

RESTRICTED

Page 1 of 8

**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:	██████████
E-mail address: (optional)	██

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

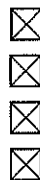
RESTRICTED

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

**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 15 - 16<sup>th</sup> December 2018 on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm

On Thursday 8<sup>th</sup> November 2018 four temporary event notices were submitted by Mr. Ryan Burr. These related to the Otto Club, 30 Union Street, Ryde. Mr Burr and his business partners have applied for a premises licence in order to operate the venue as a private members club.

The TENS were submitted in order to allow them to open the club and conduct licensable activities prior to the end of the consultation period for the premises licence which, at that time, was the 10<sup>th</sup> December 2018. Due to 'non-compliance with the advertising regulations' this has now been changed to 24<sup>th</sup> December 2018.

Had they been granted, the TENS would have allowed them to conduct licensable activities from 23<sup>rd</sup> November - 17<sup>th</sup> December.

The Chief Officer of Police raised objections to all four TENS on the basis that they might undermine all four licensing objectives.

In summary, the objections were based on the following.

Concerns raised by the owner of the building over fire safety issues.

Concerns that the TENS were submitted contrary to the spirit of home office guidance in order to circumvent the premises licence application process and the safeguards to the objectives which that process provides.

Concerns that as the premises did not have an existing premises licence no conditions could be attached to any of the Temporary Event Notices, meaning that any assurances or undertakings promised by the applicant could not be enforced.

A hearing took place on the 22<sup>nd</sup> November 2018 during which one of the Temporary Event Notices was withdrawn and the other three were refused.

As the objections raised by the Chief officer of Police were practically identical in respect of all four TENS, a copy of only one of them is submitted as appendix A.

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

P.C. 3007 Bradley attended the Otto Club around midday on the 29<sup>th</sup> November in order to view the premises with regard to the premises licence application. Mr. Burr was in attendance.

Work was being carried out at the premises. Mr Burr stated that this was in order to address concerns raised about fire safety. He also stated that he intended to get a CCTV system installed that day. Possible conditions for the premises licence were discussed and Mr. Burr enquired about submitting further TENS in order to open the club for licensable activities prior to the end of the consultation period.

He was advised that the main reason for the previous objections raised by the Chief Officer of Police came from the fact any TENS submitted for the Otto Club could not be conditioned. Add to this the fact that operations-wise, the premises and staff were untested and would be operating in a busy Night Time Economy area, the risks to the licensing objectives remained the same and therefore the position of the Chief Officer of Police would remain the same as at the previous hearing.

Mr Burr then asked about opening the premises on Saturday 1<sup>st</sup> December until 23:00 hours and selling food and non-alcoholic drinks only. He was advised that this would not be a licensable activity and he was perfectly entitled to do this under the Licensing Act.

At 14:03 hours on 29<sup>th</sup> November P C. Bradley received an e-mail from Adam Towner, a business partner of Mr. Burr. During the subsequent e-mail exchange the position of the Chief Officer of Police with regard to the submission of further TENS was again explained and clarified. Mr. Towner confirmed that he understood this position in an e-mail received at 15:07 hours.

A copy of this e-mail exchange can be seen as appendix B.

At 15:06 and 15:17 hours the Council Licensing Department received two Temporary Event Notices from Mr. Burr. The first applies for sale of alcohol, regulated entertainment and late night refreshment from 12:00 hours on 15<sup>th</sup> December to 23.59 hours on 16<sup>th</sup> December. The second applies for sale of alcohol and regulated entertainment from 12:00 hours on 18<sup>th</sup> December to 23:59 hours on 23<sup>rd</sup> December.

These TENS can only have been submitted in the knowledge that they would attract an objection from the Chief Officer of Police as was outlined in conversation with Mr. Burr and by e-mail with Mr. Towner.

At 16.36 hours on 30<sup>th</sup> November 2018 Mr. Burr sent a further e-mail to P.C. Bradley.

This contained attachments relating to fire safety issues and a document providing details of undertakings proposed for the operation of the club during the TENS.

This document is produced as appendix C.

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

Just as they were explained in detail during the hearing of the 22<sup>nd</sup> of November and as can be evidenced in the subsequent conversations with the applicants, the concerns of the Chief Officer of Police remain exactly the same

**THE PREVENTION OF CRIME AND DISORDER**

This Temporary Event Notice applies for the sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment from 12:00 hours on 15<sup>th</sup> December to 23:59 hours on 16<sup>th</sup> December. Although this is stated as being for a Christmas dining event, it is clear that when taken together with the other TEN, this is simply to allow the premises to open for general trading prior to the end of the consultation period for the premises licence.

Whilst 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 other has been submitted to do just that. The 'event' is simply an extension of what would be 'permanent' operation of the premises under a premises licence.

Conditions and measures to be adopted with regards to the premises licence have now been discussed and will at some point be agreed. However until they form part of a premises licence, adherence to them is purely voluntary with no legal redress should there be breaches

As was stated in the previous representations, 'the safeguards afforded to the objectives by this process (consultation period) 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'.

The premises does not hold an existing premises licence and conditions cannot be attached to this T.E.N.

Union Street is at the heart of the Night Time Economy area in Ryde. It therefore poses a high risk of crime and disorder. This is especially true at such a busy time of year. The premises is also an untested venue.

**PUBLIC SAFETY**

It should be recognised that the applicants have worked hard to address issues around fire safety which were previously raised.

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

However as has been explained to them, where conditions cannot be attached to this TEN, any measures they propose to adopt will be unenforceable undertakings. This lack of enforceability in itself leaves the objectives open to being undermined.

**THE PREVENTION OF PUBLIC NUISANCE**

Again, without the ability to be enforced any promises of measures to be undertaken in support of this objective are meaningless.

**THE PROTECTION OF CHILDREN FROM HARM**

As part of the consultation process Mr. Burr has verbally agreed that under 18's will not be permitted on the premises. This is not mentioned in the notes he has sent through to accompany the TENs. However, this measure cannot be added as a condition to this TEN and is therefore unenforceable.

Whilst it is understandable that the applicant wishes to capitalise on such a busy time of year, the Chief Officer of Police does not believe that the licensing objectives should be put at risk of being undermined in order for him to do so. Increased trade also carries an increased risk.

Mention was made by the applicants at the previous hearing that their project was in danger of failing.

Whilst this is regrettable, the Chief Officer of Police does not consider it to be a reason to risk undermining the objectives by allowing an untested premises to conduct licensable activities without the legal restraints being in place to enforce the responsible operation of the premises

In appendix B Mr. Towner expresses the following opinion to P.C. Bradley. 'As I'm sure you know, the council gave them the wrong advice on the licensing application process so the guys won't get their licence until the 24th missing the most important month of the year which is detrimental to the business as they were expecting to open months ago'.

P.C. Bradley is not aware what advice was given, merely that the consultation period had to be restarted due to 'non-compliance with the advertising regulations'.

With regards to any delays caused during the application process the chronology of events is understood by P.C. Bradley to be as follows.

The licence application process commenced in April 2018. Appendix D shows an e-mail chain between council licensing officer Shane Bachelor and one of the applicants. Chasing further details to enable the application process to continue, he e-mailed them on 16<sup>th</sup> April and 1<sup>st</sup> May 2018 but received no reply. The consultation was suspended for this reason.

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

Appendix D also shows that a response in relation to the application was only received on 23<sup>rd</sup> August 2018. In this response Linda Applegate blames the delay on 'difficulties with an insurance claim via the landlord, contractors causing problems etc etc'.

The process was delayed further whilst it was established whether or not the premises would be a qualifying club for a club premises certificate. Once that was established an application for a premises licence was submitted around the 13<sup>th</sup> November, with the consultation period being due to end on the 10<sup>th</sup> December 2018.

The consultation period then had to be restarted due to 'non-compliance with the advertising regulations' and now stands as ending on 24<sup>th</sup> December.

Whilst it may be proper to be sympathetic to the applicants because of the situation they find themselves in, this situation cannot be blamed entirely on delays caused by the application process.

The core concern of the Chief Officer of Police has been consistent. It is that unenforceable undertakings offered up by an untested venue that will be operating in a Night Time Economy area at high risk of crime and disorder, during one of the busiest times of year cannot provide adequate safeguards to the licensing objectives.

This was fully explained to the applicant prior to him submitting this Temporary Event Notice.

**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)

No conditions can be imposed on this Temporary Event Notice. It has been suggested that a reduction in proposed operating hours may reduce the risks posed to the objectives, however any such voluntary reduction of proposed hours within the timescale of this TEN would also be unenforceable.

The police recommendation remains that this TEN should be refused.

Signature of Officer Completing

Name PAUL BRADLEY

Collar Number: P.C. 3007

Signature: \_\_\_\_\_

Date: 03/12/2018

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

Signature of Authorising Officer

Name JULIAN AINSWORTH

Collar Number: P.S. 1878

Signature: \_\_\_\_\_

Date: 03/12/2018

**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:	
E-mail address: (optional)	

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

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

**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 18<sup>th</sup> - 23<sup>rd</sup> December 2018 on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm.

On Thursday 8<sup>th</sup> November 2018 four temporary event notices were submitted by Mr. Ryan Burr. These related to the Otto Club, 30 Union Street, Ryde. Mr Burr and his business partners have applied for a premises licence in order to operate the venue as a private members club

The TENS were submitted in order to allow them to open the club and conduct licensable activities prior to the end of the consultation period for the premises licence which, at that time, was the 10<sup>th</sup> December 2018. Due to 'non-compliance with the advertising regulations' this has now been changed to 24<sup>th</sup> December 2018.

Had they been granted, the TENS would have allowed them to conduct licensable activities from 23<sup>rd</sup> November - 17<sup>th</sup> December.

The Chief Officer of Police raised objections to all four TENS on the basis that they might undermine all four licensing objectives.

In summary, the objections were based on the following.

Concerns raised by the owner of the building over fire safety issues

Concerns that the TENS were submitted contrary to the spirit of home office guidance in order to circumvent the premises licence application process and the safeguards to the objectives which that process provides.

Concerns that as the premises did not have an existing premises licence no conditions could be attached to any of the Temporary Event Notices, meaning that any assurances or undertakings promised by the applicant could not be enforced.

A hearing took place on the 22<sup>nd</sup> November 2018 during which one of the Temporary Event Notices was withdrawn and the other three were refused.

As the objections raised by the Chief officer of Police were practically identical in respect of all four TENS, a copy of only one of them is submitted as appendix A.

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

P.C. 3007 Bradley attended the Otto Club around midday on the 29<sup>th</sup> November in order to view the premises with regard to the premises licence application. Mr. Burr was in attendance.

Work was being carried out at the premises. Mr Burr stated that this was in order to address concerns raised about fire safety. He also stated that he intended to get a CCTV system installed that day. Possible conditions for the pemises licence were discussed and Mr. Burr enquired about submitting further TENS in order to open the club for licensable activities prior to the end of the consultation period.

He was advised that the main reason for the previous objections raised by the Chief Officer of Police came from the fact that any TENS submitted for the Otto Club could not be conditioned. Add to this the fact that operations-wise, the premises and staff were untested and would be operating in a busy Night Time Economy area, the risks to the licensing objectives remained the same and therefore the position of the Chief Officer of Police would remain the same as at the previous hearing.

Mr Burr then asked about opening the premises on Saturday 1<sup>st</sup> December until 23:00 hours and selling food and non-alcoholic drinks only. He was advised that this would not be a licensable activity and he was perfectly entitled to do this under the Licensing Act.

At 14:03 hours on 29<sup>th</sup> November P.C. Bradley received an e-mail from Adam Towner, a business partner of Mr. Burr. During the subsequent e-mail exchange the position of the Chief Officer of Police with regard to the submission of further TENS was again explained and clarified. Mr. Towner confirmed that he understood this position in an e-mail received at 15:07 hours.

A copy of this e-mail exchange can be seen as appendix B.

At 15:06 and 15:17 hours the Council Licensing Department received two Temporary Event Notices from Mr. Burr. The first applies for sale of alcohol, regulated entertainment and late night refreshment from 12:00 hours on 15<sup>th</sup> December to 23:59 hours on 16<sup>th</sup> December. The second applies for sale of alcohol and regulated entertainment from 12:00 hours on 18<sup>th</sup> December to 23:59 hours on 23<sup>rd</sup> December.

These TENS can only have been submitted in the knowledge that they would attract an objection from the Chief Officer of Police as was outlined in conversation with Mr Burr and by e-mail with Mr. Towner.

At 16:36 hours on 30<sup>th</sup> November 2018 Mr. Burr sent a further e-mail to P.C. Bradley

This contained attachments relating to fire safety issues and a document providing details of undertakings proposed for the operation of the club during the TENS.

This document is produced as appendix C.

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

Just as they were explained in detail during the hearing of the 22<sup>nd</sup> of November and as can be evidenced in the subsequent conversations with the applicants, the concerns of the Chief Officer of Police remain exactly the same.

**THE PREVENTION OF CRIME AND DISORDER**

This Temporary Event Notice applies for the sale of alcohol and the provision of regulated entertainment from 12:00 hours on 18<sup>th</sup> December to 23:59 hours on 23<sup>rd</sup> December 2018. Although this is stated as being for a Christmas dining event, it is clear that when taken together with the other TEN, this is simply to allow the premises to open for general trading prior to the end of the consultation period for the premises licence.

Whilst 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 other has been submitted to do just that. The 'event' is simply an extension of what would be 'permanent' operation of the premises under a premises licence.

Conditions and measures to be adopted with regards to the premises licence have now been discussed and will at some point be agreed. However until they form part of a premises licence, adherence to them is purely voluntary with no legal redress should there be breaches.

As was stated in the previous representations, 'the safeguards afforded to the objectives by this process (consultation period) 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'.

The premises does not hold an existing premises licence and conditions cannot be attached to this T.E.N.

Union Street is at the heart of the Night Time Economy area in Ryde. It therefore poses a high risk of crime and disorder. This is especially true at such a busy time of year. The premises is also an untested venue.

**PUBLIC SAFETY**

It should be recognised that the applicants have worked hard to address issues around fire safety which were previously raised.

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

However as has been explained to them, where conditions cannot be attached to this TEN, any measures they propose to adopt will be unenforceable undertakings. This lack of enforceability in itself leaves the objectives open to being undermined.

**THE PREVENTION OF PUBLIC NUISANCE**

Again, without the ability to be enforced any promises of measures to be undertaken in support of this objective are meaningless.

**THE PROTECTION OF CHILDREN FROM HARM**

As part of the consultation process Mr. Burr has verbally agreed that under 18's will not be permitted on the premises. This is not mentioned in the notes he has sent through to accompany the TENs. However, this measure cannot be added as a condition to this TEN and is therefore unenforceable.

Whilst it is understandable that the applicant wishes to capitalise on such a busy time of year, the Chief Officer of Police does not believe that the licensing objectives should be put at risk of being undermined in order for him to do so. Increased trade also carries an increased risk.

Mention was made by the applicants at the previous hearing that their project was in danger of failing.

Whilst this is regrettable, the Chief Officer of Police does not consider it to be a reason to risk undermining the objectives by allowing an untested premises to conduct licensable activities without the legal restraints being in place to enforce the responsible operation of the premises.

In appendix B Mr. Towner expresses the following opinion to P.C. Bradley. 'As I'm sure you know, the council gave them the wrong advice on the licensing application process so the guys won't get their licence until the 24th missing the most important month of the year which is detrimental to the business as they were expecting to open months ago'.

P.C. Bradley is not aware what advice was given, merely that the consultation period had to be restarted due to 'non-compliance with the advertising regulations'.

With regards to any delays caused during the application process the chronology of events is understood by P.C. Bradley to be as follows.

The licence application process commenced in April 2018. Appendix D shows an e-mail chain between council licensing officer Shane Bachelor and one of the applicants. Chasing further details to enable the application process to continue, he e-mailed them on 16<sup>th</sup> April and 1<sup>st</sup> May 2018 but received no reply. The consultation was suspended for this reason.

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

Appendix D also shows that a response in relation to the application was only received on 23<sup>rd</sup> August 2018. In this response Linda Applegate blames the delay on 'difficulties with an insurance claim via the landlord, contractors causing problems etc etc'.

The process was delayed further whilst it was established whether or not the premises would be a qualifying club for a club premises certificate. Once that was established an application for a premises licence was submitted around the 13<sup>th</sup> November, with the consultation period being due to end on the 10<sup>th</sup> December 2018.

The consultation period then had to be restarted due to 'non-compliance with the advertising regulations' and now stands as ending on 24<sup>th</sup> December.

Whilst it may be proper to be sympathetic to the applicants because of the situation they find themselves in, this situation cannot be blamed entirely on delays caused by the application process.

The core concern of the Chief Officer of Police has been consistent. It is that unenforceable undertakings offered up by an untested venue that will be operating in a Night Time Economy area at high risk of crime and disorder, during one of the busiest times of year cannot provide adequate safeguards to the licensing objectives.

This was fully explained to the applicant prior to him submitting this Temporary Event Notice.

**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)

No conditions can be imposed on this Temporary Event Notice. It has been suggested that a reduction in proposed operating hours may reduce the risks posed to the objectives, however any such voluntary reduction of proposed hours within the timescale of this TEN would also be unenforceable.

The police recommendation remains that this TEN should be refused.

Signature of Officer Completing

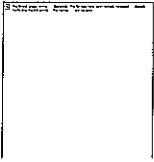
Name PAUL BRADLEY

Collar Number: P.C. 3007

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

03/12/2018



RESTRICTED

Page 8 of 8

G89

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

Signature of Authorising Officer

Name JULIAN AINSWORTH

Collar Number: P.S. 1878 ,

Signature: \_\_\_\_\_

Date: 03/12/2018

RESTRICTED

B - 45

**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

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

**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 14<sup>th</sup> - 17<sup>th</sup> 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.

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

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 14<sup>th</sup> - 17<sup>th</sup> 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.

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

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.

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

**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 objectiveness 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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Hi,

Thanks for the clarification on this. I was under the impression that you can uphold a TEN if we have conditions in the document ourselves.

All the best

Adam

Adam Towner

Thin Fat Controller

Towner Rosewarne on the move

> On 29 Nov 2018, at 14:59, <paul.bradley[REDACTED]  
<paul.bradley[REDACTED] wrote:

>

> Hi Adam,

>

> What Ryan told you is correct.

>

> The central issue of my representations at the hearing regarding the TENS was that your premises does not currently have a premises licence and therefore no conditions can be attached to any TENS you submit. So regardless of whatever measures you agree to put in place to uphold the licensing objectives, they are not legally enforceable.

>

> Add to that the extra risks posed by the Otto being an untested venue in an area where there is a high risk of crime and disorder and I had no alternative but to make representations against the TENS.

>

> None of these factors have changed since that time. Unfortunately they cannot change. I would therefore be obliged to submit similar representations to any further TENS regardless of what measures you promised to undertake. If the premises held an existing licence this would not be the case, We could condition the TENS.

>

> I hope this clarifies things.

>

> Regards,

>

> Paul

>

> PC 3007 Bradley

>

> Licensing & Alcohol Harm Reduction Team.

>

> [REDACTED]

>

> paul.bradley@ [REDACTED]  
> force.licensing@ [REDACTED]  
>  
>  
> -----Original Message-----  
> From: Adam Work [REDACTED]  
> Sent: 29 November 2018 14:34  
> To: Bradley, Paul <paul.bradley@ [REDACTED]>  
> Subject: Re: Otto  
>  
> Hello.  
>  
> Is there any chance I can catch up with you in person please to discuss  
putting in new TEN notices. As I'm sure you know the council gave them the  
wrong advice on licensing application process so the guys won't get their  
license until the 24th missing the most important month of the year which is  
detrimental to the business as they were expecting to be open months ago.  
>  
> I was personally going to put in the TEN notices as I'm a license holder and  
was going to include in the application everything we discussed so you can  
condition them, including risk assessment, camera locations, exit policy and  
opening times within the TEN application.  
>  
> I was planning on sending you a email stating all this But Ryan has told me  
that you cannot agree to any TEN notices as they can't be conditioned and I  
wanted to go through with you so I am clear.  
>  
> Thanks  
>  
> Adam Towner  
>  
> Thin Fat Controller  
>  
> Towner Rosewarne on the move  
>  
>> On 29 Nov 2018, at 14.20, <paul.bradley@ [REDACTED]>  
<paul.bradley@ [REDACTED]> wrote:  
>>  
>> Hi Adam,  
>>  
>> You did miss my calls but I popped in to the Otto Club on the off-chance  
someone would be there and spoke to Ryan. I got all I needed from him  
thanks.  
>>  
>> Regards,  
>>  
>> Paul  
>>  
>> PC 3007 Bradley  
>>

>> Licensing & Alcohol Harm Reduction Team.

>>

>> [REDACTED]

>>

>> paul.bradley[REDACTED]

>> force.licensing[REDACTED]

>>

>>

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

>> From: Adam Work [REDACTED]

>> Sent: 29 November 2018 14:03

>> To: Bradley, Paul <paul.bradley[REDACTED]>

>> Subject: Otto

>>

>>

>> Hello Officer Bradley,

>>

>> I hope this finds you well?

>>

>> Please could you give me a call back at your earliest convenience to discuss Otto, I believe I missed your calls earlier, I tried to phone back but the line would not accept my calls.

>>

>> Kind regards

>>

>> Adam Towner

>>

>> Thin Fat Controller

>>

>> Towner Rosewarne on the move

**30 Union Street, Ryde, Isle of Wight**

**Re TENS Notice Applications IW18/11/31092 & IW18/11/31142**

IW18/11/31092 - Operating hours

15/12 - 12:00 – 23:59

IW18/11/31142 - Operating hours

18/12 – 12:00 – 23:59

19/12 – 12:00 – 23:59

20/12 – 12:00 – 23:59

21/12 – 12:00 – 23:59

22/12 – 12:00 – 23:59

23/12 – 12:00 – 23:59

We feel it important to include this additional information to support our Applications, to reassure all agencies involved within the decision making process that all issues previously raised have been addressed in full.

Accordingly, following extensive conversations and consultation with those involved we can now confirm that all the changes required to satisfy EHO and the Police have been fully completed

## **FIRE**

We have completed the fire changes recommended by TERRY HOPKINS who visited the site today and has confirmed he is happy with the work.

We have had an independent fire survey signed off by MARK ELLIOT; certificate attached,

MARK ELLIOT has also drawn up a fire risk assessment for the venue; certificate attached

The main fire alarm system is also linked to the main building fire system.

MARK ELLIOT has also drawn up a full H&S risk assessment for the venue; certificate attached

MARK ELLIOT has also completed a full fire training exercise with the staff; certificate attached.

## **POLICE**

After extensive conversations with PC Paul Bradley who has been extremely helpful identifying possible situations that may arise, the applicants are prepared to offer the following undertakings to provide additional comfort in respect of these applications.

- No drinks allowed outside
- A limit of 6 smokers allowed outside at any at one time
- CCTV has been installed
- H&S risk assessment supplied
- Security – PC Security Ltd on Friday and Saturday evening 9pm – 12.30am
- Dispersal policy for getting patrons home safely
- Taxi service available on exit.

From: "Batchelor, Shane" <[REDACTED]>  
Date: 1 May 2018 at 11:39:26 BST  
To: "[REDACTED]" <[REDACTED]>, "[REDACTED]" <[REDACTED]>  
Subject: FW: The Otto Club

Good afternoon Joseph,

Hope you are well.

With regards to the emails below and attachments is it possible for you to let me know if it is the intention to proceed with the application or if this is not the case due to unforeseen reasons?

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council |  
Jubilee Stores | The Quay | Newport | Isle of Wight PO30 2EH  
Tel: (01983) 823159

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

From: Batchelor, Shane  
Sent: 16 April 2018 14:07  
To: "[REDACTED]"; "[REDACTED]"  
Cc: Licensing  
Subject: FW: The Otto Club

Good afternoon Joseph/The Otto Club,

Further to my email below, sent last week I don't seem to have received a response as of yet.

The consultation period has been stopped at present and will need to be started again as soon as the below has been resolved, which will unfortunately include a revised notice to be present at the premises and in the County Press.

In order to avoid any further delays could you come back to Licensing as soon as you can please?

Kind regards

Shane Batchelor | Licensing Officer | Regulatory Services | Isle of Wight Council | Jubilee  
Stores | The Quay | Newport | Isle of Wight PO30 2EH  
Tel: (01983) 823159

**Bull, Andrea**

---

**From:** Batchelor, Shane  
**Sent:** 24 August 2018 08:41  
**To:** 'linda applegate'  
**Cc:** Joseph Kohn; MacDonald, Sarah; Bull, Andrea  
**Subject:** RE: The Otto Club  
**Attachments:** FW: The Otto Club

Good morning Linda,

Thank you for the email below.

Please find the last correspondence that took place between Licensing and representatives from the Otto Club.

Before we can start the consultation for the application we will require the issues within the email to be addressed and resolved.

Once we have this information we will then be able to advise as to the next stage of the application.

Kind regards

**Shane Batchelor** | Licensing Officer | Regulatory Services | Isle of Wight Council |

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

Tel: (01983) 823159

---

**From:** linda applegate [REDACTED]  
**Sent:** 23 August 2018 17:10  
**To:** Batchelor, Shane  
**Cc:** Joseph Kohn  
**Subject:** Fw: The Otto Club

Hello Shane

Further to your correspondence earlier this year with Joseph, we are pleased to finally be able to tell you that the project will be going ahead after long delays due to difficulties with an insurance claim via the landlord, contractors causing problems etc etc.

The hope is that Otto will be able to open at the end of September and to this end, we would like to restart the licence application.

Could you please let us know the current state of play, and what you need from us now. Alternatively, either Joseph or I would be happy to come into Licensing to discuss further, if that will facilitate matters.

Thank you in advance for your help.

Best wishes

Linda Applegate