

RESTRICTED

Page 1 of 7

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input checked="" type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 3 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)
<input type="checkbox"/> 6: Minor variations	(Object within 10 working days)

Name of Applicant:	RYAN BURR
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	30 UNION STREET, RYDE, ISLE OF WIGHT
Postcode:	PO33 2DT

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	P.C.3007
Surname:	BRADLEY
First Names:	PAUL
Current postal address :	C/O NEWPORT POLICE STATION, HIGH STREET, NEWPORT, ISLE OF WIGHT
Postcode:	PO30 1SZ
Daytime telephone number:	[REDACTED]
E-mail address: (optional)	[REDACTED]

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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**New grant or variation of premises licence
Or club premises certificate
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[REDACTED]

**New grant or variation of premises licence
Or club premises certificate
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This application to object relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 2) Public safety | <input checked="" type="checkbox"/> | |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for representation:

The Chief Officer of police objects to the temporary event notice submitted for 30 Union Street, Ryde from 23rd - 29th November 2018 on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm.

An application was submitted for a club premises certificate for 30 Union Street on 27th April 2018. The Club was to be called the OTTO club. Due to the need for further information about the application the consultation period was suspended until this could be provided. On 23rd August 2018 the applicants contacted council licensing to inform them that the project was to go ahead 'after experiencing long delays due to difficulties with an insurance claim via the landlord, contractors causing problems etc etc'.

The applicants maintained contact with council licensing providing further details for their proposed club.

On 16th October it was determined that the way in which the premises was to be operated meant that it would not meet the requirements of a qualifying club and should operate under a premises licence rather than a club premises certificate. The applicants were advised accordingly.

Information was then received of a civil dispute over alleged monies between the applicants (who lease the premises), and the owner of the building. This is not a police matter and the voracity of claims made by either party are not subject to debate in this objection. However the result of this civil dispute currently appears to be that the applicants occupy the premises against the will of the owner.

The civil dispute cannot in itself be a reason for objecting to this temporary event notice as it does not directly undermine any of the four licensing objectives. However one piece of information provided by the owner of the property does, if true, raise a public safety issue, (mentioned later in this objection). It is for this reason that the Chief Officer of police feels that the licensing sub-committee should be aware of this background information.

On Thursday 8th November four temporary event notice applications were submitted. The police were not consulted prior to submission of these applications. The applications are identical other than the dates to which the Temporary Event Notices apply.

**New grant or variation of premises licence
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The premises is a ground floor location in Union Street, Ryde. Union Street is the busiest night time economy area in Ryde containing most of the late night venues

The venue has operated as a licensed premises in the past however there is no current premises licence in force.

As there is no current premises licence in force, no conditions can be attached to this temporary event notice.

Following the submission of this and the other Temporary Event Notices, a premises licence application was submitted on 12th November.

THE PREVENTION OF CRIME AND DISORDER.

This temporary event notice applies for the sale of alcohol and the provision of late night refreshment between 18:00 hours and 17:59 hours from 23rd - 29th November 2018. It would therefore authorise 24 hour sales of alcohol and late night refreshment over a 6 day period.

It is one of four applications which would legally allow the premises to operate continually from 23rd November - 17th December with three breaks of twenty four hours in between.

The application states that the premises would operate as a restaurant and the Temporary Event Notice would allow opening during the consultation period of the premises licence application

Although the three gaps of twenty-four hours mean that the applications are compliant with the limitations regarding permitted hours for Temporary Event Notices, 7.25 of Home Office Guidance states that these gaps are required to 'prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events'.

This application, along with the others has been submitted to do just that. The 'event' is simply an extension of what would be the 'permanent' operation of the premises under a premises licence. And the need for a full premises licence is clear. To permit these temporary event notices would therefore appear to go against Home Office Guidance which recognises the need for the safeguards to the licensing objectives which are afforded by the application process for a full premises licence.

There is no other information on this Temporary Event Notice as to how the premises would operate or what measures would be put into place to support the licensing objectives.

Even if there were, any such measures or operating times would be purely voluntary because, as previously stated, conditions cannot be attached to this Temporary Event Notice.

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It is the understanding of P.C. Bradley that the applicants have indicated they would operate in line with the hours and measures set out in their premises licence application.

The application includes the sale of alcohol for consumption both on and off the premises on Fridays and Saturdays from 10:00 - 01:00 hours with non-standard timings increasing that to 02:00 on certain dates.

These operating hours and the location alone make the potential for crime and disorder at this premises high. The risks may well be increased by the fact that this will be an untested venue for this operation. The staff too will be untested at this location.

In order to progress the premises licence application a site visit will be necessary, not just by the police but by the other responsible authorities and careful consideration will have to be given to determine what measures will need to be put into place to ensure that the licensing objectives are upheld. Agreement on operating times and conditions will need to be reached to mitigate the risks posed to the objectives.

The safeguards afforded to the objectives by this process will not apply in respect of this temporary event notice. Even if visits could be arranged any agreements made by the applicants to measures suggested by the police would simply be unenforceable undertakings.

This would not provide adequate protection to the objectives.

PUBLIC SAFETY

As stated previously in this objection there are no details listed on this temporary event notice as to how the licensing objective of public safety will be promoted. Even if there were, as conditions cannot be attached to this temporary event notice any suggested measures would be unenforceable.

Should the applicant intend to promote this objective through implementation of measures suggested on the premises licence application, these are quite simply vague and inadequate.

A further concern has been raised with regard to fire safety at the premises. It has been reported that during refurbishment work a fire-proof ceiling has been removed and there are no fire escapes.

As the temporary event notice sets out the desire to operate as a restaurant and provide late night refreshment this is clearly something that, if true, may have a serious impact on public safety.

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THE PREVENTION OF PUBLIC NUISANCE

Again, there are no measures mentioned in this application which will be undertaken in support of this licensing objective and even if there were they would be unenforceable as conditions cannot be attached to this Temporary Event Notice.

THE PROTECTION OF CHILDREN FROM HARM

The Same point applies here. There are no measures mentioned in this application which will be undertaken in support of this licensing objective. Even if there were they would be unenforceable as conditions cannot be attached to this temporary event notice.

It should be noted that the premises licence application specifically mentions that children will be permitted on the premises, so conditioned measures will need to be adopted with regard to child safety.

In summary, the Chief Officer of Police contends that all four licensing objectives are at risk of being undermined should this Temporary Event Notice be granted. Rushing to open this premises which must be considered as high risk of crime and disorder, even if only by virtue of its operating hours and location present extreme risks. These cannot be mitigated by measures which have been carefully considered through discussion with the operators and responsible authorities as there is insufficient time to do this. And adequate safeguards to the objectivess cannot be put in place as enforceable conditions cannot be applied.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Refuse this Temporary Event Notice.

Signature of Officer Completing

Name PAUL BRADLEY

Collar Number: P.C. 3007

Signature: _____

Date: 13/11/2018

Signature of Authorising Officer

Name JULIAN AINSWORTH

Collar Number. P.S. 1878

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Signature: Date.

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This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm



*Please select
one or more
boxes*

Please state the ground(s) for representation:

The Chief Officer of police objects to the temporary event notice submitted for 30 Union Street, Ryde from 30th November - 6th December 2018 on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm.

An application was submitted for a club premises certificate for 30 Union Street on 27th April 2018. The Club was to be called the OTTO club. Due to the need for further information about the application the consultation period was suspended until this could be provided. On 23rd August 2018 the applicants contacted council licensing to inform them that the project was to go ahead 'after experiencing long delays due to difficulties with an insurance claim via the landlord, contractors causing problems etc etc'.

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The premises is a ground floor location in Union Street, Ryde. Union Street is the busiest night time economy area in Ryde containing most of the late night venues.

The venue has operated as a licensed premises in the past however there is no current premises licence in force.

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Police recommendations (including any conditions)

Refuse this Temporary Event Notice.

Signature of Officer Completing

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Collar Number P.C 3007

Signature: _____

Date 13/11/2018

Signature of Authorising Officer

Name JULIAN AINSWORTH

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B - 48

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*Please select
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boxes*

Please state the ground(s) for representation:

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[REDACTED]

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm



*Please select
one or more
boxes*

Please state the ground(s) for representation:

The Chief Officer of police objects to the temporary event notice submitted for 30 Union Street, Ryde from 14th - 17th December 2018 on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm.

An application was submitted for a club premises certificate for 30 Union Street on 27th April 2018. The Club was to be called the OTTO club. Due to the need for further information about the application the consultation period was suspended until this could be provided. On 23rd August 2018 the applicants contacted council licensing to inform them that the project was to go ahead 'after experiencing long delays due to difficulties with an insurance claim via the landlord, contractors causing problems etc etc'.

The applicants maintained contact with council licensing providing further details for their proposed club.

On 16th October it was determined that the way in which the premises was to be operated meant that it would not meet the requirements of a qualifying club and should operate under a premises licence rather than a club premises certificate. The applicants were advised accordingly.

Information was then received of a civil dispute over alleged monies between the applicants (who lease the premises), and the owner of the building. This is not a police matter and the voracity of claims made by either party are not subject to debate in this objection. However the result of this civil dispute currently appears to be that the applicants occupy the premises against the will of the owner.

The civil dispute cannot in itself be a reason for objecting to this temporary event notice as it does not directly undermine any of the four licensing objectives. However one piece of information provided by the owner of the property does, if true, raise a public safety issue, (mentioned later in this objection) It is for this reason that the Chief Officer of police feels that the licensing sub-committee should be aware of this background information.

On Thursday 8th November four temporary event notice applications were submitted. The police were not consulted prior to submission of these applications. The applications are identical other than the dates to which the Temporary Event Notices apply.

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The premises is a ground floor location in Union Street, Ryde. Union Street is the busiest night time economy area in Ryde containing most of the late night venues.

The venue has operated as a licensed premises in the past however there is no current premises licence in force.

As there is no current premises licence in force, no conditions can be attached to this temporary event notice.

Following the submission of this and the other Temporary Event Notices, a premises licence application was submitted on 12th November.

THE PREVENTION OF CRIME AND DISORDER.

This temporary event notice applies for the sale of alcohol and the provision of late night refreshment between 18:00 hours and 17:59 hours from 14th - 17th December 2018. It would therefore authorise 24 hour sales of alcohol and late night refreshment over a 3 day period.

It is one of four applications which would legally allow the premises to operate continually from 23rd November - 17th December with three breaks of twenty four hours in between.

The application states that the premises would operate as a restaurant and the Temporary Event Notice would allow opening during the consultation period of the premises licence application.

Although the three gaps of twenty-four hours mean that the applications are compliant with the limitations regarding permitted hours for Temporary Event Notices, 7.25 of Home Office Guidance states that these gaps are required to 'prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events'.

This application, along with the others has been submitted to do just that. The 'event' is simply an extension of what would be the 'permanent' operation of the premises under a premises licence. And the need for a full premises licence is clear. To permit these temporary event notices would therefore appear to go against Home Office Guidance which recognises the need for the safeguards to the licensing objectives which are afforded by the application process for a full premises licence.

There is no other information on this Temporary Event Notice as to how the premises would operate or what measures would be put into place to support the licensing objectives.

Even if there were, any such measures or operating times would be purely voluntary because, as previously stated, conditions cannot be attached to this Temporary Event Notice.

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It is the understanding of P.C. Bradley that the applicants have indicated they would operate in line with the hours and measures set out in their premises licence application.

The application includes the sale of alcohol for consumption both on and off the premises on Fridays and Saturdays from 10:00 - 01:00 hours with non-standard timings increasing that to 02:00 on certain dates

These operating hours and the location alone make the potential for crime and disorder at this premises high. The risks may well be increased by the fact that this will be an untested venue for this operation. The staff too will be untested at this location.

In order to progress the premises licence application a site visit will be necessary, not just by the police but by the other responsible authorities and careful consideration will have to be given to determine what measures will need to be put into place to ensure that the licensing objectives are upheld. Agreement on operating times and conditions will need to be reached to mitigate the risks posed to the objectives.

The safeguards afforded to the objectives by this process will not apply in respect of this temporary event notice. Even if visits could be arranged any agreements made by the applicants to measures suggested by the police would simply be unenforceable undertakings.

This would not provide adequate protection to the objectives.

PUBLIC SAFETY

As stated previously in this objection there are no details listed on this temporary event notice as to how the licensing objective of public safety will be promoted. Even if there were, as conditions cannot be attached to this temporary event notice any suggested measures would be unenforceable.

Should the applicant intend to promote this objective through implementation of measures suggested on the premises licence application, these are quite simply vague and inadequate.

A further concern has been raised with regard to fire safety at the premises. It has been reported that during refurbishment work a fire-proof ceiling has been removed and there are no fire escapes

As the temporary event notice sets out the desire to operate as a restaurant and provide late night refreshment this is clearly something that, if true, may have a serious impact on public safety.

This is an area that fire safety officers will need to consider, however this will only be done as part of the premises licence application process. Until that time there remains a question mark over the suitability of the location with regards to fire safety.

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THE PREVENTION OF PUBLIC NUISANCE

Again, there are no measures mentioned in this application which will be undertaken in support of this licensing objective and even if there were they would be unenforceable as conditions cannot be attached to this Temporary Event Notice.

THE PROTECTION OF CHILDREN FROM HARM

The Same point applies here. There are no measures mentioned in this application which will be undertaken in support of this licensing objective. Even if there were they would be unenforceable as conditions cannot be attached to this temporary event notice

It should be noted that the premises licence application specifically mentions that children will be permitted on the premises, so conditioned measures will need to be adopted with regard to child safety.

In summary, the Chief Officer of Police contends that all four licensing objectives are at risk of being undermined should this Temporary Event Notice be granted. Rushing to open this premises which must be considered as high risk of crime and disorder, even if only by virtue of its operating hours and location present extreme risks. These cannot be mitigated by measures which have been carefully considered through discussion with the operators and responsible authorities as there is insufficient time to do this And adequate safeguards to the objectivess cannot be put in place as enforceable conditions cannot be applied.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Refuse this Temporary Event Notice.

Signature of Officer Completing

Name PAUL BRADLEY

Collar Number: P.C 3007

Signature. _____

Date: 13/11/2018

Signature of Authorising Officer

Name JULIAN AINSWORTH

Collar Number: P.S. 1878

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Signature: Date: