

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

County Hall, Newport, Isle of Wight PO30 1UD  
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## Agenda

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 27 FEBRUARY 2023</b>
Time	<b>10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the committee	Cllrs D Pitcher (Chairman), J Bacon and P Fuller
	Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Apologies and Changes in Membership (if any)**

To note any changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the council's Constitution.

2. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 30 January 2023..

3. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.



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4. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.

5. **Report of the Director of Neighbourhoods**

- (a) Application for a Premises Licence for Betty's Door, 5 Clarence Road, East Cowes, Isle of Wight (Pages 7 - 70)

CHRISTOPHER POTTER  
Monitoring Officer  
Friday, 17 February 2023

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date and Time	<b>MONDAY 30 JANUARY 2023 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs D Pitcher (Chairman), J Bacon and J Jones-Evans
Also Present	Shane Batchelor, Ben Gard and Kevin Winchcombe

### 15. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 2 November 2022 be approved.

### 16. **Declarations of Interest**

Councillors Jones-Evans and Bacon declared a non-pecuniary interest in minute number 18a as they had previously served on the IW Council with Mr G Cameron, who was speaking on behalf of the applicant.

### 17. **Urgent Business**

There were no urgent items of business.

### 18. **Report of the Director of Neighbourhoods**

#### 18a **Application for a Premises Licence at 49 High Street, Ryde, Isle of Wight**

Consideration was given to the report of the Director of Neighbourhoods, with details of the application for a premises licence under Section 17 of the Licensing Act 2003 for Crazy's Restaurant, 49 High Street, Ryde, Isle of Wight.

The applicant and their representative were present and gave further information in support of their application.

Proposed conditions had been suggested by Environmental Health and the police which had been agreed by the applicant and would form part of the licence conditions if the licence was granted.

There were two outstanding representations from local residents who attended and gave further information in support of their objections which related to the late hours applied for, and the likelihood of noise and anti- social behaviour which may arise if the licence was granted, particularly from the use of the rear outside area.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant, responsible authorities and other persons, and having regard to the guidance issued under s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2019-2024, the sub-committee hereby:

Grant the licence in accordance with the application, subject to those conditions proposed by the applicant in the operating schedule and also subject to the mandatory conditions specified in the Licensing Act 2003, but modified to such an extent as members have considered appropriate for the promotion of the four licensing objectives, namely by requiring the following conditions:

- i) The conditions agreed with the applicant on page 43 of the report but subject to a change to the condition proposed by and agreed with Environmental Health to state:-

Any music noise and/or regulated entertainment noise shall be set to a limit which shall ensure that such noise shall not exceed a level which is barely audible at the boundary of any noise sensitive\* premises. Barely audible is defined as at a level that, whilst it may be audible (heard) is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of any noise sensitive premises.

\*Noise sensitive premises includes premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use) or places of worship (during recognised times and days of worship) or any other premises used for any other purpose likely to be affected by the music noise.

- ii) In adding conditions to achieve the measures proposed by the applicant in the operating schedule, the licensing authority shall ensure that a condition is included to ensure that customers will not be permitted to take containers of alcohol or soft drinks or food from the premises to any open areas including the outside area identified within the application.

CHAIRMAN



Purpose: For Decision

## Committee report

Committee	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 27 FEBRUARY 2023</b>
Title	<b>TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR BETTY'S DOOR, 5 CLARENCE ROAD, EAST COWES, ISLE OF WIGHT, PO32 6EP</b>
Report Author	<b>COLIN ROWLAND DIRECTOR OF NEIGHBOURHOODS</b>

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### BACKGROUND

1. A premises licence issued under section 18 of the Licensing Act 2003 authorises the use of premises for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
2. An application for a premises licence was submitted to the licensing authority on 19 December 2022, by Conny's Ltd. for Betty's Door, 5 Clarence Road, East Cowes, Isle of Wight, PO32 6EP. A copy of the application and plans associated with the application can be found at Appendix 1.
3. Betty's Door is a café/coffee shop run by Mr Aiden Jones and his partner Victoria Rowland-Powell. The premises opened approximately 3 months ago and Mr Jones now seeks to add alcohol to his current food and drink offering.
4. The proposed licensable activities and timings are: the sale of alcohol each day from 11am until 4.30pm with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week.
5. Any person may make representations in respect of the application during the consultation period and if these are not resolved the licensing authority must hold a hearing to determine the application.

### CONSULTATION

6. The Licensing Act 2003 prescribes a twenty-eight day consultation period, commencing the day after the application has been correctly served. The applicant is required to submit a copy of the application to Responsible Authorities as defined in the Licensing Act, and to place a notice of the application at the premises and in a local newspaper.

7. The application for a premises licence was originally received on 19 December 2022.
8. The consultation period commenced but the applicant failed to advertise the application in a local newspaper within the required timescale and it was therefore necessary for the consultation to start again.
9. The consultation period restarted on 3 January 2023. The application was advertised in the Observer on 6 January, at the premises and on the Council's website. The consultation period ended on 31 January 2023.
10. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children's Services	No Representation made
Fire and Rescue Service	Response received – no representation
Trading Standards Service	Response received – no representation
Planning Services	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made
Environmental Health	Response received – no representation
Police	Response received – conditions agreed see Appendix 2

11. The Environmental Health department returned a response during the consultation of 'no adverse comment'. Further comments were requested from the officer following representations made by other persons and these comments can be found at Appendix 3.

Other Persons

12. Five representations have been received from other persons which relate to the licensing objectives of:
  - Prevention of public nuisance
  - Protection of children from harm
  - Public safety
  - Prevention of crime and disorder
13. Some issues/comments made by the objectors are not relevant to the licensing objectives and therefore cannot be considered when



determining this application. These have been struck through in the relevant appendix.

14. Lynn Lister has made representations (Appendix 4) against the grant of a licence on the grounds of public nuisance and the protection of children from harm. She claims that to serve alcohol where young children are present in such a confined space to be unreasonable & unsafe and that the risk of public nuisance will increase by the grant of this licence
15. Thea Thomas has made representations (Appendix 5) against the grant of a licence on the grounds of public nuisance in respect of a perceived increase in noise from the premises in what she deems to be a primarily residential area.
16. East Cowes Town Council have made representations (Appendix 6) against the grant of a licence on the grounds that they perceive there to be a likelihood of noise and nuisance from patrons gathering on the pavement outside the premises.
17. Queries were also raised as to the accuracy of the plan submitted with the application regarding an additional fire exit. This was queried with the applicant and he confirmed that there is a door between the premises and ground floor hallway of the residential premises above which acts as an additional fire escape for both the residents and for customers alike. An additional plan was sent in and published alongside the application.
18. Tracy Reardon has made representations under each of the licensing objectives (Appendix 7). Ms Reardon states that to grant a licence could lead to crime and disorderly behaviour from people congregating on the pavement outside the premises which may cause an obstruction and impact on public safety. She also states that children may be subject to hearing foul language, breathing in smoke, and witnessing disorderly conduct.
19. Ms Reardon raises noise concerns stating that the buildings surrounding the premises are old and are not sufficiently sound proofed to prevent noise nuisance from customers who may cause a nuisance after consuming alcohol. She also claims that there is an increased fire risk as a result of people consuming alcohol on the premises.
20. As a result of the queries raised in respect of the fire escapes and following receipt of the representations, a site visit was arranged in order to confirm the plans accuracy and to discuss the representations received with the applicant. This took place on Friday 20 January 2023.
21. The plan was confirmed as accurate, and the applicant was advised of the representations made. Having considered the representations received at that time he provided a written response to each.
22. The objectors were subsequently emailed by the Licensing department. They were advised that only matters relating to the licensing objectives can be considered and issues regarding use of the building or suitability of the area are not relevant to the application. The licensing objectives are:
  - Prevention of public nuisance
  - Protection of children from harm

- Public safety
  - Prevention of crime and disorder
23. The emails sent also contained the applicant's response to each of their specific objections, along with the list of agreed police conditions. They were also advised that the Environmental Health department had responded to the consultation with no adverse comment, and on this basis the recommendation of the department would be to grant the application with the agreed conditions.
  24. These communications have been added to each of the individual representations made and can be found at the corresponding appendix.
  25. Each of the objectors were asked to consider the applicant's response and the additional information and to advise if their objections still stood.
  26. Lynn Lister, Thea Thomas, East Cowes Town Council & Tracy Reardon have responded to say that their representations remain.
  27. On the last day of the consultation period, Mr Priddle made representations (Appendix 8), stating that as the tenant of the residential property above, that he and his family experience noise nuisance as a result of the poor sound proofing between the premises and states that they are regularly disturbed by the activities of the business.
  28. Mr Priddle was sent the agreed conditions and was advised that his comments had been forwarded to the Environmental Health department requesting that they consider the comments made and provide the Licensing department with their thoughts.
  29. Mr Wootton, Senior Environmental Health Practitioner who originally considered the application provided a response. This can be found at Appendix 3.

#### FINANCIAL/BUDGET IMPLICATIONS

30. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Planning and Regulatory Services, balances income generated from fees.

#### LEGAL IMPLICATIONS

31. The 28-day consultation period ended on 31 January 2023. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.

##### National Guidance

32. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:
33. 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully

operate. The use of wording such as “must”, “shall” and “will” is encouraged.

Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.15 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.

2.16 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 may 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.

- 2.21 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.
- 9.43 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.
- 9.44 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. While 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.
- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are

valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application

#### Implications under the Crime and Disorder Act 1998

34. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

#### Human Rights

35. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.
36. There are three convention rights, which need to be considered in this context:

#### Article 6 - Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's licensing system compliant with the convention rights.

#### Article 8 - Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence. In the case of article 8 there shall be no interference by a public authority with the exercise of this right except as such in accordance with the law and is necessary on a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder and crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

#### Article 1 - First Protocol Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties”.

37. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council’s legitimate aim.
38. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2019 – 2024 have a bearing upon the application. Members’ attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	All
Paragraph 2	Licensing Objectives	2.3 – 2.6
Paragraph 3	Licensable Activities	3.1
Paragraph 4	Integration of Strategies and Other Legislation	All
Paragraph 5	Approach to Licensing Applications	All
Paragraph 6	Major Events and the Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Reviews, and Appeals	8.1 – 8.6 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 – 10.4, 10.7, 10.9, 10.12, 10.26

## EQUALITY AND DIVERSITY

39. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity

legislation – race, disability, gender, age, sexual orientation and religion/belief. (NB: this list is not exhaustive, it does cover current legislation but future development could also include poverty and social inclusion as an example).

40. There is no requirement for an equality impact assessment to be carried out.

### OPTIONS

- Option 1: Grant the licence as per the application.
- Option 2: Grant the licence as per the application with any modifications to the proposed hours and/or additional conditions that the Sub-Committee deem reasonable and proportional to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

### RISK MANAGEMENT

41. With regard to Option 1: To grant the licence as per the application may not adequately address the concerns raised by the objectors if the Sub-Committee deem these to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.
42. With regard to Option 2: The concerns raised could be reduced by attaching conditions to the licence to promote the licensing objectives. Conditions must be appropriate and proportionate. Any decision to attach additional conditions may be appealed by all parties if they believe the conditions do not adequately promote the licensing objectives.
43. With regard to Option 3: If the Sub-Committee decides to refuse all or part of the application, the decision may be appealed by all parties.

### EVALUATION

44. Section 9.38 of the national guidance states:  
*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.*
45. Concerns have been raised that this is a residential area and the grant of a licence will lead to noise issues. The premises are located at the commercial end of Clarence Road and is surrounded by other commercial premises including another licensed café and a private members club.
46. The applicant has confirmed that there are no plans to change the premises from a café stating “we would like to reiterate what we are proposing and applying for is the ability to serve alcohol in the café during the daytime. We

have only requested to be able to do this until the latest of 4pm daily on our license. Our landlords also set strict rules on not allowing us to open in the evenings apart from twice a month if we had their permission, however we are not applying for our licence to cover this therefore in these instances there would be no alcohol served so these concerns would also be irrelevant. Whilst we appreciate the objector has these concerns, we are not sure where the idea of a wine bar/ale house has come from, it is purely unfounded claims.”

47. Mr Jones has confirmed that no alcohol would be permitted outside and that as a café he'd like to offer customers a glass of wine with their lunch. The nature of the premises is such that customers do not frequent the premises for long periods of time unlike a social club or pub. Generally, customers will order and consume their food and drink and then leave. There is no congregating outside, and therefore the risk of noise nuisance or children being subjected to witnessing anti social behaviour are not considered to be a likely consequence of the granting of a licence.
48. Another objector states that it is their view that to serve alcohol where young children are present in such a confined space is unreasonable & unsafe. There are three other licensed cafes in East Cowes one located only metres away along with a number of family friendly pubs. In addition, many national chain family restaurants hold alcohol licences.
49. Responsible authorities have raised no objections to the application. In relation to the fire safety concerns, Mr Jones has provided a copy of his Fire Safety Risk Assessment which is a 23-page document professionally drawn up by Wight Fire & Security in November 2022.
50. Proportionate conditions have been agreed between the applicant and the police and if the licence is granted then these conditions will be attached.
51. Environmental Health have now considered the application twice having initially viewed the application and returning a 'no adverse comment' response. On receipt of Mr Priddle's representation they were asked to consider the application again in light of the specific concerns raised. The officer's views can be found at Appendix 3 but their position remains that they do not object to the granting of any licence for alcohol sales on the grounds of the prevention of public nuisance.
52. The sub-committee must have regard to all of the representations made and the evidence it hears as well as the national guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
53. The Committee should determine the application in accordance with section 18 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - The Prevention of Public Nuisance
  - Public Safety
  - The Protection of Children from Harm



## RECOMMENDATION

54. Option 1: Grant the licence as per the application.

### APPENDICES ATTACHED

Appendix 1 Application for a premises licence under section 17 of the Licensing Act 2003

Appendix 2 Agreed Police conditions

Appendix 3 Comments from the Environmental Health department

Appendix 4 Representation from Lynn Lister

Appendix 5 Representation from Thea Thomas

Appendix 6 Representation from East Cowes Town Council

Appendix 7 Representation from Tracy Reardon

Appendix 8 Representation from David Priddle

### BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2019 – 2024.  
<https://www.iow.gov.uk/azservices/documents/1226-Approved-Licensing-policy-2019-24.pdf>

Contact Point: Andrea Bull, Senior Licensing Officer, ☎ 01983 823159  
e-mail [Andrea.bull@iow.gov.uk](mailto:Andrea.bull@iow.gov.uk)

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**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 Conny's LTD

*(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 <b>Betty's Door 5 Clarence Road</b>			
<b>Post town</b>	East Cowes	<b>Postcode</b>	Po32 6ep
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		<b>£2,900</b>	

**Part 2 - Applicant details**

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

**Please tick as**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | 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 (by ticking yes to one box below):

- 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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**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)	
<b>Surname</b>				<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over			<input type="checkbox"/>	Please tick yes
<b>Nationality</b>						
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)						
Current residential address if different from premises address						
Post town					Postcode	
<b>Daytime contact telephone number</b>						
<b>E-mail address (optional)</b>						

**(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 Conny's LTD
Address 5Clarence Road East cowes Isle of Wight Po32 6ep
Registered number (where applicable) 14306288

Description of applicant (for example, partnership, company, unincorporated association etc.)  
Company

Telephone number (if any)

E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period,  
when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)  
Coffee house, serving fresh coffee, fresh food, cakes, pastries, light lunches and private  
events with a closing time of 9pm during the non-standard timings specified

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
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 6)		
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			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 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)	
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 6)	
Sat				
Sun				

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			<b><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></b> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
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 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11.00	16.00	<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 6)  Christmas Eve 11am- 20.30pm Cowes Week 11am-20.30pm New Years eve 11am-20.30pm		
Tue	11.00	16.00			
Wed	11.00	16.00			
Thur	11.00	16.00			
Fri	11.00	16.00			
Sat	11.00	16.00			
Sun	11.00	16.00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Aiden Jones
<b>Date of birth</b> [REDACTED]
<b>Address</b> [REDACTED]
<b>Postcode</b> [REDACTED]
<b>Personal licence number (if known)</b> [REDACTED]
<b>Issuing licensing authority (if known)</b> IOW Council

**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 9).

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><b>State any seasonal variations</b> (please read guidance note 5) Christmas eve New years eve Cowes Week</p>
Day	Start	Finish	
Mon	7.30	16.30	<p><b>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</b> (please read guidance note 6)  Christmas Eve 11am- 21.00pm Cowes Week 11am-21.00pm New Years eve 11am-21.00pm</p>
Tue	7.30	16.30	
Wed	7.30	16.30	
Thur	7.30	16.30	
Fri	7.30	16.30	
Sat	7.30	16.30	
Sun	7.30	16.30	

## 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 10)**

--

**b) The prevention of crime and disorder**

No alcohol to be served to someone deemed to be to intoxicated Any incidents will be recorded All staff to be fully trained within the sale of alcohol Any issues will be recorded
---

**c) Public safety**

Any issues will be recorded Report and incidents if necessary No alcohol to be served to customers deemed intoxicated
---

**d) The prevention of public nuisance**

Anyone deemed to intoxicated will be refused service All staff will be trained in the sale of alcohol Any incidents will be recorded No alcohol to be removed from the premises
--

**e) The protection of children from harm**

Challenge 25 will be in place Staff training on the sale of alcohol to under age Log book for anyone asked for ID Any under 16s to be accompanied by an adult
--

**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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

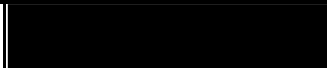
**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to</p>
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	work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	29/11/2022
Capacity	Director

**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 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	29/11/22
Capacity	Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Legal Requirement**

The Isle of Wight Council is the data controller for the personal information you provide on this form. The council's Data Protection Officer can be contacted at [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk). You can contact the council by phone on 01983 821000, or by writing to us at County Hall, High Street, Newport, IW PO30 1UD.

Your information will be used to allow the Council to process your application. In accordance with Data Protection law, the legal basis for this is for the performance of a task carried out in exercise of official authority. Your information will be shared with other council departments relevant external bodies for the purposes of processing your application.

We will keep your personal data for 6 years or as long as we are required to do so under relevant legislation or in accordance with our operational requirements. You can view our retention schedule on our website [www.iwight.com](http://www.iwight.com).

For further details on how your information is used; how we maintain the security of your information; and your rights, including how to access information we hold on you, and how to complain if you have any concerns about how your personal details are processed, please visit [www.iwight.com](http://www.iwight.com) or email [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk)

**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. In terms of specific regulated entertainments please note that:

Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.

Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

Live music: no licence permission is required for:

- o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for:

- o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises

from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. 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.
  8. 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'.
  9. 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.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Documents which demonstrate entitlement to work in the UK**

An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National



Insurance number and their name issued by a Government agency or a previous employer.

A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
  - (i) working e.g. employment contract, wage slips, letter from the employer,
  - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**


As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.


To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

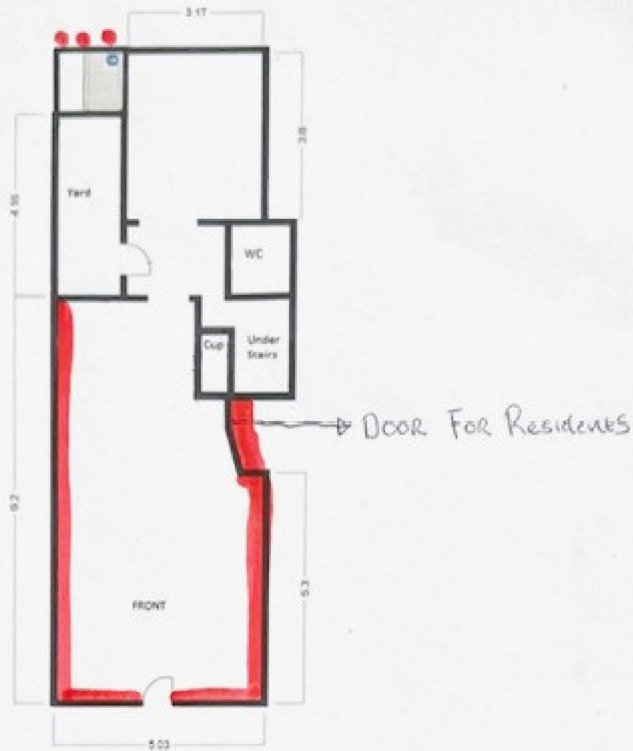
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.


An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.



 BAR SERVICE AREA

 FIRE EXTINGUISHERS



 Door For Residents in an emergency

FRONT - CUSTOMER USE ONLY

 - FIRE EXIT IN CASE OF EMERGENCY

Agreed Police Conditions

1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.
2. A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.
3. A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and 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 unless exemptions apply within the Licensing Act 2003.
4. A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.

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To Andrea Bull, Senior Licensing Officer  
From Mark Wootton, Senior EHP  
Date 6 February 2023  
Subject Licensing Act 2003 ("The Act")  
Application for a Grant of Premises Licence

# Memo

**Bettys Door, 5 Clarence Road, East Cowes, Isle of Wight PO32 6EP**

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

## Background

The applicant seeks consent for the sale of alcohol between the hours of 11am and 4pm seven days a week, with extensions until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The premises will be open to the public until 4.30pm daily and until 9pm during the proposed seasonal variations. It is noted that no licence is sought in respect of any regulated entertainment.

Environmental Health initially submitted a 'no adverse comment' but welcome the opportunity to have reviewed the situation further following the receipt of objections. I understand that residential premises are joined to the applicant's premises.

I have reviewed the property file for the café and note that we have not received any complaints relating to noise and/or odour from the café. After discussion with an objector, I understand that neighbours are adversely affected by both noise and odour from the existing use and have been since it commenced however, I must stress that environmental health have not initiated any nuisance investigation or witnessed any of the alleged problems. Discussions suggest that there may be poor sound insulation between the café and flat above.

In such cases it would be normal to have an element of noise transfer between the two uses and there are many instances where commercial food establishments coexist with residential premises above without unreasonable noise or odour disturbance. It should also be borne in mind that any absence of proper sound insulation between properties is a matter for the landlord to address and improvements to sound insulation cannot be required through the statutory nuisance regime (ref: R (on the application of Vella) v Lambeth London Borough Council, 14 November 2005 (High Court)). Furthermore, under noise nuisance legislation, given the commercial nature of the café, a legal defence against any formal nuisance action of 'best practicable means' might be available.

## Application

Environmental Health do not consider that the licensable activities, if granted, would have an unreasonable effect on the licensing objective of the prevention of public nuisance. The supply of alcohol until 4pm daily is unlikely to have any public nuisance impact over and above any noise currently associated with the use. Evening alcohol sales will be limited to approximately 11 occasions a year and will cease at 8.30pm. Any existing noise and odour problems can be investigated separately in relation to statutory nuisance under the Environmental Protection Act 1990.

Taking all of the above into consideration and having regard to the Licensing Authority's guidance issued to applicants and its *Statement of Licensing Policy 2019- 2024*, environmental health maintains their position and does not object to the granting of any licence for alcohol sales on the grounds of the prevention of public nuisance.

Many thanks for consulting this section.

Mark Wootton - Senior Environmental Health Practitioner

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### **Representation from Lynn Lister**

Comment:05/01/2023 8:31 PM I object to the application of an alcohol licence for Betty's Door. ~~When this property was up for rent recently it was stated that no hot food could be provided. However, hot food is regularly served on the premises. I think that this indicates a willingness to 'do one's own thing' on the part of the proprietors.~~

~~As a resident of Clarence Road we regularly have to tolerate shouting and unreasonable behaviour often till after 1:30am by people frequenting the premises that already have alcohol licences on this part of the road, due to the Conservative Club being just a few doors down and having no outside space at the back. The premises are small, often there are young children in there and I consider serving alcohol where young children are present in such a confined space to be unreasonable & unsafe. There is a risk of more public nuisance along this stretch of the road & I would maintain that the residents of this part of the road have a right to keep the little peace they do have.~~

### **Correspondence to Lynn Lister 25 January 2023**

Good morning Lynn

Thank you for your comments in relation to the premises licence application for Betty's Door. I have included below some further information that may alleviate the concerns that you have raised, specifically conditions that the applicant has agreed with the police licensing department and some information from the applicant which may help.

I would ask that you consider this information and advise asap whether or not your concerns have been addressed and whether or not your representation still stands.

It is important to note that only comments that you have made in respect of the four licensing objectives are considered relevant to this application. If this matter proceeds to a hearing of the Licensing Sub Committee then only comments in relation to the objectives will be considered as part of the decision making process and you will not be able to comment on any other issue you have raised including use of the building as this is a planning consideration. The four licensing objectives are:

The prevention of public nuisance

Public Safety

The protection of children from harm

The prevention of crime and disorder.

#### **Conditions agreed between the applicant and the police**

1. *All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of*

*service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.*

- 2. A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.*
- 3. A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and 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 unless exemptions apply within the Licensing Act 2003.*
- 4. A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

The application requests that the sale of alcohol be authorised for supply between the hours of 11am and 4pm only with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The Environmental Health department have returned a response of "no adverse comment."

#### **Applicant's comments to your representation**

***As part of this objection, they have stated 'that no hot food can be served'. This statement is very wide of the mark and untrue. Our landlords wrote up our lease and it clearly states that we can serve hot food. I have attached a copy for your reference. The only stipulation around serving food when signing our lease, was for there to be no gas used on the premises which we were more than happy to oblige to. Another stipulation of our lease, was to only be open during the day time until 6pm which we follow and respect. With this in mind, I am unsure that the comments in regards to anti-social behaviour and noise level late at night on Clarence Road and around The Conservative Club are really relevant to Betty's Door. We have carefully considered the effects of being a licenced venue, and we would not allow the serving of alcohol to be detrimental to the image we have planned and worked hard to be. We are also sure that what we will be offering will not cause or contribute to this type of negative behaviour. If granted, the licence will be used to enable us to serve a***

***glass of prosecco with an afternoon tea, or a glass of wine whilst friends catch up over a slice of cake.***

***Whilst we are considered a small café, we don't think the size of a premise and having the ability to serve alcohol whilst children may be present makes for an unsafe environment. Not to mention other local eateries such as Prego and Seabreeze who are also able to serve alcohol and welcome families too. Our clientele tend to currently visit for around 30-60 minutes and whilst having the ability to serve alcohol may prolong this slightly, we do understand the concern some may have and would like to reassure that we have always planned to be extra vigilant to ensure consumption of alcohol is kept to a reasonable amount.***

I would ask that you consider the information above and advise me asap if this is sufficient to alleviate your concerns or if your representation still stands. If so I will arrange a meeting of the Licensing Sub Committee. You will be notified in due course of the date and time of the meeting. Whilst it is not mandatory for you to attend and speak, it is generally expected that you will do so if you do not consider the measures that have been recommended and agreed between the applicant and the responsible authorities, (which in turn will become conditions of the licence if granted), sufficient to uphold the four licensing objectives.

Please also be advised that if this matter does proceed to committee meeting the recommendation will be to grant the licence subject to the conditions that have already been agreed.

I look forward to hearing from you.

Kind regards

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

Isle of Wight Council | County Hall | Newport | Isle of Wight PO30 1UD

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### Representation from Thea Thomas

~~The row of six terraced shops with accommodation were build by Queen Victoria to house the horse guard Officers. Along with the town hall, they are the centre piece to the East Cowes town centre conservation area. I purchased this property, adjacent to Betty's Door, that was in need of complete renovation to restore it to it's original condition. As a listed building, it was necessary to replace many of the windows to the exact replication of the originals. Without the benefit of double glazing, excessive noise can be very intrusive. Although welcoming new business's into the area, the perceived expansion of a coffee shop into a licensed premises, with the associated increase in noise and possible disturbances, seems inappropriate to what is primarily a residential area. These are ideal large family orientated terraced properties.~~

~~Allowing an establishment to hold an alcohol licence in this conservation area is surely detrimental to the ethos of maintaining a historic part of the town in it's traditional value. On these grounds, I object to this application.~~

### Correspondence to Thea Thomas 25 January 2023

Good morning Thea

Thank you for your comments in relation to the premises licence application for Betty's Door. I have included below some further information that may alleviate the concerns that you have raised, specifically conditions that the applicant has agreed with the police licensing department and some information from the applicant which may help.

I would ask that you consider this information and advise asap whether or not your concerns have been addressed and whether or not your representation still stands.

It is important to note that only comments that you have made in respect of the four licensing objectives are considered relevant to this application. If this matter proceeds to a hearing of the Licensing Sub Committee then only comments in relation to the objectives will be considered as part of the decision making process and you will not be able to comment on any other issue you have raised including use of the building as this is a planning consideration. The four licensing objectives are:

The prevention of public nuisance

Public Safety

The protection of children from harm

The prevention of crime and disorder.

#### Conditions agreed between the applicant and the police

- 1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.*

2. *A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.*
  
3. *A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and 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 unless exemptions apply within the Licensing Act 2003.*
  
4. *A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

The application requests that the sale of alcohol be authorised for supply between the hours of 11am and 4pm only with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The Environmental Health department have returned a response of "no adverse comment."

#### **Applicant's comments to your representation**

***I would argue that this end of Clarence Road where Betty's Door is situated, whilst mixed, is more of a commercial area than residential. We are in the heart of the town with multiple businesses already in operation including a hairdresser's, a homeware store, pet shop, an estate agents, a chip shop, a Conservative Club (which has late night opening hours, music licence and alcohol licence), the Liberal club which regularly gets used by the local Mayor and a café with outdoor seating. Furthermore, just opposite and on the same end of Clarence Road, there is another café which also has an alcohol licence with no seen issues around behaviour and noise. As already noted, we are only able to trade until 6pm, and with no live music licence and the ability to accommodate 28 covers at one time, I can't see that our noise level will increase any more than it currently is, which is of very minimal if any disturbance. I would argue there is more sound coming from passing traffic with the multiple trucks and lorries coming and going from nearby GKN premises. With the vast history of the town, we appreciate the concerns of allowing an establishment to hold an alcohol licence but alcohol has been a part of society for thousands of years, with a pub just down the same road dating back to Queen Victoria's reign.***

I would ask that you consider the information above and advise me asap if this is sufficient to alleviate your concerns or if your representation still stands. If so I will arrange a meeting of the Licensing Sub Committee. You will be notified in due course of the date and time of the meeting. Whilst it is not mandatory for you to attend and speak, it is generally expected that you will do so if you do not consider the measures that have been recommended and agreed between the applicant and the responsible authorities, (which in turn will become conditions of the licence if granted), sufficient to uphold the four licensing objectives.

Please also be advised that if this matter does proceed to committee meeting the recommendation will be to grant the licence subject to the conditions that have already been agreed.

I look forward to hearing from you.

Kind regards

Andrea Bull | Senior Licensing Officer | Planning and Regulatory Services |  
Isle of Wight Council | County Hall | Newport | Isle of Wight PO30 1UD

**Response from Thea Thomas received 25 January 2023**

Dear Andrea,

Thank you for getting in touch with me.

I am surprised that no consideration is taken into account of the "heritage" aspect of this listed section of the road. I was led to understand from the planning officer that there would be restrictions on the type of business allowed to take place in these listed shops.

In response to the comments from the Applicant below, I have this to say in response.

1. With the number of business's mentioned that already have alcohol licenses in close proximity to my property, one more can only increase the amount of noise and disturbance. Due to the listed status of these building, I was unable to install double glazing, which would have reduced the noise exterior noise level.
2. Although the hours of serving alcohol is at present restricted, there is a probability of extensions being requested and probably approved.

On this basis, and other comments that I have previously submitted, I do still object.

Yours sincerely,

Thea Thomas.

*Quote: "I would argue there is more sound coming from passing traffic with the multiple trucks and lorries coming and going from nearby GKN premises"*

On what evidence is this claim submitted? Traffic to GKN premises does not come down Clarence road, it proceeds down York Avenue to the entrance of GKN, close to the floating bridge. I am unaware of much traffic of any sort coming down Clarence road.

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### **Representation from East Cowes Town Council**

East Cowes Town Council objects to this application to extend opening hours and serve alcohol due to the likelihood of noise and nuisance by patrons gathering on the pavement outside the premises affecting local residents including children. The plan submitted with the application appears to be inaccurate and does not indicate fire exits.

### **Correspondence to East Cowes Town Council 25 January 2023**

Good morning

Thank you for your comments in relation to the premises licence application for Betty's Door. I have included below some further information that may alleviate the concerns that you have raised, specifically conditions that the applicant has agreed with the police licensing department and some information from the applicant which may help.

I would ask that you consider this information and advise asap whether or not your concerns have been addressed and whether or not your representation still stands.

It is important to note that only comments that you have made in respect of the four licensing objectives are considered relevant to this application. If this matter proceeds to a hearing of the Licensing Sub Committee then only comments in relation to the objectives will be considered as part of the decision making process and you will not be able to comment on any other issue you have raised including use of the building as this is a planning consideration. The four licensing objectives are:

The prevention of public nuisance

Public Safety

The protection of children from harm

The prevention of crime and disorder.

#### **Conditions agreed between the applicant and the police**

- 1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.*

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4. *A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

The application requests that the sale of alcohol be authorised for supply between the hours of 11am and 4pm only with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The Environmental Health department have returned a response of "no adverse comment."

#### **Applicant's comments to your representation.**

***We do not currently have outdoor seating, and will not be offering drinks to take away, nor will we allow any drinks to be taken outside the premises. We also have no current plans to extend our opening hours past the current closing time of 3:30pm. Aside from this, we are governed by our lease conditions to trade no later than 6pm. With all of this in mind, we have no concerns over there being any additional noise or nuisance from patrons gathering outside the premises. We have already had false claims submitted to the building regulations team and even the fire service all of which were happy with the outcome of their investigations. This has even extended to our landlords also having to prove they are following correct rules and processes. Betty's Door has attracted clientele from across the island, as evidenced from the various comments on social media and verbally inside the café. This alcohol licence would allow us to offer something else to the current selection of East Cowes eateries, with prosecco afternoon teas and a glass of wine with a slice of cake and a good book from our bookshelf. It would also hopefully increase the footfall from residents across the Island visiting other businesses in the area at a time when our high streets are at risk of dying out so it is very disappointing to have the East Cowes Town Council object, especially when there are other alcohol licenced venues in close proximity.***

***East Cowes town hall hosts regular events in the day as well as the evening, this includes weddings and parties where alcohol is provided and live entertainment. The town hall is situated in the heart of our Victorian town. I***

**would argue the case that these events would have a much larger knock on effect with regards to noise and drinking especially as this is at the back of the flats above Bettys door. To criticise and object against us when they offer the same kind of thing but in the evenings as well is hypocritical. These events also play chaos to the unsafe parking outside with cars regularly piled outside and blocking the pavements for the public.**

**Finally with regards to East Cowes town councils concerns regarding the fire exits I feel that surely comes down to licensing and the respected fire safety officers to make this decision rather than the town council.**

**I have held a personal licence, DPS statuses for many pubs for over 10 years. For many years I have built a strong reputation with the East Cowes community. I have been the landlord at the Victoria Tavern for 3 and a half years which had a very poor reputation with residents. This trust has been rebuilt and we have a strong relationship with them with no issues with noise. So, find it hard to believe that we would have an issue with our café in the same street having problems with any of this during the day.**

I would ask that you consider the information above and advise me asap if this is sufficient to alleviate your concerns or if your representation still stands. If so I will arrange a meeting of the Licensing Sub Committee. You will be notified in due course of the date and time of the meeting. Whilst it is not mandatory for you to attend and speak, it is generally expected that you will do so if you do not consider the measures that have been recommended and agreed between the applicant and the responsible authorities, (which in turn will become conditions of the licence if granted), sufficient to uphold the four licensing objectives.

Please also be advised that if this matter does proceed to committee meeting the recommendation will be to grant the licence subject to the conditions that have already been agreed.

I look forward to hearing from you.

Kind regards

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

Isle of Wight Council | County Hall | Newport | Isle of Wight PO30 1UD

**Response from East Cowes Town Council 27 January 2023**

Dear Andrea,

Thank you for your email. I have contacted our Planning Committee councillors.

As some concerns remain Cllr Palin will be speaking at the Licensing Sub Committee.

Please advise me when and where this will take place.

Kind regards,

Claire

Assistant Clerk

East Cowes Town Council

### Representation from Tracy Reardon

Although unable to vote on this application due to having a pecuniary interest I wish to read you my comments that I will be submitting to the planning portal as the next-door neighbour and not as a town councillor or the Mayor of East Cowes.

As the secretary of the ECBA and owner of the 2 longest running shops in the area I have always championed new businesses, but I have to say that I have huge concerns about this application for numerous reasons that I believe will not promote the licensing objectives.

Although the application limits the sale of alcohol during daytime hours If it is granted it will open the opportunity for later hours extensions or a wine bar/Ale house which is totally unacceptable with the residential property above and surrounding it, this could be detrimental to the area in the future and therefore I feel that I have no option other than to object on these grounds.

#### The prevention of crime and disorder

Any alcohol license that extends past school hours where patrons may congregate outside on the pavement could cause crime and disorder, many children walk past on the way home from school that could be susceptible to foul language, smoke and disorderly behaviour.

#### Public safety

Obstruction of the pavement in an area that is heavily populated by elderly mobility scooter users could cause safety issues along with those visually impaired or mothers with buggies.

#### The prevention of public nuisance

~~I have been privileged to live and work in this historic grade II listed parade of shops and residences for over 40 years, we are sandwiched between 2 members social clubs already which at some periods can be noisy due to the restrictions that the listing comes with.~~

Victorian/Georgian sash windows of nearly 200 years do not shut out the noise from below which as we all know becomes even louder when patrons have consumed alcohol, this could potentially cause an unwanted noise nuisance in a residential area.

#### The protection of children from harm

Historically these 4 properties have been privately owned by shop owners living above so the protection of families with young children has never risen before, the fact that these listed properties have limited means of soundproofing, food smell extraction and fire risks means that the consumption of alcohol on a commercial basis would bring a safety and health risk to the family above.

#### Protecting and improving public health

~~The shop premises is rented separately from the residence above and has a very small outside space which is not appropriate to provide a smoking area without negative effect to the premises above, this means that patrons wishing to smoke are frequenting the pavement outside.~~

~~This has a negative impact on the surrounding businesses and residences and does not protect or improve public health, it also creates an area which has an adverse visual impact alongside littering implications.~~

I fully support and welcome new businesses within the town but am truly baffled as to why they have chosen to set up a potential restaurant/bar in a grade II listed property that comes with many restrictions when other local premises with more freedom exist.

For the benefit of the existing and future residents and businesses in this location I am duty bound to voice my objections, the concerns I have identified may also impact adversely on the value of the properties in the surrounding area.

### **Correspondence to Tracy Reardon 26 January 2023**

Good morning Tracy

Thank you for your comments in relation to the premises licence application for Betty's Door. I have included below some further information that may alleviate the concerns that you have raised, specifically conditions that the applicant has agreed with the police licensing department and some information from the applicant which may help.

I would ask that you consider this information and advise asap whether or not your concerns have been addressed and whether or not your representation still stands.

It is important to note that only comments that you have made in respect of the four licensing objectives are considered relevant to this application. If this matter proceeds to a hearing of the Licensing Sub Committee then only comments in relation to the objectives will be considered as part of the decision making process and you will not be able to comment on any other issue you have raised including use of the building as this is a planning consideration. The four licensing objectives are:

The prevention of public nuisance  
Public Safety  
The protection of children from harm  
The prevention of crime and disorder.

#### **Conditions agreed between the applicant and the police**

- 1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.*

2. *A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.*
3. *A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and 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 unless exemptions apply within the Licensing Act 2003.*
4. *A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

The application requests that the sale of alcohol be authorised for supply between the hours of 11am and 4pm only with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The Environmental Health department have returned a response of "no adverse comment."

Applicant's comments to your representation

*We have only requested to be able to do this until the latest of 4pm daily on our licence. Our landlords also set strict rules on not allowing us to open in the evenings apart from twice a month if we had their permission, however we are not applying for our licence to cover this therefore in these instances there would be no alcohol served so these concerns would also be irrelevant. Whilst we appreciate the objector has these concerns, we are not sure where the idea of a wine bar/ale house has come from, it is purely unfounded claims and detrimental to our business.*

**The Prevention of crime and disorder**

*As a licensee it is obvious the objections are being put forward from someone who has no idea about how things are done and managed. We are talking about a small café which hosts older clientele daily. This objection is referencing towards more pub like issues than a café. School children walk through the heart of West Cowes high street daily past multiple pubs which could allow them to witness all of these concerns. However, with being a licensee you set your own standards as well as following the law. We will obviously not allow alcohol out the front and its very rare anyone ever smokes. Having the Victoria tavern down the road we have a zero-tolerance policy of no drinks taken out front and request that all customers do not smoke out front of the building. It is very easy to manage, and we will carry on taking the same approach at Bettys Door as we do at the Victoria Tavern.*

**Public safety**

*Alcohol would not be permitted outside so I see this claim as wide of the mark as there would never be any obstruction. Therefore we see this concern as irrelevant to our application.*

### **The Prevention of public Nuisance**

*The prevention of public nuisance largely comes down to the DPS (designated premises supervisor) of the building that controls the sale of alcohol. By carrying out thorough training with our staff, and installing house rules minimising the amount of alcohol served as well as following the rules of the license, it becomes easy to stop any real public nuisance. We are talking about a daytime café serving a glass of wine with lunch not a social club or pub serving spirits and pints in large quantities. The social clubs are evening drinking places which are far more likely to cause noise disruption compared to a café serving during the day when most people are at work and school. The Liberal club is often promoted for parties and private events by the local mayor and councillors which surely causes a lot more disruption than us. Once again, the objection states this licence could 'potentially cause' unwanted noise, but we feel there is no real evidence this would ever be the case as we have already explained our opening hours and no music licence.*

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

*I fail to really see how the serving of alcohol in a Café increases the risk of fire and therefore the relevance to the application in question? But in response, fire risks exist in any type of building not just cafes. The café on the corner serves food in a listed building but do not live above, the hairdressers next door could leave hair straighteners on, the DIY store has many products that are highly flammable. These all carry potential risks. Due to false claims, we have already had the fire brigade out who are more than happy with our fire safety regulations with Wight Fire providing the fire safety display documents and equipment.*

*In regard to the concerns for a licence extending past school hours, there are currently 7 premises in town, and therefore in close proximity to Bettys Door which already are holding an alcohol licence. All these 7 premises have a licence to operate past school hours. As already stated, we are only applying for our licence to operate between the hours of 11am – 3:30pm with a 30-minute min drinking up period taking us to 4pm at the latest.*

### **Protecting and improving public Health**

*We do not currently or intend to provide a smoking area at Bettys Door as insinuated in the objection. As previously mentioned, our customers tend to spend between 30-60 minutes with us currently and we find that customers do not smoke during their visit. If we were to ever notice any customers smoking outside, we would ask that they respect not just the café, but also our neighbours and the general public. The objector, again, is assuming that customers will be visiting to drink for long periods of time and in large quantities and we reiterate this is not the intention of our licence application. This potential negative effect from the risk highlighted would be the same for the café on the corner, the liberal club, the con club, Seabreeze and in fact any type of business on a commercial road. We will never be able to stop smoking in public, but we will always encourage that people wait until they have left the immediate premises.*

*As stated before, we have not once been met with open arms from everyone in the area. We have had constant uphill battles and false claims. Again, this comment is*



*no different with inaccurate claims, we are not a potential restaurant or bar we are a café that wants to offer a glass of wine with lunch. The business opportunity, and subsequently the lease was more than fitting for our business. We fell in love with the building and felt that what we were proposing, was just what East Cowes needed. The response from local customers and businesses has been phenomenal. We get customers travelling from across island in order to dine here and have gathered a good social media following already in the short time we have been trading. It is widely known that the amenities in a town and the quality of these amenities positively add to the value of nearby properties, quite the opposite to what is being suggested.*

*Grade II listed buildings are often used for locations for cafes, bars and restaurants as they are very appealing to potential businesses and their clientele. We are no different. We have followed the rules and restrictions to the book and will remain to do so.*

I would ask that you consider the information above and advise me asap if this is sufficient to alleviate your concerns or if your representation still stands. If so I will arrange a meeting of the Licensing Sub Committee. You will be notified in due course of the date and time of the meeting. Whilst it is not mandatory for you to attend and speak, it is generally expected that you will do so if you do not consider the measures that have been recommended and agreed between the applicant and the responsible authorities, (which in turn will become conditions of the licence if granted), sufficient to uphold the four licensing objectives.

Please also be advised that given that if this matter does proceed to committee meeting the recommendation will be to grant the licence subject to the conditions that have already been agreed.

I look forward to hearing from you.

Kind regards

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

### **Response from Tracy Reardon 30 January 2023**

Dear Andrea

My objection remains, I have pointed out my concerns which I believe will have an impact on my home and businesses including their value and of course the other residents in close proximity.

This is about the protection of listed buildings and the consequences of a license being granted, which could lead to extensions and changes in opening times/ change of use being applied for by whoever may own the lease in the future.

The owners are very aware of the restrictions on these historic properties and should of made any potential tenants very clear of such.

As I have pointed out we very much champion new businesses and a cafe needing no food extraction and without a license is completely acceptable, the fact that there are other licensed premises close by is irrelevant as none of these reside in listed buildings that come with restrictions.

We feel that we have every right to object to something that threatens our home, business and the family way of life that we have enjoyed for 44years.

Kind regards

Tracy Reardon

**Representation from David Priddle**

I would like to object to the possible license at Betty's door cafe, under the grounds of child safety and nuisance.

Myself and my young family are tenants living above the property, in the flat, and have done, under fixed assured shorthold tenancy, for almost three years. Since September/October, when the cafe began works, the noise levels in our property have been very high. When the works finished and the café was opened, we were hopeful that noise transfer had been addressed (or would be addressed by the landlord) however the general operational noise level of the café is measured at between 38 and 76 dba on a daily basis using meters, in my home.

Despite, wishing success to any new business in East Cowes, the property sadly, has inadequate sound insulation throughout, and we are now being forced to look for alternative residential accommodation despite making it our family home for this time. This is due to the high levels of noise, conversation and pre-recorded music throughout the day and into the evenings. Although the landlord has informed us of "tight restrictions" to opening hours, the cafe is however "working" from around 8am until 8pm seven days a week, sometimes later, due to food preparation, cleaning and baking times. This means that there is music playing or loud conversation throughout the day sometimes for around 12 – 13 hours, this music is then louder in the evening when staff are working. This disturbs our mornings and evenings making our child's bed time routine very difficult as the speakers from the cafe can be heard throughout our property, along with all conversation being heard word for word. Alcohol and late licensing will increase this disturbance. Disrupting our two year olds sleep even further, on the nights where they are open late.

We have a door (emergency use) directly from our accommodation into the café (where the noise travels and transfers loudly), when people are talking in the café, or rear kitchen we can already hear everything that they say, and I feel that this would increase or has the potential of increasing with an alcohol license. Added risks are that the door is the only thing separating our two properties and there is no separation in our garden at all. This poses a risk to my two year old son as it stands already, without adding potential alcohol sales to this.

Our landlord has already checked that the building does not pose fire risk, via a voluntary housing inspection, as there is hot food being prepared on the premises, and has agreed that they will, at some point, replace the inadequately fitted fire door to try to improve noise disturbance, but this has not happened after requesting it back in October.

This request was made because of three things:

the cafe opens their rear yard door most of the day, presumably due to lack of ventilation, which makes our property incredibly cold during these winter months. It has recently been hard to heat above the recommendation of 18 degrees, as the cold air comes through the floorboards.

The sound disturbance as already highlighted.

The food preparation smells coming up into our property every day.

We have requested that the landlord look into other options for sound proofing, and to limit the disturbance of this new café, especially for our two year old, but this has not yet been fulfilled. Meaning that we have no option but to attempt to find a new home.

David Priddle

## Correspondence to Mr Priddle on 2 February 2023

Good morning David

Thank you for your comments in relation to the premises licence application for Betty's Door. I have asked the Environmental Health department to consider your comments and to provide me with their view on the issues you have raised. I have also included some further information below which whilst not relevant to the issues you have raised will provide you with the same information that has been provided to the other objectors in this matter.

### Conditions agreed between the applicant and the police

- 1. All staff involved in the sale or supply of alcohol will receive licensing training that includes appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunkenness, the refusal of service due to intoxication and age verification policy. 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 every six months as a minimum and records shall be signed by the staff member, dated and retained. These records shall be made available to Police and Council upon request and shall be kept for at least one year.*
- 2. A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.*
- 3. A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and 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 unless exemptions apply within the Licensing Act 2003.*
- 4. A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

The application requests that the sale of alcohol be authorised for supply between the hours of 11am and 4pm only with extended hours until 8.30pm on Christmas Eve, New Years' Eve and during Cowes Week. The Environmental Health department at this time have returned a response of "no adverse comment." However as stated above I have now gone back to them and asked them for their views on your comments.

A meeting of the Licensing Sub Committee is in the process of being arranged. You will be notified in due course of the date and time of the meeting. Whilst it is not mandatory for you to attend and speak, it is generally expected that you will do so if you do not consider the measures that have been recommended and agreed between the applicant and the responsible authorities, (which in turn will become conditions of the licence if granted), sufficient to uphold the four licensing objectives.

Please also be advised that at this time our recommendation will be to grant the licence subject to the conditions that have already been agreed. However I will wait to hear back from the EH department.

Kind regards

**Andrea Bull** | Senior Licensing Officer | Planning and Regulatory Services |  
Isle of Wight Council | County Hall | Newport | Isle of Wight PO30 1UD

**Response from David Priddle received 2 February 2023**

Many thanks Andrea,

I would certainly appreciate a conversation with EH and am quite happy to provide evidence dating back to October. They can reach me on [REDACTED]

Kind regards

David

Sent from my iPhone

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