should be a peaceful and tranquil national park, for visitors and residents and wildlife.

There is no way of preventing the noise penetrating the National Park, therefore I feel that permission should be refused.

I am assuming that there would not be an age restriction on clients and thus I worry about the safety of minors as alcohol would be served.

I feel that our over stretched police force could be faced with extra problems from petty crime and usual alcohol related incidents.

It would mean a great increase in traffic coming to and particularly leaving the site.

The gate is on bends in on the road. Accidents would be bound to occur when excited alcohol fuelled drivers meet the traffic on the 338 road. There are many collisions and deaths on the road already, and it is not good to make more probable. There was a nasty incident on the corner not long ago.

The road accidents affect other drivers on the road who have not been at the centre so general public safety is implicated.

I would ask that permission be refused on the grounds of Public nuisance; road safety; safety of minors; possibility of crime, difficulties in policing.

A water sport centre is fine and an asset for visitors, but its activities should not impinge on the community in this very special place of special scientific interest.

Yours sincerely

Margaret Mahany

Sarah Wilson

~~\*~~ *Objection*  
**S. RAWLINSON**

**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 27 January 2014 11:30  
**To:** Sarah Wilson  
**Subject:** FW: LICPR/14/00394: For the attention of Paul Weston

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** Simon Rawlinson [r.....]  
**Sent:** 24 January 2014 18:21  
**To:** Licensing e-mail address  
**Subject:** LICPR/14/00394: For the attention of Paul Weston

For the attention of Paul Weston  
Reference: LICPR/14/00394

Dear Mr Weston,

I am Simon Rawlinson of Buddlemead, Buddle Hill, North Gorley. *SP6 2PF*

I am writing to you in connection with an application associated with New Forest Water Park, Ringwood Road.

I understand that there is a request to permit live music and sale of alcohol on the premises.

This is an area of Natural Beauty, and the noise that comes from the Water Park travels far and disturbs the peace in an otherwise idyllic area.

For example, when there are jet-skis this will disturb a naturally quiet environment, and can be heard clearly from our residence.

As a result I believe this application for live music and alcohol would cause a Public Nuisance.

In addition the A338 is an already busy road with safety concerns, and I would highlight that a rise in the number of vehicles entering and exiting the site from 9:30 until after midnight would be a Public Safety issue.

The entrance is on a bend that is already dangerous, and with further queues the risk to Public Safety would be heightened.

Yours Sincerely,  
Simon Rawlinson

Sarah Wilson

\* Objection  
S. RESCHRT

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**From:** Sarah Wilson on behalf of Licensing e-mail address  
**Sent:** 29 January 2014 10:48  
**To:** 'carbonclogs'  
**Cc:** Paul Weston  
**Subject:** Licensing Application - New Forest Water Park

Dear Sarah,

Thank you for your response.

If you wish your comments to be considered at a licensing hearing, you would need to make your objection formal and by providing your address, you will then be able to receive correspondence from our legal department regarding the potential hearing.

Kind regards,

Sarah Wilson  
Licensing Assistant  
Licensing Services  
Tel: 023 8028 5505  
Ext 284444  
Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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**From:** carbonclogs  
**Sent:** 29 January 2014 10:29  
**To:** Licensing e-mail address  
**Subject:** Re: Local information

Dear Sarah

Goodness that was a speedy response. I'm not sure of the difference between a formal and an informal objection of the planning application. However assuming that you would be unable to take account of my objection without it being formal, my postal address is Heather Cottage, Hyde, Near Fordingbridge, SP6 2QQ.

Kind regards

Sarah

On Wed, Jan 29, 2014 at 10:09 AM, Licensing e-mail address <[Licensing@nfdc.gov.uk](mailto:Licensing@nfdc.gov.uk)> wrote:

Dear Sarah,

Thank you for your email concerning the licensing application for New Forest Water Park.

Could you please confirm whether it is your intention for us to accept your email as a formal objection to the application. If this is so, please may you provide us with your full postal address to allow us to correspond with you.

I look forward to hearing from you.

Kind regards,

Sarah Wilson

Licensing Assistant

Licensing Services

Tel: 023 8028 5505

Ext 284444

Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)

[www.newforest.gov.uk](http://www.newforest.gov.uk)

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**From:** carbonclogs  
**Sent:** 29 January 2014 10:05  
**To:** Licensing e-mail address  
**Subject:** Fwd: Local information

Dear Mr Paul Weston

REF: LICPR/14/00394

Our local neighbourhood watch co-ordinator has shared some planning permission details that I believe you are currently gathering concerns. I am emailing you because I am already impacted by noise from the waterpark during the day with motorised sports engines which carries across the road and up to my house which is on an escarpment. I can only express my concerns that music and increased use during the late hours will seriously impact my home life and sleep. The current noise while mildly irritating if of course during the day. The planned increase in activity appears to be during the evening and into the late night and so is less acceptable.

My other concern is the turning into and out of the waterpark. I have seen a one accident where a driver came around the bend too fast and hit a slowing vehicle turning left. I can't imagine how much dangerous the turning right across traffic must be. There is currently little traffic turning, and I assume none at night or in the dark. The A338 is already a death trap and I can only think without more appropriate turning and pull in lane additional accidents must be guaranteed with increased use.

I have never responded to planning application before, so if I need to provide more details or information, would you please let me know.

Yours sincerely

Sarah Rejchrt

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[www.newforest.gov.uk/emaildisclaimer](http://www.newforest.gov.uk/emaildisclaimer)

\* Objection  
P. ROBERTS

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 28 January 2014 08:49  
**To:** Sarah Wilson  
**Subject:** FW: Atn : Paul Weston

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** Phil Roberts  
**Sent:** 28 January 2014 08:44  
**To:** Licensing e-mail address  
**Subject:** Atn : Paul Weston

Ref : LICPR/14/00394

New Forest Water Park, Ringwood Road, Fordingbridge SP6 2EY

Dear Mr Weston,

I am writing in connection with the licensing application for the above property.

As a neighbouring property we are objecting to the application on two issues :

1. Noise. Noise travels far in this low lying area. The noise would be clearly heard from my property and be a nuisance to myself, friends and family living in this peaceful village.
2. Public safety. The A338 is a dangerous road at the best of times with many, often fatal, accidents occurring. With more vehicles entering and leaving the music venue at night this can only lead to an increase. The access is just after a very sharp bend and in a dangerous position.

Based upon these two issues this would not be a suitable location for a new late night music venue.

I hope you will take our views into consideration when assessing this application.

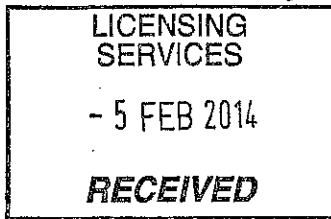
Yours sincerely,

Philip Roberts

Hern Gate Farm  
North Gorley  
Fordingbridge  
Hants  
SP6 2PB

\* Objection

From: Colonel Terry G Scriven



Crossways  
North Gorley  
Fordingbridge  
Hampshire SP6 2PQ

Ref: LICPR/14/00394

Mr Paul Weston  
Licensing officer  
New Forest District Council  
Public Health and Safety  
Appletree Court Beaulieu Road  
Lyndhurst  
Hampshire SO43 7PA

*h<sup>th</sup>* February 2014

*Dear Mr Weston*

**NEW FOREST WATER PARK APPLICATION FOR GRANT OF LICENCE**

Thank you for your letter dated 15 January 2014 and the opportunity to comment in respect of LICPR/14/00394. It is probably worth pointing out at this stage that the Water Park is located on the A338 and not what is now designated the Ringwood Road.

I have been a resident, living approximately 600 meters from the entrance of the New Forest Water Park, for almost two decades. During this time there appears to have been a significant increase in its activities.

It is accepted that the New Forest and its surrounding areas, such as the designated Avon heritage land, rely on both tourists and inhabitants for their upkeep and well being together with sensible governance. Consequently, it is inevitable that compromises are continually, having to be made, not only in respect of the interests of those who visit and live in the area but also the diversity of activities that take place.

I have accepted, without complaint, what appears to be the continuous sound of two stroke engine noise from the Water Park, during the daylight hours of the summer time weekends, which could already be construed as a public nuisance. I have accepted that extra caution must be made when driving along the A338 when nearing the entrance to the Water Park, located between two bends, in what is rapidly becoming one of the most dangerous 'A' roads within Hampshire.

The New Forest Water Park Licence application for:

- recorded music, indoors and outdoors, seven days a week from 1000hrs to 2300 hrs;

- live music, indoors and outdoors, Friday Saturday and Sunday, from 12 noon to midnight;
- and the sale of alcohol on the premises from 1100hrs to 2300 hrs,

is considered unacceptable.

A representation is therefore made on the grounds of prevention of crime and disorder; public safety; prevention of public nuisance and protection of children from harm.

- **Prevention of crime and disorder.** Home Office statistics clearly show that where young adults congregate and alcohol is available for a protracted period, both crime and disorder are a consequence.
- **Public safety.** Highway Authority records show the A338 is a particularly busy and a dangerous highway. The entrance to the New Forest Water Park is located between two bends both of which have seen fatalities during the past 10 years. Consequently there is likely to be a significant impact on public safety by:
  - An increase of drivers attempting to cross the A338, if travelling in the direction of Ringwood, to enter the Water Park.
  - Traffic leaving the Water Park attempting to travel in either direction but in particular towards Ringwood.

Sadly, the increase in traffic, extension of opening times, and the consumption of alcohol is likely to add to traffic congestion; traffic accidents, personal injury and fatalities on the A338.
- **Prevention of Public Nuisance.** The inhabitants of the local area concerned by this application already 'put up' with the weekend music from numerous public events. They are however, usually confined to the summer months and invariably over by 2300 hrs. A nuisance, 'yes' but it is a balance referred to earlier in my letter. The application by the New Forest Water Park is totally unreasonable and would without doubt create a significant public nuisance in the area which is apparent from the content of the application.
- **Protection of children from harm.** Children within the area are likely to be exposed to significant harm from:
  - The increased dangers from travel on the A338
  - The increased danger when on the local New Forest roads from them being used as a rat run to the Water Park or when the A338 is closed due to an accident.
  - Disturbed sleep due to both the live music and recorded music with the knock on effect of adverse learning both at home and at school due to tiredness.

In conclusion, it is recommended the Licensing Authority reject this application.

*Yours sincerely*

63



\* Objection  
D. TILLEY

Sara Wilson

---

**From:** Dot Tilley [r]  
**Sent:** 28 January 2014 18:30  
**To:** Licensing e-mail address  
**Subject:** F.A.O. Mr Paul Weston. Re Music at Water Park

99 Northfield Road  
Ringwood  
Hants  
BH24 1SS  
28/1/14

Dear Mr Weston

I have just heard the The water park has applied for permission to accompany their rides with live music. I frequently walk the escarpment of the Forest to enjoy the peace and tranquillity. I hope that permission will not be given for noise pollution in the form of music blaring out. I can think of nothing that would be less in keeping with such a beautiful area. It would mean a large part of natural area saturated by music especially as the predominate winds are westerly. I do hope you will consider this proposal and its adverse affect on the Forest. As we all know sound can travel a great distance.

Yours Sincerely

Dorothy Tilley

\* Objection  
P. Totty

Hyde House  
Hyde  
Fordingbridge  
Hampshire  
SP6 2QH

23 January 2014

Dear Mr. Weston,

**Application LICPR/14/00394 New Forest Water Park**

I write to oppose this application on two grounds.

1. The entrance /exit for this site is on a bend on the A338 road. This road is always busy and every year serious accidents, some fatal, occur on the stretch between Fordingbridge and Ringwood. Traffic entering the Water Park from the north must cross the northbound carriageway on the bend. Traffic exiting to the south must cross the northbound carriageway as well. If alcoholic liquor has been available on site all day from 11.00am to 11pm the risks have to be obvious and serious.

A planning application on a site just up the road was rejected on grounds it produced an unacceptable traffic hazard on the A338.

I expect you will have consulted with the Police and Hampshire County Council on the road traffic issues, and with your planning colleagues as to the planning history and status of the site.

2. The site has in the past created serious problems by noise creation. This was because of the use of jet skis, although this has now stopped. One particular problem was that because of the way the western escarpment runs, noise from the Water Park was clearly audible miles away and the noise penetrated well into the National Park and its Conservation Area. The concept of loud live music until midnight every Friday, Saturday and Sunday with recorded music seven days a week until 11pm would be intolerable for residents in a large part of the Avon Valley and the National Park western escarpment of whom I am one.

Yours sincerely

Peter Totty

TO: Mr. Paul Weston  
Licensing Officer  
New Forest District Council  
Appletree Court  
Beaulieu Road  
Lyndhurst SO43 7PA



cc Councillor W Dow

\* Objection  
RJD WATSON-HALL

Upper Buddle  
Buddle Hill  
North Gorley  
Hampshire SP6 2PF



30 January 2014

Mr P Weston  
Licensing Officer  
Licensing Services  
New Forest District Council  
Public Health and Safety  
Appletree Court  
Beaulieu Road  
Lyndhurst, Hampshire S043 7PA

Dear Mr Weston

**Re: Reference LICPR/14/00394 - New Forest Water Park**

With regard to the Water Park Application for live music (inside and out) until 12 midnight and the sale of alcohol, it horrifies us to think of the resulting disturbance we will be faced with weekdays and weekends.

We chose to live in an area of peace and tranquility, in a National Park for 'peace and tranquility'. We consider it totally unreasonable and un-neighbourly to even consider subjecting anyone to a disturbance of this nature, especially as this is also a conservation area. Many of us are keen gardeners and take great pleasure in working or sitting in the garden at every opportunity, but it is not acceptable to have to suffer the nuisance of loud music.

We suspect this venue is being developed for weddings, hen nights, stag parties, etc. With the combination of the 'sale of alcohol', live music, water sports including zip wire, and increased traffic driving to and from the site, the dangers are obvious for all to see!!

On the subject of danger, we must also draw your attention to the site entrance/exit. The development proposals will obviously result in an increase in vehicular traffic entering and exiting the site via the A338. Not only will this be a nuisance in terms of very late night/early morning noise, assuming people will be vacating after the music finishes at 12 midnight, it will also be dangerous because the entrance is located very close to a blind corner, on a fast road, with no overtaking at that point.

In rural locations, noise travels and properties that may be deemed as being far enough away not to be affected, will be affected. Most affected properties are to the east of the venue and with the prevailing winds from the west, will have no escape from the noise. The contour of the land, rising up on the edge of The Forest acts as a magnifier to the sound from the west. We sleep with our windows open especially in the summer, and do not want to have to wait until after midnight to go to bed!

We are located in direct line of sight to the east of the Water Park in an elevated position, as are a number of properties on this edge of The Forest, and we must strongly emphasise that noise travels, especial in open, rural locations.

Again, we re-iterate, we have chosen to live in a conservation area of peace and tranquility; in an area of outstanding natural beauty; in a National Park and we consider this to be totally unreasonable to have to put up with disturbances of this nature.

Yours sincerely

Roger and Diane Watson-Hall

\* Objection  
J. WESTBURY

Sarah Wilson

---

**From:** jan westbury  
**Sent:** 12 February 2014 12:35  
**To:** Paul Weston  
**Cc:** Sarah Wilson  
**Subject:** Re: LICPR/14/00394

Apologies, I haven't done this before!

Crossways  
North Gorley  
Fordingbridge  
Hants  
SP5 2PQ

Tel 01425 652546

Jan

---

**From:** Paul Weston <Paul.Weston@NFDC.gov.uk>  
**To:**  
**Cc:** Sarah Wilson <Sarah.Wilson@NFDC.gov.uk>  
**Sent:** Tuesday, 11 February 2014, 9:31  
**Subject:** LICPR/14/00394

Dear Dr Westbury

RE: Application for a premises licence  
New Forest Water Park

I thank you for your communication but I require your full postal address in order to accept your comments as a formal representation regarding this licensing application.

Many thanks

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

---

**From:** jan westbury [mailto:jan.westbury@nfdc.gov.uk]  
**Sent:** 10 February 2014 19:12  
**To:** Licensing e-mail address  
**Subject:** FOR THE ATTENTION OF PAUL WESTON LICPR/14/00394

Dear Paul

**Application LICPR/14/00394 New Forest Water Park, Fordingbridge**

I live about half a mile from the entrance to the Water park and would like to raise the following points:

1. I have no objection to a the sale of alcohol as so many premises now provide this. However, I would be concerned for the safety of people drinking and participating in water sports. Could this affect the insurance of the Water park or indeed will participants be aware their insurance may be invalid if they have or cause an accident during water sports when under the influence of alcohol? This may be a public safety issue.

2. I do object to the request for live music for such long periods of time both indoors and outdoors. Living fairly close we hear the music when events take place. This happens all around us **occasionally** and I would therefore consider this acceptable as we all need to allow people to enjoy social events and attract visitors to the area. However, when this does happen It is intrusive as it can be heard not only in the garden, but in the house and late at night I can hear this music lying in bed. Why should I be subject to listening to someones music on a regular basis and for such lengthy periods? In any location that regularly impacts on local residential areas this is totally unacceptable as this is a public nuisance.

3. The entrance to the water park is not only on a bend, but I think there are several bends and I believe there have been several accidents along that stretch. My concern is for the increased traffic, particularly when it is dark, thereby increasing the risk of accidents. I am assuming that together with the consumption of alcohol this increases the risk. Therefore I object on the grounds of public safety.

Finally, I do not think this change in use of the Water park is in keeping with the heritage area and the New Forest National Park.

Your sincerely  
Jan

Dr. Jan Westbury

\*\*\*\*\*

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\* Objection  
J. WHITTET

Coombe Cottage  
Lawrence Lane  
North Gorley  
Fordingbridge  
Hampshire  
SP6 2PG

4<sup>nd</sup> February 2014  
Mr Paul Watson  
Licensing Officer  
NFDC Public Health & Safety  
Appletree Court Beaulieu Road  
Lyndhurst  
SO43 7PA

Dear Sir

**Re: LICPR/14/00394 – New Forest Water Park**

I refer to your letter of the 15 January and wish to register my objection to this application on the following grounds:

Public Nuisance - we already suffer from noise coming from this location during the summer months. For this noise to escalate following the sale of alcohol would be bad enough but to allow music in any form especially outside would be totally unacceptable to us and other local residents.

Public Safety – the A338 has already had a number of fatal accidents along this stretch and any increase in vehicular traffic entering into and out of this location has to be dangerous.

Yours faithfully

J r Whittet



\* Objection  
J. WICKSTEAD

Sarah Wilson

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**From:** Paul Weston on behalf of Licensing e-mail address  
**Sent:** 27 January 2014 11:29  
**To:** Sarah Wilson  
**Subject:** FW: LICPR/14/00394

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** Juliet Wickstead  
**Sent:** 26 January 2014 12:00  
**To:** Licensing e-mail address  
**Subject:** LICPR/14/00394

Dear Mr Weston,

I wish to register my objection to the proposed application for an a alcohol and music licence at the New Forest Water Park.

My main concern is the increased traffic entering and leaving the site onto the main A338 and the noise from the loud music as noise travels incredibly far across the forest and we reside very close to the site and don't wish to be disturbed throughout the summer evenings.

I wish to be kept informed of the outcome of this proposal.

Kind regard

Juliet wickstead

3 Corn Store Cottages,

North Gorley

SP62PH



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HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

JUNE 2013

**THE LICENSING OBJECTIVES**

**Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **Public safety**

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra virus) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### **Ensuring safe departure of those using the premises**

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

### **Maintenance and repair**

2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a

condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

### **Safe capacities**

2.13 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.14 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

2.15 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.

2.17 Public safety includes the safety of performers appearing at any premises.

### **Public nuisance**

2.18 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.

2.19 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 is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 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 and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.26 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- Adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- It is known that unaccompanied children have been allowed access;
- There is a known association with drug taking or dealing; or
- In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.28 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Age restrictions (below 18);

- Restrictions or exclusions when certain activities are taking place;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.32 Licensing authorities should give considerable weight to representations about child protection matters.

2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

2.35 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

JUNE 2013

**DETERMINING APPLICATIONS**

**Hearings**

9.27 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.

9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.34 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.

9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any condition imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

### **Determining actions that are appropriate for the promotion of the licensing objectives**

9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.39 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.

9.40 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. Whilst 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.