

# Agenda

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 13 NOVEMBER 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 Andre, J Bacon and J Jones-Evans
	Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Election of Chairman for the day**

To elect a Chairman for the day, in the absence of the Chairman and Vice Chairman.

2. **Apologies and Changes to 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.

3. **Declarations of Interest**

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

4. **Urgent Business**

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



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5. **Report of the Director of Strategic Director of Community Services**

- (a) Application for a variation to a premises licence under section 34 of the Licensing Act 2003 for Ephesus Pizza Grill, 137 High Street, Newport, Isle of Wight, PO30 1TY (Pages 5 - 56)

CHRISTOPHER POTTER  
Monitoring Officer  
Friday, 3 November 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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## **Committee Report**

Committee	<b>LICENSING SUB COMMITTEE</b>
Date	<b>MONDAY 13 NOVEMBER 2023</b>
Title	<b>TO DETERMINE AN APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 FOR EPHEBUS PIZZA GRILL, 137 HIGH STREET, NEWPORT, ISLE OF WIGHT, PO30 1TY</b>
Report Author	<b>COLIN ROWLAND STRATEGIC DIRECTOR COMMUNITY SERVICES</b>

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### BACKGROUND

1. Under section 34 of the Licensing Act 2003, a premises licence holder may apply to vary a licence to add licensable activities or alter the times for such activities, or to remove conditions, where this cannot be done by way of a minor variation.
2. Any person may make representations in respect of the application and if these are not resolved the licensing authority must hold a hearing to determine the application.
3. An application for the variation of a premises licence was originally submitted to the licensing authority on 10 August 2023, by Mr Ramazan Kanial for Ephesus Pizza Grill, 137 High Street, Newport, Isle of Wight, PO30 1TY.  
Appendix 1
4. A copy of the current licence can be found at Appendix 2.

### CONSULTATION

5. 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.
6. The application for a variation of the premises licence was originally received on 10 August 2023.
7. Consultation commenced, but the applicant failed to advertise the application in the newspaper within the required timescales and it was therefore necessary to restart the consultation period.

8. The second consultation period commenced on 21 September 2023. The application was advertised as required at the premises and in the Isle of Wight Observer on the 30 September 2023. The consultation period ended on 19 October 2023.
9. Specifically, the applicant Mr Ramazan Kanial seeks to extend the hours in which he is permitted to provide late night refreshment on Friday and Saturday evenings and on New Years' Day, by a total of three hours, extending the terminal hour from 01:00 until 04:00 hours.
10. The current licence permits the provision of late night refreshment from 23:00 hours until midnight Sunday to Tuesday and until 01:00 hours Wednesday to Saturday and on New Years' Day.
11. Mr Kanial also requests the removal of conditions 1 & 2 on Annex 2 of the current licence. These conditions relate to the hours in which the public are currently permitted to enter the premises and will no longer be relevant if this application is successful.
12. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children's Services	Representation made
Environmental Health	Representation made
Fire and Rescue Service	No Representation
Trading Standards Service	No Representation
Planning Services	No Representation
Police	Conditions agreed with applicant
NHS	No Representation
Licensing Authority	No Representation
Immigration Enforcement	No Representation

Children's Services

13. An officer from this department has reviewed the application and has commented that there should be a documented policy in place in relation to safeguarding children. They state that they would wish to see a documented policy on how staff will deal with any incidents of young children frequenting the premises alone late at night, or during the early hours, or attending with adults who look to be with children who are of an age that it would be concerning to find them out late at night. The officer states that the policy should train staff to ask questions and to contact the police if there are any safeguarding concerns. A copy of this representation can be found at Appendix 3.

Police

14. Conditions have been recommended by the police and agreed by the applicant. A copy of the agreed conditions can be found at Appendix 4. If the

variation to the licence is granted these conditions will be added to the licence and will be enforceable.

#### Environmental Health Department

15. Officers from the Environmental Health department initially stated that there is the potential for the licensing objective of the prevention of public nuisance to be impacted, and do not consider that any conditions, over and above those recommended by the police would be beneficial. They therefore object to a terminal hour of 04:00 hours and recommend that this be brought forward to 03:00 hours in-line with other premises in the immediate vicinity.
16. The officer considering this application made contact with the applicant via email on 18 September and advised that it is his view that a terminal hour of 03:00 hours is more appropriate and in line with the closing time of other businesses in the vicinity. The officer asked if the applicant was prepared to accept this end time and provided his reasonings.
17. Mr Kanial responded the following day stating that the reason he would like a terminal hour of 04:00 is in order to benefit from the additional trade from people leaving the licensed premises in the area.
18. Mr Kanial also stated that as there is a taxi rank outside his premises, he doesn't believe that his remaining open will add to any further disturbance. Mr Kanial asked if the department would be prepared to accept a 03.30 terminal hour but the officer advised that they would have to agree to disagree. Copies of these communications along with the representation made by the Environmental Health department can be found at Appendix 5.
19. It is normal practise as part of the preparation for a meeting of the Licensing Sub Committee, and during the preparation of a report for the officer to share agreed conditions and recommendations from one responsible authority to another, if there are shared interests.
20. In this instance the police licensing officer was advised that the Environmental Health officer had recommended a 03:00 terminal hour and their reasons for doing so.
21. The police licensing officer expressed some concerns that a 03:00 terminal hour may exacerbate issues of crime and disorder if the premises must close just as two late night venues in very close proximity are closing. He stated that it will potentially be very difficult to manage people exiting Ephesis Pizza Grill who have been served or those waiting to be served whilst others are being turned away because the premises are closing. This could be a cause of friction which could lead to disorder and noise issues. The officer has put his concerns in writing and these comments can be found at Appendix 6.
22. These comments were forwarded to the Environmental Health officer to consider. The officer stated that he could understand the concerns raised but must also consider the objective of the prevention of public nuisance. As a result, he feels that he must now revise his initial recommendation of a 03:00 hour close to 02:00 hours, in order to uphold the prevention of public nuisance

objective, and in order to avoid the scenario posed by police licensing. The officer provided these comments in writing and these can be found at Appendix 7.

### Other Persons

23. Three valid representations were received during the consultation. A copy of the representations can be found at Appendix 8 and relate to the licensing objectives of:
  - Prevention of public nuisance
  - Prevention of crime and disorder
24. Mr Batchelor and Ms McMullen state that they already experience anti-social behaviour in the form of littering, fighting and noise both from people leaving licensed venues and from traffic.
25. Mr Batchelor states that they have witnessed fighting both inside and outside the premises and believe that the granting of the variation will exacerbate the issues they experience further, as later opening times will encourage more intoxicated people and traffic to the area.
26. Having considered the police conditions that the applicant has agreed, they acknowledge that security provisions are due to be put in place but do not believe that this will adequately address their concerns once customers have moved away from the premises.
27. Ms Flynn and Mr Parsons have also raised concerns regarding anti-social behaviour which they state they experience at weekends in the form of shouting, swearing and littering.
28. Ms Flynn and Mr Parsons state that they have had to move to a room at the back of their property due to the disturbance they experience and fear that to extend the operating hours as requested will exacerbate these issues further.

### FINANCIAL/BUDGET IMPLICATIONS

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

### LEGAL IMPLICATIONS

30. The 28 day consultation period ended on 19 October 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

31. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:



32. Each application on its own merits –

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.

33. Public nuisance

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.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for

example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 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.
34. Determining actions that are appropriate for the promotion of the licensing objectives
- 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.

35. Proportionality

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.

36. Hours of trading

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

37. 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

38. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.
39. 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".

40. 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.
41. 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	All
Paragraph 3	Licensable Activities	3.1-3.3
Paragraph 4	Integration of Strategies and Other Legislation	4.1 – 4.8
Paragraph 5	Approach to Licensing Applications	5.1 – 5.4 & 5.6
Paragraph 6	Major Events & Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Review, Appeals & Complaints	8.1 – 8.6, 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 - 10.3, 10.9 – 10.11
Paragraph 11	Data Protection	All
Paragraph 12	Related Documents	All

## EQUALITY AND DIVERSITY

42. 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).
43. There is no requirement for an equality impact assessment to be carried out.

## OPTIONS

- Option 1 Vary the licence as per the application.
- Option 2: Vary the licence as per the application with any additional conditions that the Sub-Committee deem reasonable and proportionate to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

## RISK MANAGEMENT

44. With regard to Option 1: To grant the licence as per the application may not adequately mitigate the risk of a nuisance and disorder being experienced by local residents from customers attending the venue should the Sub-Committee deem this to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.

45. With regard to Option 2: The risk of crime and disorder or nuisance being attributed to the premises 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.
46. 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

47. Paragraph 2.5 of the Isle of Wight Council's Statement of Licensing Policy 2019- 2024 states *"The Licensing Authority recognises that licensable activities are an important part in the cultural life of our community. In regulating activities under this legislation, it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all relevant views will be taken into account when making licensing decisions or determining a course of action."*
48. The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate.
49. Objectors have raised concerns relating to the potential for issues such as anti-social behaviour, littering and noise nuisance to increase if this application is granted.
50. The police conditions that the applicant has agreed, go some way to addressing the issues in terms of managing the behaviour of customers whilst at the premises, and under the supervision of the licence holder.
51. Once away from the premises, the licence holder cannot be held responsible for the behaviour of customers. Paragraph 2.26 of the Revised Guidance issued under Section 182 of the Licensing Act states:  
  
*"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."*
52. Paragraph 2.15 of the Section 182 Guidance states in relation to public nuisance that *"It is therefore important that in considering the promotion of the 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.”*

53. 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.
54. The Committee should determine the application in accordance with section 35 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
55. Members should determine the application in accordance with section 35 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005.

RECOMMENDATION

56. *It is the view of the Licensing department that the application should be granted in accordance with Option 2.*

APPENDICES ATTACHED

- Appendix 1 Application for a variation of a premises licence under section 34 of the Licensing Act 2003
- Appendix 2 Current Premises Licence
- Appendix 3 Representation from Children’s Services
- Appendix 4 Agreed Police Conditions
- Appendix 5 Representation from the Environmental Health Department
- Appendix 6 Further comments from Police Licensing Officer
- Appendix 7 Further comments from Environmental Health Officer
- Appendix 8 Representations from Other Persons

## 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, Licensing Officer,  
☎ 823159 ext 6126 e-mail [Andrea.bull@iow.gov.uk](mailto:Andrea.bull@iow.gov.uk)

COLIN ROWLAND  
Strategic Director Community Services



**Application to vary a premises licence 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** Ramazan Kanial

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number**

22/01463/LAPTRN

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description

Ephesus Pizza Grill  
137 High Street  
Newport

Post town	Isle Of Wight	Postcode	PO30 1TY
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Telephone number at premises (if any)	[REDACTED]
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Non-domestic rateable value of premises	£40,000
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**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]
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E-mail address (optional)	[REDACTED]
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Current postal address if different from premises address	N/A
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Post town	N/A	Postcode	N/A
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**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  
YES

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

The proposed variation are to extend the opening hours of the premises for late night refreshments at Ephesus Pizza Grill.

Sunday to Thursday open from 23:00 hrs until 00:00 hrs

Friday and Saturday open from 23:00 hrs until 04:00 hrs

For non standard timings new years day until 04:00 hrs

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A
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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

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)

X

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

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



F

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

G

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

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	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 3)		
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 4)		
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 5)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish			
Mon	23:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 3) Food and non alcoholic refreshments will be served from the building premises to the public.		
Tue	23:00	00:00			
Wed	23:00	00:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4) N/A		
Thur	23:00	00:00			
Fri	23:00	04:00	<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 5) New years day until 04:00		
Sat	23:00	04:00			
Sun	23:00	00:00			

J

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

K

<p><b>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</b> (please read guidance note 8).</p> <p>N/A</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	15:00	00:00	
Tue	15:00	00:00	
Wed	15:00	00:00	
Thur	15:00	00:00	
Fri	15:00	04:00	<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 5)  New years day until 04:00 hrs
Sat	15:00	04:00	
Sun	15:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove the follow conditions from Annex 2:

1. The public are not permitted to enter the premises before 12:00hrs on any day.
2. The public are not permitted to remain on the premises after 00:30hrs on Sunday to Tuesday or 01:30hrs Wednesday to Saturday or 02:30hrs on New Year's Day.

Please tick as appropriate

- I have enclosed the premises licence YES
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

Security after 01:00 hrs

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

Security after 01:00 hrs

**c) Public safety**

Security after 01:00 hrs

**d) The prevention of public nuisance**

Security after 01:00 hrs

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

Security after 01:00 hrs



Checklist:

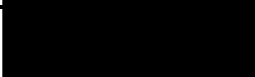
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. YES
- I have sent copies of this application and the plan to responsible authorities and others where applicable. YES
- I understand that I must now advertise my application. YES
- I have enclosed the premises licence or relevant part of it or explanation. YES
- I understand that if I do not comply with the above requirements my application will be rejected. YES

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

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	29/07/2023
Capacity	

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

## Notes for Guidance

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

### **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)

# LICENSING ACT 2003 PREMISES LICENCE



## PART A – Part 1

<b>Ephesus Pizza Grill</b> 137 High Street Newport Isle of Wight PO30 1TY	Licence Ref:	22/01463/LAPTRN
	Valid from:	20 October 2022

<b>Premises Licence Holder</b>	Ramazan Kanial 137 High Street, Newport, Isle of Wight, PO30 1TY
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## PART A – Part 2

### Licensable Activities

Activity	Days of Week	Start	Finish
Late Night Refreshment (Indoors)	Wednesday to Saturday Sunday to Tuesday	23:00 hrs 23:00 hrs	01:00 hrs 00:00 hrs

### Hours premises are open to the public

Days of Week	Open	Close
Wednesday to Saturday Sunday to Tuesday	12:00 hrs 12:00 hrs	01:30 hrs 00:30 hrs

### Non standard timings

New Year's Day until 02:00hrs
-------------------------------

### Registered number of holder, for example company number, charity number

Not Applicable
----------------

### Name of designated premises supervisor where the premises licence authorises the supply of alcohol

This licence does not authorise the supply of alcohol.
--

### Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

This licence does not authorise the supply of alcohol.
--

## **Annex 1**

### **Mandatory Conditions**

**(Where the Premises Licence authorises the exhibition of films)**

1. Admission of children to the exhibition of any film is to be restricted in accordance with Section 20.

**(Where the Premises Licence includes a condition that door supervisors must be used)**

2. All security personnel must be licensed by the Security Industry Authority.



## Annex 2

### Conditions consistent with the operating schedule

1. The public are not permitted to enter the premises before 12:00hrs on any day.
2. The public are not permitted to remain on the premises after 00:30hrs on Sunday to Tuesday or 01:30hrs Wednesday to Saturday or 02:30hrs on New Year's Day.
3. The applicant shall provide litter bins for public use on the premises.
4. The applicant and/or his staff shall regularly check the area to the front of the premises and remove all litter that has been dropped wherever possible.
5. The number of door supervisors to be engaged on any other occasion shall be determined by the licence holder, taking into account such factors as the nature and duration of licensable activities proposed, the number, age and character of persons likely to attend, and any known risks to impact on the promotion of the licensing objectives. The licence holder shall make a written record of the number of door supervisors to be engaged and the factors taken into account by the licence holder. Any such record shall be produced to a police officer or authorised officer of the local authority on reasonable request.
6. All persons employed at the premises shall receive training or instruction to ensure compliance with the Licensing Act 2003. Such training will include the details of the Premises Licence as well as its conditions. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of:-
  - the date the training or instruction was delivered,
  - its content, and
  - the names of the members of staff who received it.The record shall be produced to a police officer or an authorised officer from the local authority on reasonable request.

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WIGHT  
C O U N C I L

## Annex 3

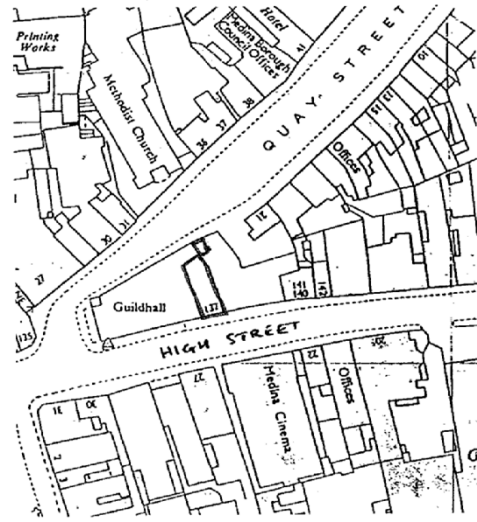
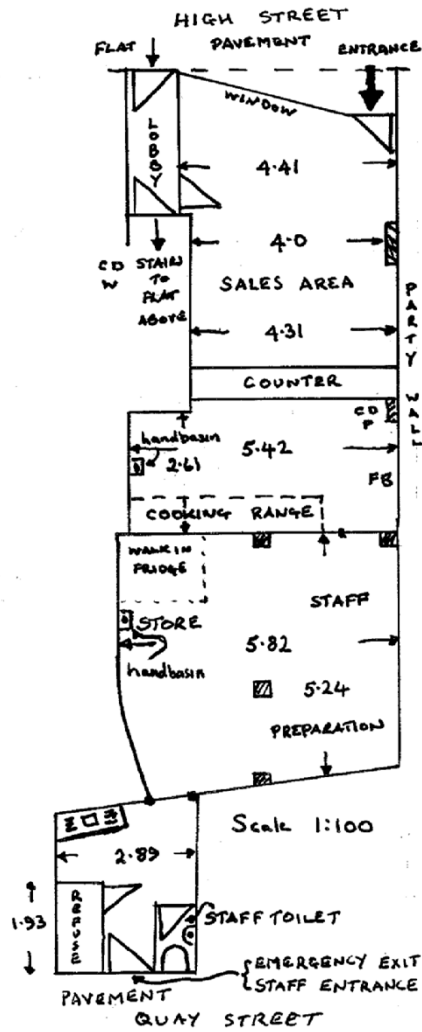
### Conditions attached after a hearing by the licensing authority

1. Clear signage shall be displayed at the front door requesting customers leave in a quiet, orderly manner.
2. A CCTV system shall be maintained to the satisfaction of police and the local authority. The system shall provide coverage of the front door and the area to which the public have access. The system shall be capable of recording images of sufficient resolution from all cameras and the footage shall be retained for a period of at least 14 days and produced to a police officer or responsible officer of the local authority on reasonable request.
3. A scheme detailing an appropriate queuing system, including the timing of using such system, shall be submitted to, and agreed, in writing with the local licensing authority within 21 days of the date of this decision. The scheme shall include the erection of a physical barrier of at least 1000 mm high. Signage must be provided to enable a clear queuing lane for customers waiting to place orders. Where a fixed barrier is provided it must be secure, substantial and strong enough to restrain any person liable to fall against it. Where un-tensioned chains, ropes or other non rigid barriers are used, they must not be capable of being picked up by customers. The scheme to be implemented during licensable activity.
4. An incident book shall be maintained on the premises recording details of any incidents of crime and disorder on the premises as well as the time and date and what action was taken. The book shall be made available to police and local licensing authority on reasonable request.

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# Annex 4 Plans

## 137 HIGH STREET, NEWPORT, ISLE OF WIGHT



### LEGEND

- FB FIRE BLANKET
- CD CARBON DIOXIDE
- P ABC POWDER
- W WATER EXTINGUISHER

**TiMSMART**  
chartered surveyors

39b UNION STREET  
RYDE  
ISLE OF WIGHT  
PO33 2AB

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Representation from Children's Services

Hi Andrea,

I have reviewed the licencing conditions and application however my concern is that neither currently sets out how children will be protected from harm.

In this instance of late night opening I would expect that there should be a policy in place in respect of the safeguarding of children and training for staff in the event either children attending the premises alone to purchase food after a set time or adults who look to be with children who are of an age that it would be concerning to find them out late at night/ early in the morning, that questions are asked and if appropriate the police are contacted due to the safeguarding of children concern.

Kind regards

Anna

**Anna Clarke** |Lead Independent Reviewing and Quality Assurance Officer |  
Safeguarding Unit Children's Services Department, Children and Families Branch  
Isle of Wight Council | County Hall | Floor 3 | High Street | Newport | Isle of Wight  
PO30 1UD

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Ephesus Pizza Grill Agree Police Conditions

1. The public are not permitted to remain on the premises after 00:30hrs on Monday to Friday or 04:30hrs Saturday and Sunday and 04:30hrs on New Year's Day.
2. The applicant shall provide litter bins for public use on the premises.
3. The applicant and/or his staff shall regularly check the area to the front of the premises and remove all litter that has been dropped wherever possible.
4. There shall be a minimum of two (2) SIA qualified door supervisor at the premises from 0100 on Saturday morning and Sunday morning and New year's day. They will be employed till all patrons have left the premises and the area is clear.
5. A log book shall be kept on the premises by the Designated Premises Supervisor, which shall contain the following details:
  1. the door supervisor's name
  2. his/her SIA licence number
  3. the time and date he/she starts and finishes duty
  4. each entry shall be signed by the door supervisor
  5. The log book shall be immediately available for inspection on demand by an authorised officer of the Council, the SIA or the police
6. Where engaged at the premises door supervisors shall take all practicable steps to;
  1. Remove bottles and glass vessels from those queuing for food.
  2. Challenge any drunken or anti-social behaviour by customers.
  3. Maintain order within the queue and encourage customers who have been served to move away from the area.
  4. Encourage customers on leaving to do so in a quiet, orderly manner.
7. SIA registered door supervisors shall wear high visibility jackets at all times whilst on duty.
8. All persons employed at the premises shall receive training or instruction to ensure compliance with the Licensing Act 2003. Such training will include the details of the Premises License as well as its conditions. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of;-
  1. the date the training or instruction was delivered,
  2. its content, and
  3. the names of the members of staff who received it.
    1. The record shall be produced to a police officer or an authorised officer from the local authority on reasonable request.

9. Clear signage shall be displayed at the front door requesting customers leave in a quiet, orderly manner.
10. Unless they are in the queue waiting for service, all reasonable steps will be taken to ensure that customers do not congregate in the street in the immediate vicinity of the premises such as to cause public nuisance at any time.
11. Recordable CCTV will be installed at the premises. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. Digital systems shall provide good quality playback images that give free flowing playback footage. Recorded footage will be retained for a minimum of 28 days and will be made available to the Police and Council immediately upon request when investigating allegations of offences or criminal activity. A trained member of staff will be able to operate the system and download images will be on duty during operating hours. Any images recovered must be on a viewable format disc and playable on a windows based computer system without the need for technical enhancement. It is preferable that the footage is able to be downloaded and uploaded to any links provided.
12. A scheme detailing an appropriate queuing system, including the timing of using such system, shall be submitted to, and agreed, in writing with the local licensing authority within 21 days of the date of this decision. The scheme shall include the erection of a physical barrier of at least 1000 mm high. Signage must be provided to enable a clear queuing lane for customers waiting to place orders. Where a fixed barrier is provided it must be secure, substantial and strong enough to restrain any person liable to fall against it. Where un-tensioned chains, ropes or other non rigid barriers are used, they must not be capable of being picked up by customers. The scheme to be implemented during licensable activity.
13. An incident book shall be maintained on the premises recording details of any incidents of crime and disorder on the premises as well as the time and date and what action was taken. The book shall be made available to police and local licensing authority on reasonable request.

Environmental Health Representation &  
Communications between Environmental Health Officer and Applicant

**From:** Wootton, Mark  
**Sent:** 29 September 2023 12:51  
**To:** Licensing Bull, Andrea <[Andrea.Bull@iow.gov.uk](mailto:Andrea.Bull@iow.gov.uk)>  
**Subject:** RE: IOW - Premises Licence Application - 23/01248/LAPVAR

I refer to the readvertising of the above application. Environmental Health's comments remain as previously advised and are detailed below.

Please let me know if you have any queries.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

**From:** Wootton, Mark  
**Sent:** 20 September 2023 15:37  
**To:** Ramo Kanial  
**Cc:** Bull, Andrea <[Andrea.Bull@iow.gov.uk](mailto:Andrea.Bull@iow.gov.uk)>  
**Subject:** RE: IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

Many thanks Mr Kanial,

Whilst I understand your position, I think we will have to agree to disagree for now. I've copied the Senior Licensing Officer into this email for her reference.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

**From:** Ramo Kanial  
**Sent:** 20 September 2023 15:06  
**To:** Wootton, Mark <[Mark.Wootton@IOW.gov.uk](mailto:Mark.Wootton@IOW.gov.uk)>  
**Subject:** Re: IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

Hi Mark,

As you are aware there is a taxi rank right outside the premises which people use until early hours so i dont feel there would be extra disturbance, with hogs head and other establishments closing at 3am iv applied for the 4am extension so we can serve food and non alcoholic drinks to those wanting them after leaving. We arent really willing to accept 3am close because of the effect this would have on business, we have adhered to all the requirement when making the applicatipon. We are more than willing to put our case to the licensing commitee if needed.

many thanks

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**From:** Wootton, Mark  
**Sent:** 20 September 2023 12:04  
**To:** Ramo Kanial  
**Subject:** RE: IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

Thanks for coming back to me. The reasoning behind our view is that, ultimately, the later the premises is open the later disturbance could occur in the area. We have to be mindful that there are residential properties in the area (although we do accept it is a mixed use area) and we think that 3am provides a reasonable balance given the circumstances. I understand that this is a decision that will go to Licensing Committee so you would have the opportunity to put your case forward there, either for 3.30am or 4am.

Please let me know if you're willing to accept 3am though.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

**From:** Ramo Kanial  
**Sent:** 19 September 2023 15:50  
**To:** Wootton, Mark <[Mark.Wootton@IOW.gov.uk](mailto:Mark.Wootton@IOW.gov.uk)>  
**Subject:** Re: IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

Hi Mark,

thank you for the email, can i please ask reasoning as to why you think 3am terminal would be appropriate, is it possible that a 3.30am terminal could be considered please.

many thanks

---

**From:** Wootton, Mark <[Mark.Wootton@IOW.gov.uk](mailto:Mark.Wootton@IOW.gov.uk)>  
**Sent:** 18 September 2023 13:43  
**To:**  
**Subject:** FW: IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

Mr Kanial,

By way of introduction, I am the environmental health statutory consultee that has been considering your application. My full comments to Licensing are shown below but, essentially, we think that a 3am terminal finish is appropriate. I'd be grateful if you would let me know whether you agree to this or not. Happy to discuss as appropriate.

Many thanks,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

**From:** Wootton, Mark

**Sent:** 14 September 2023 15:21

**To:** Licensing ; Bull, Andrea

**Subject:** IOW - Premises Licence Application - 23/01248/LAPVAR - Ephesus Pizza & Grill - 137 High Street Newport Isle Of Wight PO30 1TY

I write following environmental health's initial representation regarding the above application for late night refreshment. Environmental Health understands that currently, the premise is licensed for late night refreshment until Midnight on Sunday to Tuesday and until 1am on Wednesday to Saturday. We further understand the applicant seeks late night refreshment under this application until Midnight on Sundays to Thursday and until 4am on Friday and Saturday nights.

In providing these comments, environmental health has considered the Isle of Wight Councils Statement of Licensing Policy January 2019 – January 2024, in particular sections;

2.5 The Licensing Authority recognises that licensable activities are an important part in the cultural life of our community. In regulating activities under this legislation, it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all relevant views will be taken into account when making licensing decisions or determining a course of action,

4.8 People can cause disturbance when returning to residential areas from later-opening premises elsewhere. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate,

10.9 The Licensing Authority is committed to reducing the adverse impact of licensable activities, whilst not unduly restricting the legitimate desire of licensees to provide such activities,

10.10 Activities involving regulated entertainment or eating or drinking on the premises have the potential to impact adversely on the surrounding area. The impact of noise generated by these activities and customers departing either on foot or in cars can be particularly intrusive at night when ambient noise levels are much lower,

10.11 More strict conditions with regard to noise control will be expected in certain areas of the Island, which have denser residential accommodation or low levels of background noise but this will not justify limiting opening hours without regard to the individual merits of any application.

### Relevant History

Environmental Health have reviewed the complaint history for the premises and there is nothing shown for the current operator. Historically (in 2011) the premises was licensed for Late Night Refreshment until 3am Sunday to Tuesday and 3.30am Wednesday to Saturday. A formal Review of that licence was requested by the Police following reported incidents of disorder and the review resulted in conditions being imposed and the Late Night Refreshment permitted hours being reduced.

Environmental Health also acknowledge that the High Street in the area of the subject premises has had additional residential properties consented since 2011.

### Agreed Police Conditions

We also note that the applicant has agreed conditions with the Police relating to;

- the provision of SIA registered security staff,
- challenging any drunken or anti-social behaviour by customers,
- maintaining order within the queue,
- encouraging customers who have been served to move away from the area,
- encouraging customers on leaving to do so in a quiet, orderly manner,
- displaying clear signage at the front door requesting customers leave in a quiet, orderly manner,
- provision of litter bins and litter collection,
- unless waiting in the queue for service, encouraging all reasonable steps be taken to ensure that customers do not congregate in the street in the immediate vicinity of the premises such as to cause public nuisance at any time,
- an appropriate queuing system, including the timing of use of such system, to be agreed with the Licensing Authority.

### Consideration

Environmental Health acknowledges that this is a town centre, mixed use area where there are several business that operate into the early hours of the morning but where there are also residential properties in the vicinity of the subject premises. Given this mix there is the potential for the licensing objective of the prevention of public nuisance to be impacted, yet this must be considered in the context of the town centre location and that a degree of disruption associated with the night-time economy of a town centre location is to be expected.

We have considered whether the granting of this application would be to the detriment of the licensing objective of the prevention of public nuisance. Whilst not having direct evidence to suggest that this would be the case, the granting of a



licence at the proposed hours may encourage patrons to remain in the vicinity and pass by residential properties to a greater degree and at later times than currently exists. On balance, we therefore consider that the granting of consent, as sought, may be to the detriment of the licensing objective of the prevention of public nuisance. We do not consider any conditions, over and above those recommended by the police would be beneficial. Environmental Health therefore object to a closing hour of 4am and recommend that this be brought forward to 3am, more in-line with other premises in the immediate vicinity.

I will make contact with the applicant shortly to discuss this further and will keep you appraised of developments. Please let me know if you have any queries.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services  
Isle of Wight Council | County Hall | High Street | Newport | Isle of Wight | PO30 1UD  
Email: [mark.wootton@iow.gov.uk](mailto:mark.wootton@iow.gov.uk) Web: [www.iow.gov.uk](http://www.iow.gov.uk)

### **Application Summary**

Application Number: 23/01248/LAPVAR  
Address: 137 High Street Newport Isle Of Wight PO30 1TY  
Proposal: Premises Licence Variation  
Case Officer: Ms Andrea Bull

### **Consultee Details**

Name: Mr Mark Wootton  
Email: Not Available

On Behalf Of: Environmental Health

### **Comments**

Environmental Health wishes to make representations with regard to the licensing objectives of the prevention of public nuisance and public safety. I will provide further information and detail in due course.

Regards,  
Mark Wootton

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**From:** Buchanan, Andrew (22121)  
**Sent:** 24 October 2023 16:22  
**To:** Bull, Andrea <Andrea.Bull@iow.gov.uk>  
**Subject:** RE: Application for a Variation to a Premises Licence, Ephesus Pizza Grill, 137 High Street, Newport, Isle of Wight, PO30 1TY.

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

Hello

My views on a 0300 close.

After discussion with Andrea it has been made aware to me that EH are asking for the extension of hours to be extended to 0300 not 0400.

I feel that from thinking about this this will cause more disorder and nuisance in the area.

Once people are aware it is open later but till only 0300 people may leave earlier from the venues to get in to the location to order food. This will have to be managed by the door staff and could cause problems as what time do you stop people going in and that would vary all on what they may order. What will then happen will be that people in an intoxicated state will see people inside and want to get in which will cause arguments with the door staff trying to stop people getting in. The problem will also arise with people trying to get out and causing upset to others who may not have got food and taunting them with it.

Both these things could cause more disruption outside the venue and could lead to more instances of Disorder including more noise and disturbance.

If people are allowed to get food until 0400 the people going in and out can be better managed by the door staff on duty and could result in reduced noise and reduced disorder. The issue at close will not exist, as anyone going in after 0330 is likely to be staff from the venues so not in drink and as such less chance of causing any disturbance.

From a policing point of view, I feel that closing at 0300 could cause more noise and disturbance with people trying to be served at the closing time and people wanting to get in and having to be stopped by the door staff. This puts the patrons and the staff at risk of incidents happening. Being open until 0400 the patrons can be controlled more and as such encouraged to cause less disturbance.

Being open till 0400 will also put less people going to the one venue that is open till 0500 so causing less disturbance in that area and encouraging them to leave the centre of town via different routes instead of all being in one place.

I feel that the venue staying open till 0400 will be more in keeping with the four objectives and will cause less crime and disorder and less public nuisance.

Andrew

**PC 22121 Andrew BUCHANAN**

Force Licensing & Alcohol Harm Reduction Team

Hampshire and Isle of Wight Constabulary

IOW



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**From:** Wootton, Mark  
**Sent:** 26 October 2023 16:14  
**To:** Bull, Andrea  
**Cc:** Power, Daniel  
**Subject:** RE: Application for a Variation to a Premises Licence, Ephesus Pizza Grill, 137 High Street, Newport, Isle of Wight, PO30 1TY.

Andrea,

Thank you for forwarding the comments/concerns the Police have regarding environmental health's previous recommendation for a 03.00hrs closure time for the premises. Clearly there are competing issues and potential knock-on effects from our previous recommendation. A 04.00hrs closure time does not, however, address our previous concerns relating to the prevention of public nuisance and comes with the risk of disturbance to local residents and a 04.00hrs closure time would potentially allow for a degree of disturbance beyond 04.00hrs in the vicinity.

We have further considered the Isle of Wight Council's LICENSING ACT 2003 SECTION 5 Statement of Licensing Policy January 2019 – January 2024 in particular sections 2.5, 2.6, 4.8, 5.6, 10.9 – 10.15 and 10.19.

In light of the above information, environmental health recommends that the terminal hour be brought forward to either 02.00hrs or 02.30hrs. We believe this may satisfactorily address the concerns of the Police whilst upholding the licensing objective of the prevention of public nuisance.

If you have any queries please note that I am now away until Monday 6<sup>th</sup> November but my colleague, Dan Power, will be able to assist further.

Regards,

**Mark Wootton**, Senior Environmental Health Practitioner  
Community Protection, Isle of Wight Council, County Hall, High Street, Newport,  
Isle of Wight PO30 1UD  
**Tel:** 01983 82100 Ext: 6164  
**Email:** [mark.wootton@iow.gov.uk](mailto:mark.wootton@iow.gov.uk)  
**Web:** [www.iow.gov.uk](http://www.iow.gov.uk)

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Representations from Other Persons re Ephesus Pizza Grill

Objection 1 Donna McMullan

As a High Street neighbour, my family and I would like to state our objection to the approval of any extension of opening hours on the following grounds.

i) We are already subjected to significant antisocial behaviour, littering and noise issues associated with the Hogs Head (which closes at 3am on Sunday mornings) and to a lesser degree, The Slug & Lettuce. Encouraging further pedestrian and vehicular traffic to the area at the weekends will only exacerbate this further. It should be noted that we have already made complaint to Environmental Health in this regard and are now considering further action as there has been no improvement in the situation, despite requests to the respective establishments.

ii) The IOW LA have approved planning applications for the redevelopment of multiple sites in the area for residential use including eleven number units stretching from 144 to 146 High Street. This area is now mostly residential and should be treated accordingly.

Objection 2 Stuart Batchelor

Dear Committee,

**Ephesus Pizza Grill, High Street, Newport**

As a High Street neighbour, my family and I would like to state our objection to the approval of any extension of opening hours on the following grounds.

i) We are already subjected to significant antisocial behaviour, littering and noise issues associated with the Hogs Head (which closes at 3am on Sunday mornings) and to a lesser degree, The Slug & Lettuce. Encouraging further pedestrian and vehicular traffic to the area at the weekends will only exacerbate this further. It should be noted that we have already made complaint to Environmental Health in this regard and are now considering further action as there has been no improvement in the situation, despite requests to the respective establishments. Indeed just this morning we were subjected to a brawl in the street outside of our property which started at 3.15am and continued to around 4.00am. My partner and I have also previously been witness to a fight actually inside of the Ephesus Pizza Grill and are extremely concerned that these occurrences will become more frequent with the increase of intoxicated individuals encouraged to the area for late food. We understand that they are proposing to have security on the door but that will absolutely not prevent associated further disturbances outside of the immediate Ephesus pavement area nor will it prevent the discarding of waste food containers, etc along the High Street. This statement is based on the lack of patron control observed at the Hogs Head site.

ii) With the proposed extended opening hours the area will become a draw for not just local pub and club users, but most likely any persons across the island wanting late night food. This will bring more vehicles to the area complete with their modified 'pop & bang' illegal exhausts causing further night time disturbance.

iii) Over the last few years the Isle of Wight council have approved planning applications for the redevelopment of multiple sites in the area for residential use including eleven number units stretching from 144 to 146 High Street. This area is now mostly residential and should be treated accordingly. Given that the local authority are serious about encouraging the reclaiming of brownfield sites for residential use (rather than eating up more of the countryside), surely any such property owners/occupiers should reasonably expect to be able to live peacefully and comfortably, and with the provision of adequate sleep? It should also be noted that many of the buildings in this area are Grade 2 listed and as such have limited acoustic properties, particularly as double glazed windows are generally not approved by the conservation officer.

With these comments in mind we respectfully request that the Ephesus Pizza Grill extended opening hours application is rejected.

Please advise if you require any further information or comment.

Kind regards,

### Objection 3 Mary Parsons & Stuart Flynn

Sent: 11 October 2023 11:56

To: Licensing

Subject: Re: Ephesus pizza grill, 137 High Street, PO30 1TY.

FAO Andes Bull

The proposal to change the licensing hours of Ephesus grill to 0400hrs on Fridays, Saturdays and New Year days is one we feel will cause major disruption to our lives. The High Street has long had problems with antisocial behaviour during the late hours of weekends with frequent shouting, swearing and littering of food remnants and rubbish, and extending the late opening hours will likely exacerbate those issues.

My wife and I used to sleep in the master bedroom overlooking the High Street but have had to vacate permanently to a smaller rear facing room because of the noise and disruption late at night on the High Street. In the past we have even had vomit on the front steps, broken windows on the ground floor and even blood on the front door.

The High Street is becoming more and more a residential area with shops converted into homes, and as a community should receive priority over the entertainment values of those passing through the town.

Sincerely