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Agenda

Name of meeting	LICENSING SUB COMMITTEE
Date	MONDAY 21 SEPTEMBER 2020
Time	10.00 AM
Venue	MICROSOFT TEAMS MEETING
Members of the committee	Cllrs C Chapman (Chairman), M Beston and J Howe

Democratic Services Officer: Marie Bartlett
democratic.services@iow.gov.uk

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

To confirm as a true record the Minutes of the meeting held on 1 June 2020.

2. **Declarations of Interest**

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

3. **Urgent Business**

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



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4. **Report of the Director of Neighbourhoods** (Pages 7 - 92)

To determine an application for a premises licence under Section 17 of the Licensing Act 2003 for Harbour House, Esplanade, Ryde, Isle of Wight, PO33 1JA

GEOFF WILD
Monitoring Officer
Friday, 11 September 2020

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 – Geoff Wild on (01983) 821000, email geoff.wild@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	MONDAY 1 JUNE 2020 COMMENCING AT 10AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Charles Chapman (Chairman), Michael Beston, John Howe,
Officers Present	Marie Bartlett, Ben Gard, Claire Thomas, Samantha Rogers, Kevin Winchcombe

1. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on 10 January 2020 be confirmed.

2. **Declarations of Interest**

There were no declarations received at this stage.

3. **Report of the Director for Neighbourhoods**

Consideration was given to the report of the Head of Neighbourhoods, providing details of an application for an Adult Gaming Centre Premises Licence for Harbourside Amusement, Peter Pan's Funfair and amusements, Esplanade, Ryde, Isle of Wight, under section 159 of the Gambling Act 2005.

The Sub Committee followed the agreed procedure, which had previously been circulated to all parties prior to the meeting. After hearing each representation, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the Licensing Section, oral and/or written evidence from the applicant, responsible authorities and other persons and having regard to the relevant code of practice under section 24 Gambling Act 2005; the guidance issued under section 25 of the Gambling Act 2005; the licensing objectives; and the Isle of Wight Council's Statement of Licensing Policy the Sub Committee hereby:

Grant the Licence subject to those conditions included within the officer report dated 1 June 2020.

The sub-committee also issued a direction under section 208(2) of the Gambling Act 2005 that the provisions of section 208(1) of the Gambling Act 2005 shall not apply.

Reasons for Decision:

In reaching the decision the Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The Sub Committee considered their decision to be necessary when considering the evidence before them pursuant to section 153 of the Gambling Act 2005.

All parties were advised that they had a right of appeal to the Magistrates Court if they were dissatisfied with the decision, and that any such appeal had to be made within 21 days from the date of notification.

Public Participants:

Debbie Hough Bollard – on behalf of the applicant

Michael Lilley – on behalf of Ryde Town Council

Statements read out from:

Stella Davis – Ryde Society

Maureen Martin - Objector

Informative:

The Sub-Committee have heard the representations of the concerned residents and the Town Council and are surprised that their concern was not shared by the receipt of representations from responsible authorities. The sub-committee encourage those with concern to liaise with the Licensing Authority during any review of their statement of licensing policy so as to properly reflect any geographical areas of concern within future revisions. The sub-committee note that the operator of the premises and any user of the premises will need to fully comply with any restrictions in place in response to the current Coronavirus (Covid-19) Pandemic.

CHAIRMAN



Purpose: For Decision

Committee report

Committee	LICENSING SUB COMMITTEE
Date	21 SEPTEMBER 2020
Title	TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR HARBOUR HOUSE, ESPLANADE, RYDE, ISLE OF WIGHT, PO33 1JA
Report Author	COLIN ROWLAND DIRECTOR OF NEIGHBOURHOODS

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 31 July 2020 for Harbour House, Esplanade, Ryde (Appendix 1).
3. 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.
4. A licence already exists for these premises, which 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 premises licence was received on 31 July 2020. The application was advertised in the Isle of Wight County Press, at the premises and on the Council's website. The consultation period ended on 28 August 2020.

7. 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	No Representation made
Trading Standards Service	No Representation made
Planning Services	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made
Police	Representation made
Environmental Health	Representation made

8. Police have objected to this application and have not proposed any modifications or conditions that would address their concerns. Their representations outline that the nature of the business appears to be changing from a restaurant/bistro to more of an alcohol led bar. This has caused antisocial behaviour and nuisance over the past few months, which resulted in a warning being given that a Community Protection Notice could be issued if matters do not improve. Police therefore believe that to grant a new licence which extends the hours for licensable activities would undermine the licensing objectives. Their full representation can be found at Appendix 3 of this report.
9. Police have subsequently provided additional information regarding complaints received and what officers have witnessed. This can be found at Appendix 4.
10. Environmental Health have raised concerns regarding noise from people and music in the outdoor areas of the premises as well as off-sales of alcohol leading to people congregating and causing nuisance and/or antisocial behaviour in the vicinity of the premises. They therefore suggest that activities are limited to inside only with no off-sales permitted after 23:00hrs and that additional measures are required to manage the noise and the dispersal of customers. Their full representations can be found at Appendix 5.

Other Persons

11. Eight valid representations have been received from other persons (Appendix 6) relating to the licensing objectives:
- Prevention of public nuisance
 - Prevention of crime and disorder
 - Public safety

12. Local residents have raised concerns regarding how the premises currently operate and the potential impact of increased hours of licensable activities. They state that there is already noise from customers and music, disorderly and antisocial behaviour by customers, litter in the area as well as a lack of control by staff and management in ensuring customers maintain social distancing during the current Covid-19 pandemic.

FINANCIAL/BUDGET IMPLICATIONS

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

LEGAL IMPLICATIONS

14. The 28-day consultation period ended on 28 August 2020. 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

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

16. **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.

17. **Crime and Disorder**

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain

areas are properly covered and there is no subsequent dispute over the terms of the condition.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

18. **Public Safety**

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

19. **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.

20. Determining actions that are appropriate for the promotion of the licensing objectives

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.

21. 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.

22. 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.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Implications under the Crime and Disorder Act 1998

23. 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

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

25. There are two 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.

26. 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.

Statement of Licensing Policy

27. 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	All
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, 8.2, 8.4 – 8.7, 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 – 10.21

EQUALITY AND DIVERSITY

28. 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).

29. 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

30. With regard to Option 1: To grant the licence as per the application may not adequately mitigate the risk of compromising the licensing objectives, 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.
31. With regard to Option 2: The risk of crime and disorder or nuisance being attributed to the premises could be reduced by modifying the proposed operating schedule and/or attaching conditions to the licence to promote the licensing objectives. Conditions must be appropriate and proportionate. Any such decision may be appealed by all parties if they believe the modifications do not adequately promote the licensing objectives.
32. 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

33. 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.*
34. These premises currently operate under a licence that authorises Live Music until 21:00hrs as well as Recorded Music and the Sale of Alcohol until 23:00hrs. This application for a new licence proposes the same activities with extensions for Recorded Music, Sale of Alcohol and the inclusion of Late Night Refreshment until 1am Thursday to Saturday along with an extended operating period for New Year's Eve/Day.

35. The steps proposed by the applicant to promote the licensing objectives in this application (Section M of the application form) mirror those conditions of the current licence. These include the use of CCTV, employment of SIA door supervisor staff in accordance with a documented assessment regarding their need, staff training and records kept of incidents and alcohol sales refusals.
36. Additional steps proposed by the applicant are that signage will be displayed requesting customers leave quietly, which will be reinforced by staff through verbal communication and the implementation of a designated driver scheme including drink-driving awareness posters being displayed.
37. Environmental Health and Police have outlined in their representations that they do not believe the measures outlined are sufficient to uphold the licensing objectives in proportion to the proposed activities.
38. Environmental Health suggested in their representations that no off-sales are permitted after 23:00hrs; the applicant has stated in their proposed operating schedule that off-sales cease at 23:00hrs. This would therefore be a condition of the licence if it is granted.
39. The main concerns regarding this application raised by the responsible authorities and local residents are:
 - a. Antisocial behaviour and noise from customers of the premises
 - b. Noise from music
 - c. Litter
40. It should be noted that comments in relation to whether or not a licensed venue is “needed” in an area are not relevant under the Licensing Act 2003 and therefore cannot be taken into account when determining this application.
41. Complaints have been received in recent months regarding how the premises conduct activities currently and enforcement action has been taken by way of a warning issued. The formal process of reviewing the licence has not been instigated during this time; however, it should be noted that authorities will seek to resolve problems using other enforcement tools prior to taking such action.
42. As there is a licence already in existence and no review application has been formally considered in respect of this, there may not be evidence to support refusing to grant the licence entirely.
43. If there are already concerns from residents as well as responsible authorities regarding how the premises are currently operating until 11pm, the sub-committee may therefore be satisfied that granting the licence with the proposed ‘extended’ hours would undermine the licensing objectives. In this instance, they may wish to consider reducing the proposed hours for activities.
44. Environmental Health have suggested that live/recorded music are inside only – the applicant has not indicated their views regarding this proposal.
45. It should be noted that the Live Music Act 2012 outlines various exemptions for providing entertainment and therefore Live/Recorded Music could be

provided inside and outside between 08:00 and 23:00hrs without needing to be specified on the licence. If issues were to arise from such entertainment, a review of the licence could be sought in order to regulate these activities.

46. Environmental Health believe additional measures are required to manage the noise and the dispersal of customers.
47. Local residents have also raised concerns regarding litter.
48. In respect of these matters, the sub-committee will need to consider what a proportionate response to such concerns is; refusing to grant the licence on these grounds would not be appropriate if there are conditions that could be attached to a licence requiring the licence holder to implement measures that should address them.
49. Representations have also referred to the Covid-19 pandemic and the social distancing guidelines from Government that have been in place this year. Responsibilities of business operators in this regard fall under the Health and Safety at Work legislation and in general would not come under the Public Safety objective. Please refer to section 2.7 of the guidance (paragraph 18 of this report) which clarifies that cleanliness, hygiene and health in general are outside the scope of this objective.
50. Information regarding how the business operators have managed the premises during this time however, will be relevant to the sub-committee's decision as this will aid their assessment of the likely outcomes of granting the licence application.
51. 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.
52. 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

53. It is recommended that the licence is granted with modifications to the proposed operating schedule by reducing the hours for activities and attaching additional conditions to address the concerns that have been raised by responsible authorities and other persons in their representations.

APPENDICES ATTACHED

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

Appendix 2 Current Premises Licence for Harbour House

Appendix 3 Representations received from Police

Appendix 4 Additional representations received from Police

Appendix 5 Representations received from Environmental Health

Appendix 6 Representations received 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: Claire Thomas, Licensing Officer

☎ 01983 823159 E-mail claire.thomas@iow.gov.uk

COLIN ROWLAND
Director of Neighbourhoods



Isle of Wight Council

Confirmation of acceptance of terms and conditions	<input checked="" type="checkbox"/> I confirm that I have read and accept the terms and conditions detailed above
Select a Licence fee	GBP £100.00 - Band A licence fee
Selected Licence fee	
Name	Band A licence fee
Text	For premises with no rateable value to £4,300
Price (in pounds)	£100.00

Part 1 - Premises Details

I/We, being the premises licence holder, 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 (Insert name(s) of applicant)

LEIGH HYATT

Building/House Name/Number	THE HARBOUR HOUSE RYDE HARBOUR
Street address	THE ESPLANADE
Town Name	RYDE
County	ISLE OF WIGHT
Postcode	PO33 1JA
If no postal address ordnance survey map reference or description	
Telephone number at premises (if any)	01983 616662
Email Address	
Non-domestic rateable value of premises	2125

Part 2 - Applicant details

Please state whether you are applying for a premises licence as:	a) an individual or individuals
If you are applying as a person described in (a) or (b) please confirm (by ticking one box):	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Individual Applicants

Title	Ms
Forename	Leigh
Surname	Hyatt
Date of birth (dd/mm/yyyy)	■■■■■■■■■■
I am 18 years old or over	Yes
Nationality	■■■■■■■■■■
Is your current residential address different from the premises address?	Yes
Building/House Name/Number	■■■■■■■■■■

Street address	██████████
Town Name	████
County	Isle of Wight
Postcode	██████████
Email Address	████████████████████
Daytime Contact Telephone Number	██████████
Is there a second individual applicant?	<input type="checkbox"/> No

Part 3 - Operating Schedule

When do you want the premises licence to start?	27 Aug 2020
If you wish the licence to be valid only for a limited period, when do you want it to end?	
Please give a general description of the premises (please read guidance note 1)	The Premises comprise of a single storey Restaurant and cocktail bar with outside patio seating located in Ryde Harbour on the Esplanade
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	
Provision of regulated entertainment (please read guidance note 2)	<input type="checkbox"/> a - Plays <input type="checkbox"/> b - Films <input type="checkbox"/> c - Indoor sporting events <input type="checkbox"/> d - Boxing or wrestling entertainment <input checked="" type="checkbox"/> e - Live music <input checked="" type="checkbox"/> f - Recorded music <input type="checkbox"/> g - Performances of dance <input type="checkbox"/> h - anything of a similar description to that falling within (e), (f) or (g)
Provision of late night refreshment	<input type="checkbox"/> Yes
Supply of alcohol	<input type="checkbox"/> Yes

Part 3 - Operating Schedule (cont)

E - Live music

Standard days and timings (please read guidance note 7)

Day	Start time	End time
Monday	1000	2300
Tuesday	1000	2300
Wednesday	1000	2300
Thursday	1000	2300
Friday	1000	2300
Saturday	1000	2300

Sunday	1000	2300	
Will the performance of live music take place indoors,outdoors or both - (please read guidance note 3)			Both
Please give further details here (please read guidance note 4)			amplified and unamplified
State any seasonal variations for the performance of live music (please read guidance note 5)			
Non standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column above, please list (please read guidance note 6)			New Year's Eve from start hour as above to New Year's Day terminal hour

F - Recorded music

Standard days and timings (please read guidance note 7)

Day	Start time	End time
Monday	1000	2300
Tuesday	1000	2300
Wednesday	1000	2300
Thursday	1000	0100
Friday	1000	0100
Saturday	1000	0100
Sunday	1000	2300

Will the playing of recorded music take place indoors,outdoors or both - (please read guidance note 3)			Both
Please give further details here (please read guidance note 4)			amplified and unamplified
State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Non standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column above, please list (please read guidance note 6)			New Year's Eve from start hour as above to New Year's Day terminal hour

I - Late night refreshment

Standard days and timings (please read guidance note 7)

Day	Start time	End time
Thursday	2300	0100
Friday	2300	0100
Saturday	2300	0100

Will the provision of late night refreshment take place indoors,outdoors or both - (please read guidance note 3)			Both
Please give further details here (please read guidance note 4)			
State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Non standard timings. Where you intend			

to use the premises for the provision of late night refreshment at different times from those listed in the column above, please list (please read guidance note 6)

New Year's Eve from start hour as above to New Year's Day terminal hour

J - Supply of alcohol

Standard days and timings (please read guidance note 7)

Day	Start time	End time
Monday	1000	2300
Tuesday	1000	2300
Wednesday	1000	2300
Thursday	1000	0100
Friday	1000	0100
Saturday	1000	0100
Sunday	1000	2300

Will the supply of alcohol be for consumption - (please read guidance note 8)

On and Off the premises

State any seasonal variations for the supply of alcohol (please read guidance note 5)

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column above, please list (please read guidance note 6)

New Year's Eve from start hour as above to New Year's Day terminal hour

Name

Karl Harding

Date of birth (dd/mm/yyyy)

████████

Building/House Name/Number

████████

Street address

████████████████

Town Name

████████

County

Isle of Wight

Postcode

████████

Personal licence number (if known)

18/00346/LAPERS

Issuing licensing authority (if known)

ISLE OF WIGHT

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)(please put none if that is the case)

NIL

L - Hours premises open to the public

Standard days and timings (please read guidance note 7)

Day	Start time	End time
Monday	1000	2330
Tuesday	1000	2330
Wednesday	1000	2330
Thursday	1000	0130

Friday	1000	0130
Saturday	1000	0130
Sunday	1000	2330

State any seasonal variations (please read guidance note 5)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column above, please list (please read guidance note 6)

New Year's Eve from start hour as above to New Year's Day terminal hour

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,e) (please read guidance note 10)

The Applicant is aware of her obligations to uphold the licensing objectives set out in the Licensing Act 2003 and will take the following steps to ensure she upholds those objectives.

b) The prevention of crime and disorder

1. All staff engaged in licensable activities at the premises will receive training on induction and information on the following:
 - The Challenge 25 scheme in operation at the premises including acceptable forms of identification
 - The hours and activities permitted by the premises licence
 - How to complete and maintain the refusals register in operation at the premises
 - Recognising the signs of drunkenness
 - The operating procedure for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase
 - Action to be taken in the event of an emergency, including reporting an incident to the emergency services
2. Training will be recorded in documentary form and refreshed at least annually; training records shall be retained for at least 12 months and made available for inspection at reasonable times on request by an authorised officer of a responsible authority.
3. The number of door supervisors to be engaged on any 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 characteristics 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. All such records shall be produced to a police officer or authorised officer of the local authority on reasonable request.
4. Open glass containers of alcohol shall not be removed from the premises except for consumption in the delineated external area as shown on the plan attached to the licence.
5. The applicant will keep an incident report register in which the full details of any incidents shall be recorded as soon as possible and made available to an authorised licensing officer or the police when requested.
6. The applicant shall retain suitable digital CCTV and appropriate recording equipment installed to be operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises, smoking areas and the patio. The system shall be on and recording at all times the premises licence is in operation.
 - The CCTV cameras and recording equipment is of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay.
 - Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

c) Public safety

7. The outdoor seating area shall be clearly defined by a barrier system to prevent easy access or egress to or from the area by anywhere other than designated entry/exit points. The barrier will be sufficiently robust to accomplish this task.
8. Drink-driving awareness posters will be displayed in prominent locations at the premises.
9. A Designated Driver Scheme will be available providing free water to designated drivers

d) The prevention of public nuisance

10. The sale of alcohol for consumption off the premises shall cease at 2300.
11. Posters will be prominently displayed at the exit points asking customers to disperse quietly and where necessary staff shall reinforce this request through verbal communication

12. The premises will operate a "Challenge 25" policy and anyone who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable forms of ID will be passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
13. Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises, in particular at the point of sale.
14. All staff members engaged in selling alcohol on the premises shall receive training pertinent to the Licensing Act, specifically in regard to age-restricted sales. Induction

e) The protection of children from harm

training will be completed prior to engaging in any sale of alcohol together with refresher training at least annually. A record of restricted sales training undertaken by staff members will be kept and made available upon request to officers of any responsible authority.
 15. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor on a monthly basis and feedback given to staff to ensure these are used whenever a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty-four (24) months, and made available upon request to officers of any responsible authority.
 16. Children under the age of 16 must be accompanied by an adult.

Attach Documents

Attached documents	<ul style="list-style-type: none"> • Plan for application.pdf • Signed Consent.jpg
Checklist (Please tick to indicate agreement)	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><input checked="" type="checkbox"/> I have attached the plan of the premises.</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><input checked="" type="checkbox"/> I have attached the consent form completed by the individual I wish to be designated premises supervisor, if applicable.</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><input checked="" type="checkbox"/> I understand that I must now advertise my application (please contact the Licensing Department to discuss this if you are not aware of the legal requirements in respect of this)</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"><input checked="" type="checkbox"/> I understand that if I do not comply with the above requirements my application will be rejected</div> <div style="border: 1px solid black; padding: 5px;"><input checked="" type="checkbox"/> [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 (please read note 15).</div>

Part 4 - Signatures (please read guidance note 11)

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)

I agree

The Designated Premises Supervisor (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, if appropriate (please see note 15)

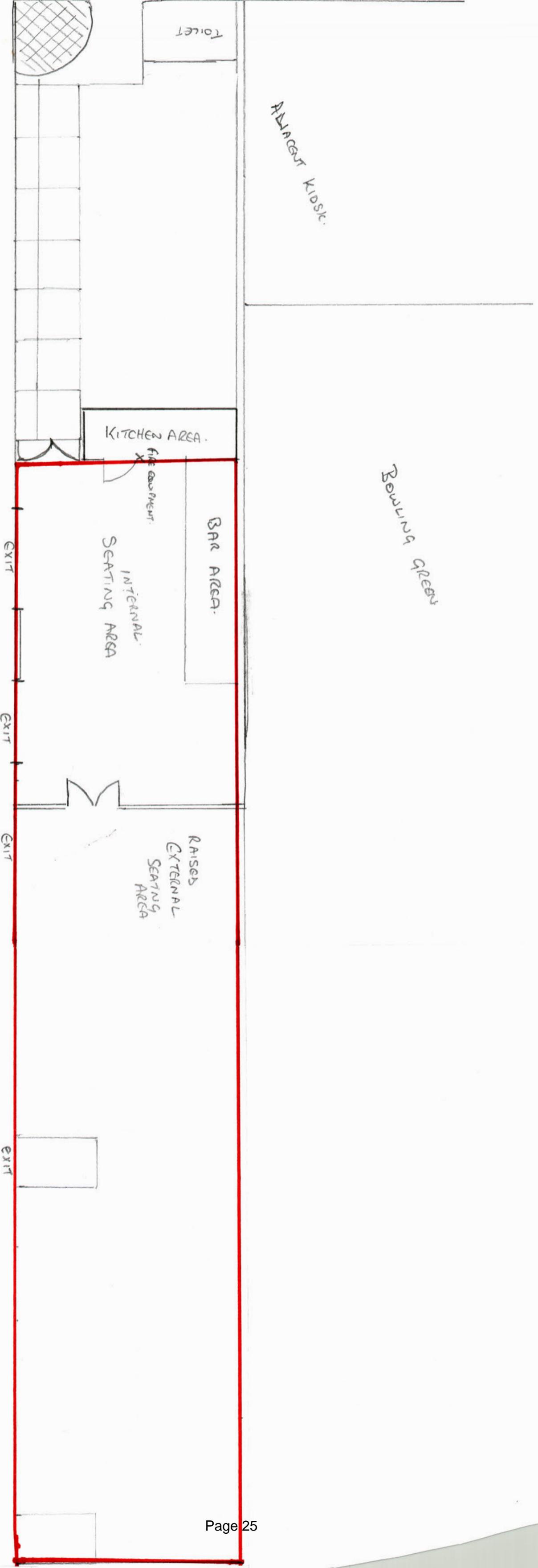
I agree

I confirm I am the holder of the Premises Licence or their solicitor/agent	Yes
Enter Name as an electronic signature	DEBBIE HOUGH BOLLARD
Capacity (confirm your capacity to provide an electronic signature if required, e.g. solicitor or Director if a limited company)	LICENSING CONSULTANT
Is the licence jointly held?	No

Contact name and address for correspondence associated with this application (if different to the applicant details provided in Part 2)

Name	Debbie Bollard
Building/House Name/Number	█
Street address	██████████
Town Name	██████████
County	
Postcode	██████

HARBOR HOUSE - RYDE HARBOR SYDNEY RYDE



Scale 1cm - 2.5m

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LICENSING ACT 2003

PREMISES LICENCE



PART A – Part 1

The Harbour House Ryde Harbour Esplanade Ryde Isle of Wight PO33 1JA	Licence Ref:	19/01004/LAPVAM
	Valid from:	24 July 2019

Premises Licence Holder	Leigh Hyatt [REDACTED]
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PART A – Part 2

Licensable Activities

Activity	Days of Week	Start	Finish
Live Music (Indoors and Outdoors)	Monday to Sunday	13:00 hrs	21:00 hrs
Recorded Music (Indoors and Outdoors)	Monday to Sunday	10:00 hrs	23:00 hrs
Sale of Alcohol (supplied for consumption both on and off the premises)	Monday to Sunday	10:00 hrs	23:00 hrs

Hours premises are open to the public

Days of Week	Open	Close
Monday to Sunday	10:00 hrs	23:00 hrs

Non standard timings

Not Applicable

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

Mr Karl Harding [REDACTED]

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

Licence Number: 18/00346/LAPERS Licensing Authority: Isle of Wight Council

Annex 1

Mandatory Conditions

1. No supply of alcohol may be made under the premises licence –
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a. a holographic mark, or
 - b. an ultraviolet feature.
6. The responsible person must ensure that—
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;

b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition –

a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(2) Where the permitted price given by paragraph b would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(3) Sub-paragraph (4) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(4) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(Where the Premises Licence authorises the exhibition of films)

8. 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)

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

Annex 2

Conditions consistent with the operating schedule

1. The number of door supervisors to be engaged on any 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.
2. The outdoor seating area shall be clearly defined by barrier system. The purpose of this system is to prevent easy access or egress to or from the area by anywhere other than designated entry/exit points. The barrier must be sufficiently robust to accomplish this task.
3. A CCTV system shall be installed, maintained and must be in operation at all times that the premises are open to the public. Recorded images must:
 - a) be of sufficient clarity to allow personal identification.
 - b) display the correct time and date of the recording which shall be checked regularly for accuracy, taking account of GMT and BST.
 - c) provide coverage of:
 - i. every public entrance and exit.
 - ii. every area where alcohol is sold or displayed for sale and
 - iii. any other location deemed appropriate by the Police or Licensing Authority.
 - d) be retained for a period of at least 30 days
 - e) be produced for a police officer or responsible officer of the local authority to review on request and
 - f) be exported to removable media (e.g. CD/DVD/USB device) if requested by a police officer or responsible officer of the local authority.

A member of staff capable of operating the CCTV system shall be present at all times the premises are open to the public and have access to the system to enable images to be reviewed and/or produced upon request.

4. No person will be permitted to take or remove alcoholic or other drinks from the premises in open glass containers.
5. All persons engaged in the sale of alcohol shall receive training or instruction to prevent the sale to anyone who is drunk or apparently under the age of 18 years. Such training will also 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.

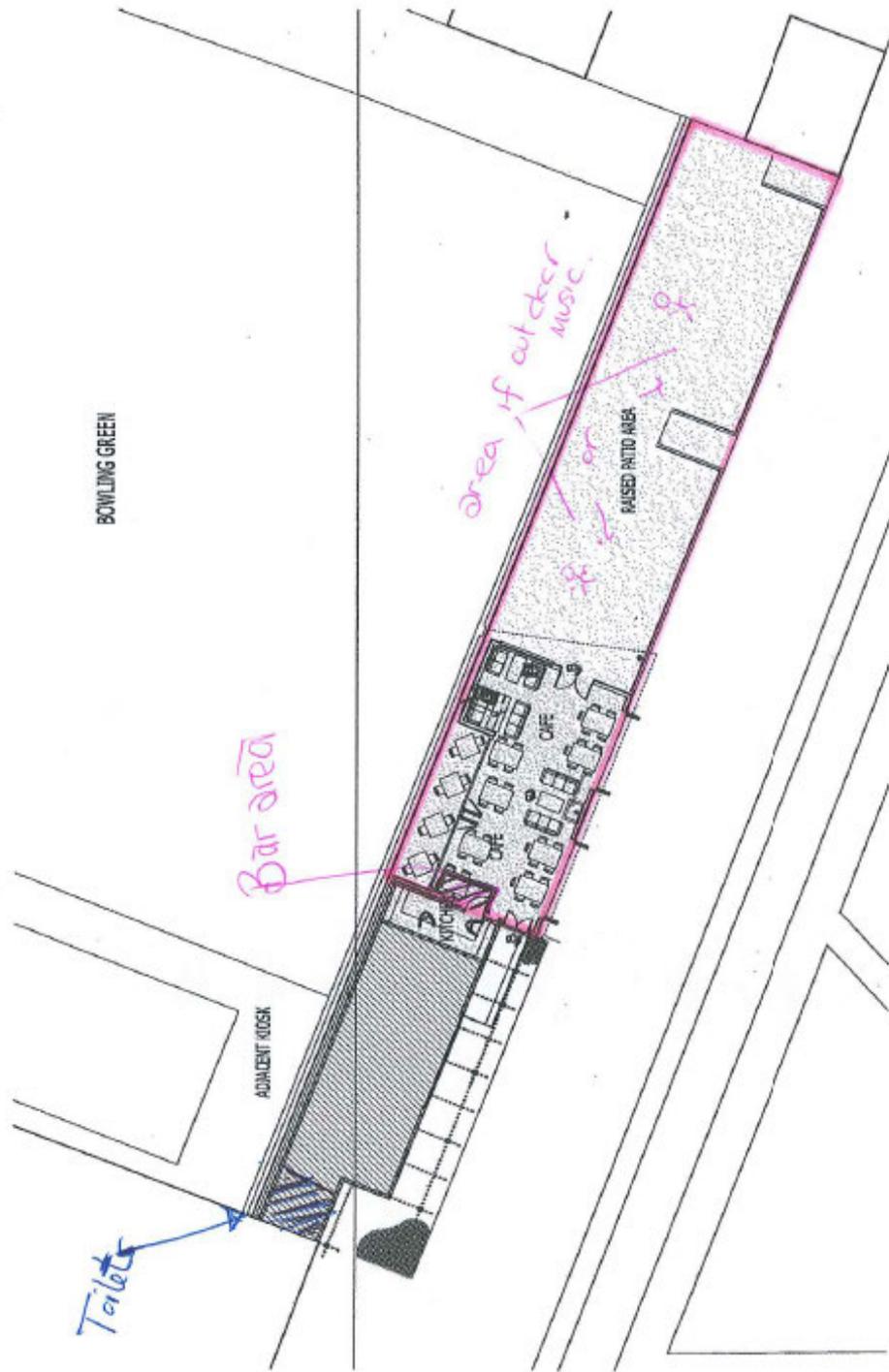
6. A written record shall be made of every incident of crime and disorder taking place on the premises, to include any action taken by staff. Every entry in the record shall be signed and dated by the person making it. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request.
7. A written record shall be made of every refusal to sell alcohol to a person who is drunk or apparently aged under 18 years. Each entry shall be signed and dated by the person making it. The record shall be checked and counter signed by the DPS on at least a weekly basis and shall be produced to a police officer or authorised officer of the local authority on reasonable request.
8. The "Challenge 25" scheme will be adopted at the point of the sale of alcohol.

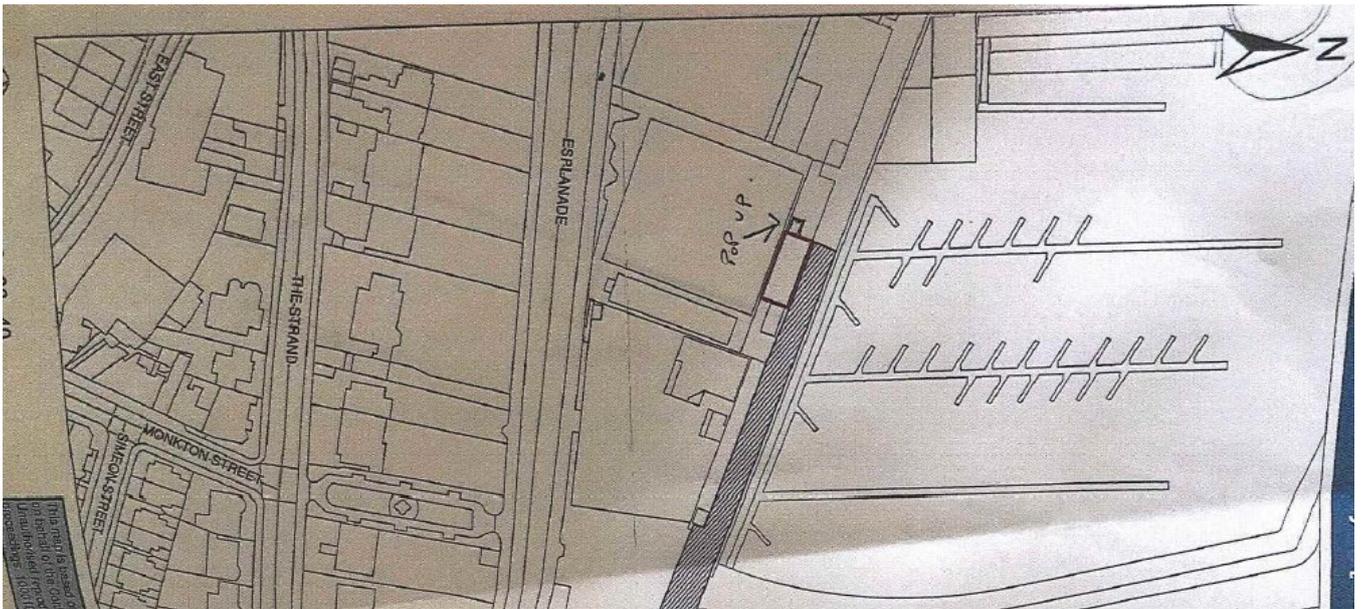
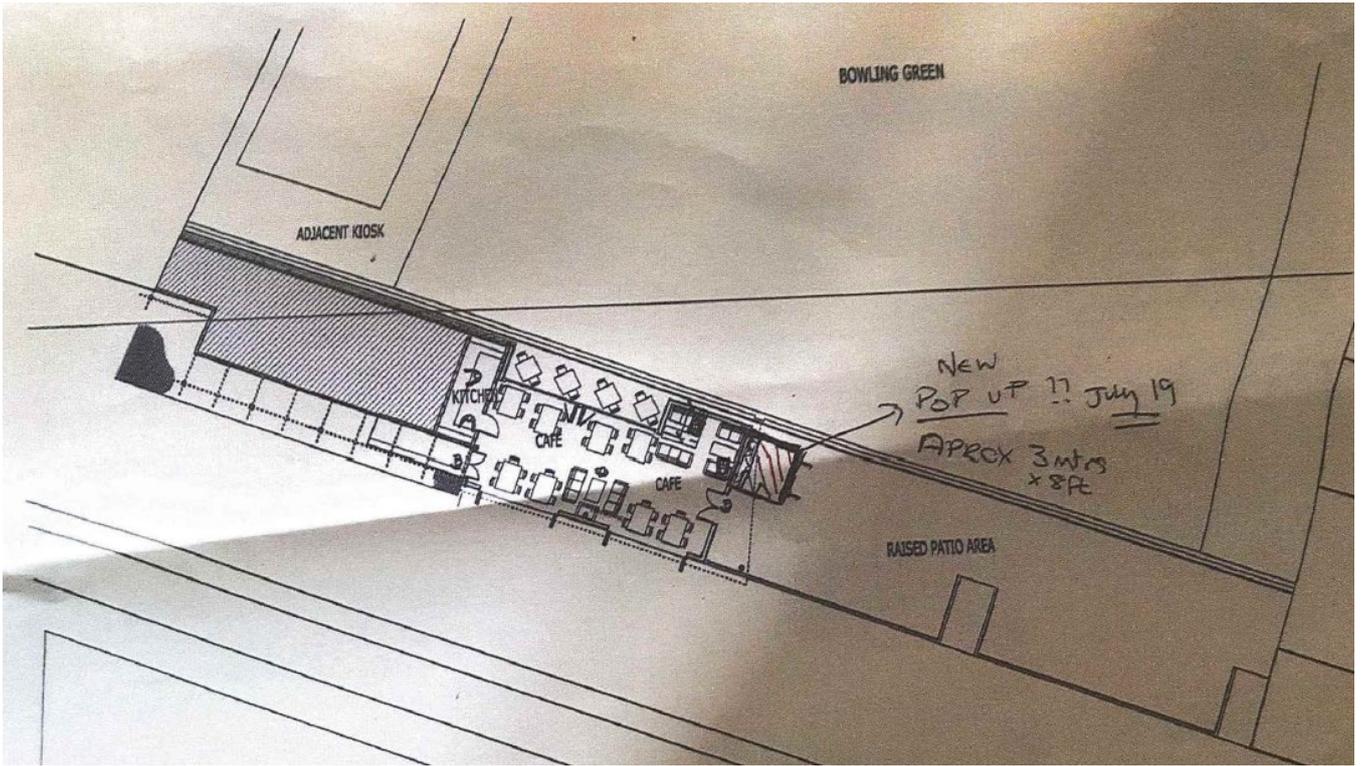
Annex 3

Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 Plans





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Form for representations/objections from Hampshire Constabulary

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

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

<input type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	LEIGH HYATT
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)
N/A

Postal address of premises:	THE HARBOUR HOUSE, RYDE HARBOUR THE ESPLANADE RYDE ISLE OF WIGHT
Postcode:	PO33 1JA

Details of responsible authority applicant

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	P.C. 3007
Surname:	BRADLEY			First Names:	PAUL
Current postal address :	C/O NEWPORT POLICE STATION HIGH STREET NEWPORT ISLE OF WIGHT				
Postcode:	PO301SZ				
Daytime telephone number:	01983 538735				
E-mail address: (optional)	paul.bradley@hampshire.pnn.police.uk				

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

Form for representations/objections from Hampshire Constabulary

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

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

*Please select
one or more
boxes*

Please state the ground(s) for -representation-:

The Chief Officer of Police makes representations in response to an application for a full variation to the existing premises licence of Harbour, House, Ryde Harbour, Esplanade, Ryde.

This application has been submitted without any consultation with the police.

Changes proposed within the application are as follows.

Provision of live music (indoors and outdoors) to be extended from the current hours of 13:00 – 21:00 hrs to 10:00 – 23:00 hrs on all days.

Non-standard timing to be added to allow live music indoors and outdoors from the start hour on New Year's Eve (10:00 hrs) to the terminal hour on New Year's day (23:00 hrs). A running total of 37 hours.

Provision of recorded music (indoors and outdoors) to be extended from the current hours of 10:00 – 23:00 to 10:00 – 01:00 hrs on Thursdays, Fridays and Saturdays. Hours to remain the same as the existing licence during the rest of the week.

Non-standard timing to be added to allow recorded music indoors and outdoors from the start hour on New Year's Eve (10:00 hrs) to the terminal hour on New Year's day (23:00 hrs). A potential running total of 39 hours.

The addition of late night refreshment to allow the sale of hot food and drink from 23:00 – 01:00 hrs on all Thursdays, Fridays and Saturday.

Non-standard timing to again allow provision for this activity from the start hour on New Year's Eve to the terminal hour on New Year's day.

Supply of alcohol for consumption both on and off the premises to be extended from the current times of 10:00 – 23:00 hrs to 10:00 – 01:00 hrs on Thursdays, Fridays and Saturdays. To remain the same for the rest of the week.

The same non-standard timing as previously mentioned which would permit the supply of alcohol potentially up to 39 consecutive hours.

Hours that the premises are open to the public to be extended on Thursday, Fridays and Saturdays from the existing 10:00 – 23:00 to 10:00 – 01:30 hrs.

Form for representations/objections from Hampshire Constabulary

Non-standard timing to be added for New Year's Eve as has been previously mentioned.

The Chief Officer of Police objects to this application on the grounds that the proposals will not support the prevention of crime and disorder, public safety or the prevention of public nuisance.

Harbour House sits on the opposite side of the walkway from Ryde Harbour. It consists of a small indoor area and a larger outdoor seating area. It is said to have a capacity of 45 people within the building and seating for around 90 people outside.

The original licence application which was received in January 2018 described the premises as an indoor/outdoor seasonal bistro which would sell quality food and drink. There would always be an emphasis on local produce.

The proposed times for licensable activities at that time were the same as the existing licence. The licence was granted with appropriate conditions.

In July 2019 an application to vary the premises licence was submitted to allow the addition of a pop-up bar servicing the outside area, which would sell cocktails, non-alcoholic drinks and sharing platters.

This saw the first movement away from the original stated intention to operate solely as a high quality Bistro providing only local produce and to start placing more emphasis on the sale of alcohol.

The most recent application for a full variation seems to confirm this as the premises is now described as a restaurant and cocktail bar. It has also been noted that rather than selling a small range of craft and premium alcoholic products to accompany a fine dining experience, the premises now sells cheaper, mass-produced alcoholic products to those who attend solely for the purpose of drinking, be that on or off the premises.

This change in the business model has gradually taken the premises towards a higher-risk area in terms of the likelihood of attracting incidents of ASB and crime and disorder.

These concerns began to be realised immediately after the COVID-19 lockdown was relaxed.

Premises were initially allowed to open for off-sales of food and drink in accordance with their existing premises licences. Stringent COVID – 19 measures had to be in place and customers had to abide by social distancing rules. Entertainment was initially not permitted and operators had a responsibility to ensure that people did not congregate in the 'adjacent areas' of their premises, effectively acting as an extended beer garden.

It should be said that this was a challenging time for many premises whilst getting to grips with a new means of operating and dealing with circumstances they would generally not have experienced.

The police received complaints about a number of premises across the Isle of Wight, however it is fair to say that the premises which attracted the most complaints by far was Harbour House and its adjacent area.

The police alone received 6 ASB complaints from 23rd – 25th May bank holiday weekend. This figure does not include verbal complaints made to patrolling officers, complaints made to the council and direct observations made by officers.

The reports in the main related to large groups of people standing outside the premises drinking, not socially distancing and making it hard for others passing by to do so.

Form for representations/objections from Hampshire Constabulary

Concerns were raised with the owner and the DPS by P.C.S.O. Fennell at the time and P.C. Peachey who was off-duty at the time noted loud music being played on the premises and a group of between 40-50 drunk people on the walkway and sea wall outside the premises.

It should be noted that the playing of music noted by P.C. Peachey on the 25th May came after the owner had been advised against doing this by Environmental health officer Rachel Briscoe on the same day.

This began a long period of similar incidents and interactions with the owner of the premises to try and resolve the issues being experienced there.

The interactions with the owner, (Leigh Hyatt) consisted of providing her with training documentation, due diligence information, posters and advice on how she might best disperse any large groups of people who were drawn to the area and were staying there as a result of the premises selling them alcohol. That advice was fairly straightforward. Stop serving any people who ignored requests to remain socially distanced.

The number of ASB complaints to police dropped significantly over the next weekend although reports from P.C.S.O.'s Fennell and King indicated that people were reporting similar issues verbally to them and that they witnessed similar problems themselves. Police had to intervene to remind people to socially distance as the premises was not taking effective action to manage their customers.

However complaints continued to be received and despite advice and warnings the premises continued to sell alcohol to those congregating in large groups outside the venue. On occasion people were even seen sitting in the outside area which at the time was not permitted.

Finally it was felt that there was no alternative but to begin formal enforcement and in mid-June a written warning as part of a Community Protection Notice was issued. Harbour House is the only licenced premises on the Isle of Wight that it has been felt warranted such action.

Since that time the number of complaints has decreased dramatically and the owner has taken proactive steps to deal with the situation, such as employing SIA doorstaff on Thursday, Friday and Saturday evenings and putting up posters encouraging people not to congregate outside the premises.

There has also been a further easing on restrictions around gatherings and social distancing which has also made things easier to manage.

However there have still been the occasional problem.

In a report from 30th July, patrolling officers noted Pubwatch banned people on the premises (not for the first time) acting aggressively to each other. People appeared in drink and milling around and the crowd was described as 'toxic and bubbling'. The report mentions an unsubstantiated report of someone being hit over the head with a chair that same night.

A complaint was received by Andrew Wheeler from the community Safety partnership on 6th August from a local resident complaining about fights, intoxication and people who appeared under the influence of drugs.

Form for representations/objections from Hampshire Constabulary

The premises itself has also been damaged on two separate, recent occasions, with a front window being smashed each time and on one occasion, furniture being damaged and thrown into the harbour.

Whilst a motive for this damage is not known, with no other premises in the area suffering similar attacks they could be an indicator of a high level of animosity felt towards the premises.

Documentation evidencing the above points will be included in a list of appendices to be presented to the licensing sub-committee for their consideration.

The issues for which the community protection notice was issued, (which in the main related to ASB) have decreased substantially, however they have not completely been resolved.

Police and council are still receiving ASB and crime complaints. People are still gathering in numbers outside the premises as a result of its off-sales provision, potentially risking public safety. This is despite the voluntary extra measures the owner has put in place to try and address the situation.

It is therefore hard to understand how increasing the hours for licensable activities would in any way support the licensing objectives and do anything other than result in an increase in further crime, disorder and ASB complaints.

This is particularly true of the proposed non-standard timings which can in no way be seen to promote the objectives and are simply the result of an idea of '36 hour opening' which was considered prior to the inception of Licensing Act but dismissed prior to it being enacted in 2005.

The Chief Officer of Police is therefore unable to support any extension of the permissions of the existing premises licence as outlined full variation.

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

Police recommendations (including any conditions)

It is the view of the Chief Officer of Police that there are no additional conditions which might currently off-set the risks of an increase in ASB, crime and disorder or to public safety that the increase in hours for licensable activities will generate. The most obvious condition, the use of SIA on busier days is already being operated voluntarily and incidents are still being reported.

Signature of Officer Completing

Name PAUL BRADLEY

Collar Number: 3007

Signature: Paul Bradley

Date: 26/08/2020

**Form for representations/objections
from Hampshire Constabulary**

Signature of Authorising Officer

Name	<u>JULIAN AINSWORTH</u>	Collar Number:	<u>1878</u>
Signature:	<u>J.Ainsworth</u>	Date:	<u>26/08/2020</u>

Police Representations - Annex 1

ITEM	DESCRIPTION
1	23/05/2020 Incident 20200523 - 0536 Anon report to police of group of 8 youths sat on the wall by the Marina drinking.
2	24/05/2020 16:57hrs Incident 20200524 – 0668 Report of 2 bars open serving to large groups of people by Ryde Marina. (Breach of licence by Harbour Deli as has no off sales)
3	24/05/2020 18:10hrs. Incident 20200524 – 0787 Report of 20 – 25 people drinking and playing loud music on the sea front next to the Bowls club – queuing system noted at Harbour House.
4	24/05/2020 18:54hrs Incident 20200524 – 0852 Anon report of 50 people hanging around on the sea wall drinking.
5	25/05/2020 18:41hrs. Incident 20200525 – 0933 Report from person who walked past Harbour House where it was noted there were drunk customers covering the concrete walkway not socially distancing. They were verbally abusive to her making comments regarding her sexuality. She spoke to the owner of the bar and told him it was their responsibility but he said it was not.
6	24/05/2020 20:31hrs 44200185324 –RMS report from on-line submission concerning Harbour House selling food and alcohol. States people are gathering outside on the sea wall and spread out there are people from different households together and very close. States it is causing a gathering of drunk people by the sea wall.
7	25/05/2020 14:17hrs – Email from P.C.S.O. Fennell stating there had been reports of people not socially distancing and being in groups by Harbour House. He informed the owner and DPS and made them aware of concerns raised and asked they speak to people to make them aware. If any concerns to call the police.
8	25/05/2020 21:30hrs – report from P.C. Peachey in which she noted whilst off duty that there were 40-50 very drunk people including many who are well known to police outside Harbour House. Owner was playing music.
9	25/05/2020 – photograph taken by P.C. Peachey of gathering outside premises.
10	25/05/2020 21:30hrs 44200189138 – RMS generated as a result of the above officers report.
11	26/05/2020 19:50hrs. Incident 20200526 – 1157 Report regarding clientele congregating in large groups outside Harbour House making social distancing on the walk impossible. Toilets were open for customers.
12	30/05/2020 19:54hrs Incident 20200530 – 1144 Report of a large group of approximately 100 adults outside Harbour House spreading all over the pavement to the point that the informant couldn't get through due to the 2m rule. They were intoxicated.
13	30/05/2020 Email from P.C.S.O. Fennell (sent to P.C. Bradley) 30/05 22:10hrs) stating on Sat 30/05 he received several complaints from members of the public re the large group gathered

	<p>outside Harbour House. Some showed concern that social distancing wasn't happening and they were feeling intimidated by the size of the group and language being used. He spoke to DPS who said he was doing his best. Many of the people in this gathering were spoken to and reminded about social distancing and DPPO powers. A lot of people then adhered to the distancing rules before P.C.S.O. Fennell left.</p> <p>Later that afternoon P.C.S.O. King noticed the group had increased to between 50-60 people. Police were told the bar would be open until 22:00. Rubbish was seen in the harbour area and people who had been seen swimming were seen.</p>
14	13/06/2020 21:03hrs Incident 20200613 – 1210 – report of 30 people outside Harbour House. Hard to walk down there without getting within 2 m as they're going between the wall and bar.
15	15/06/2020 – email from P.C.S.O. King stating that evening she saw people sat on the premises drinking. Names given and states they were sat on benches in the outside decked area of the premises drinking from plastic cups. Officers walked off and then realised this was not allowed so went back however these people had left by that time. Others were sat on the wall opposite however were small in number and abiding by social distancing guidelines whilst some had moved well away from the premises and were drinking in Eastern Gardens. Signs that had been put up re social distancing were turned around so could not be read.
16	15/06/2020 – email from P.C.S.O. Fennell with similar observations to those of P.C.S.O. King.
17	16/06/2020 – email from P.C.S.O. Fennell stating between 15:30 – 18:00 he saw owner of Harbour House putting up signs and asking people to leave the area. DPS stated they will be getting SIA for the weekend but would not be enforcing anything which was not on their property.
18	30/07/2020 22:00 – 44200293443 – Officers patrolling past heard well known Pubwatch banned male shouting aggressively at another well-known male that he wanted to fight. People present appeared in drink and milling around. She stated that the 'Crowd was toxic and bubbling'. Both males left on spotting police. No security on (Thurs). 3 rd hand report later made to officer that there was a fight that night where a chair was used to hit someone around the head but no evidence or reports to substantiate this and owner denied all knowledge of this happening. They do now employ doorstaff on weekends but not Thursdays which are busy too.
19	09/08/2020 Criminal damage – Front window of prems smashed (no crime report generated as not reported by owner until later (see incident of 14/08/2020)
20	10/08/2020 – 44200303026 – Member of the public reporting that on walking past Harbour House she noted that a large window at the front had been smashed.
21	14/08/2020 INC – 20200814-0516 – Karl Harding reporting his business window been smashed using full Captain Morgans bottle of rum. States same incident happened on Sunday 9 th Aug (not

	reported at the time). Also outside chairs have been thrown into the harbour and been broken.



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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER

INCIDENT : CASE

INC-20200523-0536

Grade*	Created On	Status	Owner*
Grade 2	23/05/2020 14:44	Closed	Owner, SVC

Classify (Active for 108 days, 7 ho ▶) Assess Elaborate

✓ Incident Type *	Public Health	✓ Incident Location *	ESPLANADE PA
✓ Grade *	Grade 2	✓ Dispatch Location	ESPLANADE PA
✓ Reported By *	Anonymous	✓ Summary Description *	Informant repo

Incident Process Flow (Active for 108 days, 7 hours) Next Stage

Incident Summary

Incident Description

Informant reporting a group of 8 youths sat on the wall by the marina all drinking.

Incident Grade *	Grade 2
	Request Downgrade
Incident Type *	Public Health
Incident Category	Miscellaneous
Crime Classification	--
Attempted?	No
Occurrence Start	23/05/2020 14:44
Occurrence End	--

Reported By

Active

Incident Log

Filter log...

23 May 2020

Dixon, Julie (11412) 14:44

Log Type: Incident Update

Incident Created
 Summary Description: Informant reporting a group of 8 youths sat on the wall by the marina all drinking.
 Incident Location: ESPLANADE PAVILION, ESPLANADE, RYDE, PO33 2EL
 Reported By: Anonymous
 Dispatch Location: ESPLANADE PAVILION, ESPLANADE, RYDE, PO33 2EL

Dixon, Julie (11412) 14:44

Log Type: Contact Record

Phonecall Received
 Caller: Anonymous
 Call Summary: Informant reporting a group of 8 youths sat on the wall by the marina all drinking.

2

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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER ***

INCIDENT : CASE

INC-20200524-0668

Grade*	Created On	Status	Owner*
Grade 2	24/05/2020 16:57	Closed	Owner, SVC

Classify (Active for 107 days, 5 ho) Assess Elaborate

✓ Incident Type*	Public Health	✓ Incident Location*	RYDE HARBOU
✓ Grade*	Grade 2	✓ Dispatch Location	RYDE HARBOU
✓ Reported By*	[REDACTED]	✓ Summary Description*	Inft is reporting

Incident Process Flow (Active for 107 days, 5 hours) Next Stage

Incident Summary

Incident Description

Inft is reporting there are currently 2 bars open serving alcohol to large groups of people in Ryde Marina

Incident Grade*	Grade 2
	Request Downgrade
Incident Type*	Public Health
Incident Category	Miscellaneous
Crime Classification	--
Attempted?	No
Occurrence Start	24/05/2020 16:57
Occurrence End	--

Reported By

Active

Incident Log

Filter log...

24 May 2020

Flew, Emily (16792-TERM-202008250502) 16:57

Log Type: Incident Update

Incident Created

Summary Description: Inft is reporting there are currently 2 bars open serving alcohol to large groups of people in Ryde Marina

Incident Location: RYDE HARBOUR,ESPLANADE,RYDE,PO33 1JA

Reported By: [REDACTED]
Dispatch Location: RYDE HARBOUR,ESPLANADE,RYDE,PO33 1JA

Flew, Emily (16792-TERM-202008250502) 16:57

Log Type: Contact Record

Phonecall Received

Caller: [REDACTED]

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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER

INCIDENT : CASE

INC-20200524-0787

Grade* Grade 2 Created On 24/05/2020 18:10 Status Closed Owner* Owner, SVC

Classify (Active for 107 days, 4 ho Assess Elaborate

Incident Type* Public Health Incident Location* RYDE MARIN B Grade* Grade 2 Dispatch Location RYDE MARIN B Reported By* Summary Description* inft reporting la

Incident Process Flow (Active for 107 days, 4 hours) Next Stage

Incident Summary

Incident Description

inft reporting large group 20-25 people drinking playing loud music on ryde seafront next to the bowls club breaking social distancing and very clustered together.

Incident Log

Filter log...

24 May 2020

Dalby, James (17550) 18:10

Log Type: Incident Update

Incident Created Summary Description: inft reporting large group 20-25 people drinking playing loud music on ryde seafront next to the bowls club breaking social distancing and very clustered together.

mapping overlay OP mix shows red zone

Incident Location:

Reported By:

Dispatch Location:

18:10

Incident Grade* Grade 2 Request Downgrade Incident Type* Public Health Incident Category Miscellaneous Crime Classification -- Attempted? No Occurrence Start 24/05/2020 18:10 Occurrence End --

Reported By Active



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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KR SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER

INCIDENT : CASE

INC-20200524-0852

Grade*	Created On	Status	Owner*
Grade 2	24/05/2020 18:54	Closed	Owner, SVC

Classify (Active for 107 days, 3 ho Assess Elaborate

✓ Incident Type*	Public Health	✓ Incident Location*	ESPLANADE PA
✓ Grade*	Grade 2	✓ Dispatch Location	ESPLANADE PA
✓ Reported By*	Anonymous	✓ Summary Description*	Informant repo

Incident Process Flow (Active for 107 days, 3 hours) Next Stage

◀ ▶

Incident Summary

Incident Description

Informant reporting that there is a pub open on Ryde Seafont and there are about 50 people hanging around and sitting on the wall and drinking.

Incident Grade*	Grade 2
	Request Downgrade
Incident Type*	Public Health
Incident Category	Miscellaneous
Crime Classification	--
Attempted?	No
Occurrence Start	24/05/2020 18:54
Occurrence End	--

Reported By

Active

Incident Log

24 May 2020

Dixon, Julie (11412) 18:54

Log Type: Incident Update

Incident Created

Summary Description: Informant reporting that there is a pub open on Ryde Seafont and there are about 50 people hanging around and sitting on the wall and drinking.

Incident Location: ESPLANADE

PAVILION, ESPLANADE, RYDE, PO33 2EL

Reported By: Anonymous

Dispatch Location: ESPLANADE

PAVILION, ESPLANADE, RYDE, PO33 2EL

Dixon, Julie (11412) 18:54

Log Type: Contact Record

Phonecall Received

Caller: Anonymous

Call Summary: Informant reporting that



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NEW RISK ASSESSMENT NOTIFY PARTNER ***

INCIDENT : CASE

INC-20200525-0933

Grade*	Created On	Status	Owner*
Grade 3 Monitored	25/05/2020 18:41	Closed	Owner, SVC

Classify (Active for 106 days, 3 ho) Assess Elaborate

✓ Incident Type*	Public Health	✓ Incident Location*	STARBEST LTD, HARBOUR I	✓ In
✓ Grade*	Grade 3 Monitored	✓ Dispatch Location	STARBEST LTD, HARBOUR I	Cr
✓ Reported By*	[REDACTED]	✓ Summary Description*	Inf reporting she is a	✓ Cr

Extended search Incident Process Flow (Active for 106 days, 3 hours) Next Stage

Incident Summary

Incident Description

Inf reporting she [REDACTED] has just been walking her dog on the Esplanade. A bar called Harbour Island is open, and there are all the drunk customers covering the concrete walkway.

Incident Grade* Grade 3 Monitored

Incident Type* Public Health

Incident Category Miscellaneous

Crime Classification --

Attempted? No

Occurrence Start 25/05/2020 18:41

Occurrence End --

Reported By

Reported By* [REDACTED]
Extended search

Caller Details

Originating Call [REDACTED]
Active

Incident Log

Filter log...

25 May 2020

Mainwaring, Hayley (10920) 18:41

Log Type: Incident Update

Incident Created

Summary Description: Inf reporting she [REDACTED] has just been walking her dog on the Esplanade. A bar called Harbour Island is open, and there are all the drunk customers covering the concrete walkway.

They are not social distancing at all.

Some of the groups there have abused inf and have said "what is it. It's a geezer". They have also told her to "fuck off". She does not wish to make a formal complaint about it, but the group are intimidating people.

Inf spoke to the owner of the bar and told them it was their responsibility, but he said it was not.

Incident Update

Send

Officer Assignment

6

Occurrence details

Version 02c73eec5d8b930cee91258d30c9f3798ded7321 (2018/06/16)

Hampshire Constabulary

Printed: 08/09/2020 22:36 by 3007

Occurrence: 44200185324

Occurrence details:

Report no.: 44200185324
 Occurrence Type: Licensing
 Occurrence time: 24/05/2020 20:31 - 24/05/2020 20:31
 Reported time: 25/05/2020 03:20
 Occurrence address: [REDACTED]

Clearance status: Filed
 Concluded: Yes
 Concluded date: 25/05/2020
 Summary:

Online form submission: RBN-2459-20-4444-C received 24/05/2020 @ 20.31
 "The business harbour house is operating on the seafront serving alcohol and some limited food people gathering outside on the seawall well spread out there are people from different households together and very close the business is also serving alcohol possibly with out an off license for the business which is required as the business is technically serving as takeaway although people are not taking it away and causing gathering of now drink people on the sea wall"

Remarks:

Associated occurrences:

- Other / 44180014388 [O] / Z Prem Licence (Management Occurrence)
- Same event / 44200094856 [O] / Z Police Operation (Management Occurrence) / 13/03/2020 10:05 / 20200313 10:05:58:983
- Same address / 44140232954 [O] / Z Prem Licence (Management Occurrence)

Involved persons:

- COVID19 - POLICE LICENSING AND ALCOHOL HARM REDUCTION TEAM [G4V] / Other / (COVID19 - Police Licensing and Alcohol Harm Reduction Team) 3203185

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Official

Printed by: 3007 Date: 08/09/2020 22:36 Computer: W0107330 Page 1 of 2



EMAIL FROM P.C.S.O. FENNEL DATED 26TH MAY RE GROUPS CONGREGATING OUTSIDE HARBOUR HOUSE/HARBOUR DELI

Hi Paul,

Can you please confirm if the harbour café is licensed to sell alcohol?

Just to make you aware we had some reports of people not social distancing and being in groups. I informed the owner and DPS and made them aware of concerns raised and asked if they speak to people to make them aware, If any concerns to call Police.

Please look at 44200185324.

Regards Darren

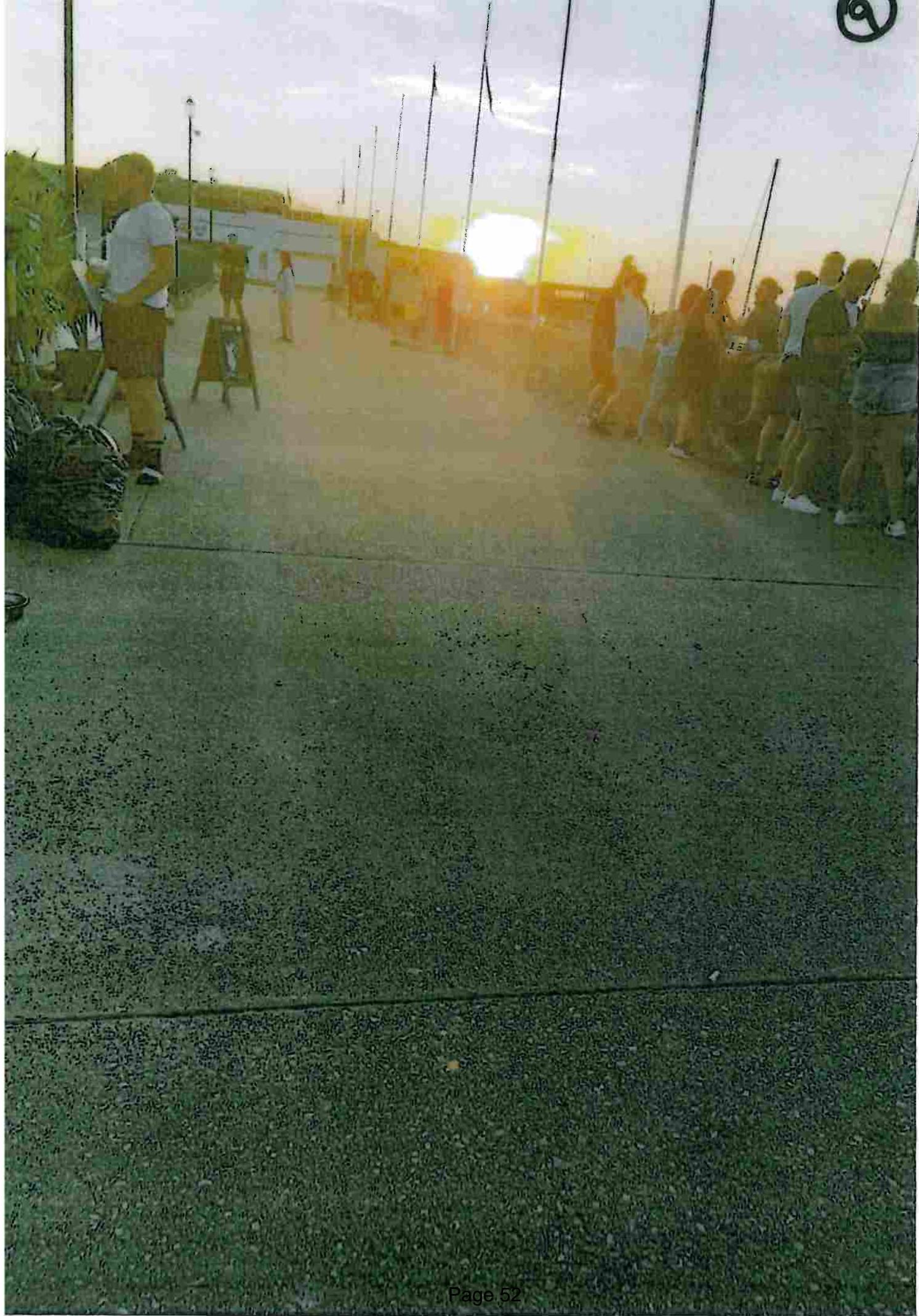


EMAIL FROM P.C. PEACHEY ON 26TH MAY 2020 RE GROUPS SHE HAD SEEN OUTSIDE HARBOUR HOUSE
AROUND 21:30 ON 25TH MAY 2020

Hi bradders

Last night on my walk that harbour kitchen place down by balcony was selling booze. There was no taking away, well to the wall at least. There was prob 40 to 50 very drunk people including most of our nominals. He was also playing music. I don't know if this is allowed but i thought it was take away only not playing music encouraging people to stay there. This was half nine last night.

I've sent you a pic:) if its allowed no worries I Just wondered why no other pubs were doing it
Livvy





Occurrence enquiry log report

Version 7b90cb5b9f7372f801c9c92d287c3be5c318b78d (2018/06/16)

Hampshire Constabulary

Occurrence: 44200189138 Suspicious - Other @27/05/2020 19:45 Report from officer that a large group had gathered along the sea wall close to the Harbour House licensed premises which was providing off-sales. No social distancing or efforts by the management to manage this group.

Task status: All

Log type: All

Valid as of 08/09/2020 22:59:54
Printed by #3007 BRADLEY, P.

#	Type	Entry time	Event time	Author	Link	Task
1	Enquiry log	27/05/2020 19:53		#3007 BRADLEY, P.	No	

Log entry: EMAIL FROM P.C. PEACHEY RE HER OBSERVATIONS IN PASSING THE PREMISES 25/05/20 AT 21:30 HRS
Hi bradders

Last night on my walk that harbour kitchen place down by balcony was selling booze. There was no taking away, well to the wall at least. There was prob 40 to 50 very drunk people including most of our nominals. He was also playing music. I don't know if this is allowed but i thought it was take away only not playing music encouraging people to stay there. This was half nine last night. I've sent you a pic;) if its allowed no worries I Just wondered why no other pubs were doing it lol
Livvy

Sent from Workspace ONE Boxer

----- Forwarded message -----From: Olivia Rogers <livvyrogers4@yahoo.co.uk>Date: 26 May 2020 08:25Subject: To: "Peachey, Olivia" <olivia.peachev@hampshire.pnn.police.uk>Cc:

2 Enquiry log 27/05/2020 19:53 #3007 BRADLEY, P. No

Log entry: WARNING EMAIL SENT TO DPS, KARL HARDING BY EH.
The Health Protection (Coronavirus Restrictions) (England) Regulations 2020
Health and Safety At Work Act 1974

Dear Ms Hyatt and Mr Brading

I write further to the conversation that we had yesterday when I visited the area around the Harbour deli and Harbour Kitchen.

Can you open?

These regulations specify a number of business/venues that must stay closed to the public to reduce social contact <https://www.gov.uk/government/publications/further-businesses-and-premises-to-close>. As a food/café/public house business you have been in a position to may open (as a takeaway or delivery) for consumption off the premises without committing an offence under these Regulations.

The retail unit selling gifts, amusements, funfair and any playground must currently remain close. This is the same for any toilet facilities as the only exception for toilets are the opening of public toilets.

Health and Safety

As you have started to open as I advised you have responsibilities and duties under the Health and Safety at Work Act 1974 to ensure the health/safety and welfare of employees and persons not in your employment.

Therefore, you must take appropriate steps to work safely during the coronavirus pandemic. This will mean undertaking a risk assessment and putting in place controls necessary to protect employees and members of the public from the risk of contracting coronavirus. Where an employer has 5 or more staff, they should document their significant findings.

The Government have produced guidance to help employers, employees and the self-employed understand how to work safely <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Please note that these are not legal standards, but should be used to guidance and assist business decisions and safe systems of operation. Bear in mind, human behaviour will play a significant role in achieving a safe working environment.

Licensing Act

Please ensure that any operation is in line with your permissions under the licence issued under the Licensing Act 2003.

Complaints

After the advice I had given yesterday in was disappointing to receive complaints both to us here at the Council and the Police these were report of gatherings of people and music playing during the afternoon and into the evening yesterday.

The Government has prohibited by law all public gatherings of more than two people, except where they are members of the same household, or two people from different households who keep 2m apart at all times. Only those who meet these criteria can visit public places for recreation.

There is no doubt that part of the attraction for people to visit the seafront and beach is due to many premises now offering take away food, soft drinks and alcohol. This can exacerbating the issues of crowding and groups gathering, in direct contravention of the legislation



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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER ... X

INCIDENT : CASE

INC-20200526-1157

Grade* Grade 2 Created On 26/05/2020 19:50 Status Closed Owner* Owner, SVC

Classify (Active for 105 days, 3 hours) Assess Elaborate Elaborate MO Resolve

- Incident Type* Public Health
- Grade* Grade 2
- Reported By* [Redacted]
- Incident Location* SUN SEA & SOUVENIRS, 13
- Dispatch Location SUN SEA & SOUVENIRS, 13
- Summary Description* Concerns as there are Incident Process Flow (Active for 105 days, 3 hours)
- Incident Type Category Miscellaneous
- Crime Classification click to enter
- Created On 26/05/2020 19:50
- Next Stage

Incident Summary

Incident Description

Concerns as there are groups of people congregating in large groups along the walk way due to cafe selling alcohol.

Incident Grade* Grade 2
Request Downgrade

Incident Type* Public Health

Incident Category Miscellaneous

Crime Classification --

Attempted? No

Occurrence Start 26/05/2020 19:50

Occurrence End --

Reported By

Reported By* [Redacted] Extended search

Caller Details

Originating Call --
CLI Phone Num --

Record Origin

Origin --

Incident Log

Incident Update 26 May 2020

Williams, Aaron (16634) 19:50
Log Type: Incident Update
Incident Created
Category: Miscellaneous
Summary Description: Concerns as there are groups of people congregating in large groups along the walk way due to cafe selling alcohol.
Graded response: Grade 2
Incident Location: SUN SEA & SOUVENIRS, 13 ESPLANADE, RYDE, PO33 2DY
Incident Type: Public Health

Williams, Aaron (16634) 19:51
Log Type: Incident Update
What would you like to tell us about?: I wish to make you aware that the Harbour House Café on Ryde Seafront by the marina along the esplanade is selling alcohol from it's premises and the clientele from there are congregating in large groups along the walkway making social distancing impossible for passers-by out for a walk. As more alcohol will be consumed the worst this will become. Also the establishment has open it's toilets for their customers.

Incident Update [Send]

Officer Assignment

Allocate to OIC HC, CM ALL

Next Action --

Retain on Dashboard No

Retain Reason --

Incident Location Details

Records Related to this Incident

Nominals

Group By: (no grouping)

Name	Date of Birth	Nominal Type	Aggrieved	Name	Incident Vehicle Type	Vehicle Make	Vehicle I
[Redacted]		Reported by		[Redacted]			

Vehicles

Group By: (no grouping)

12

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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE KB SEARCH

NEW RISK ASSESSMENT NOTIFY PARTNER ***

INCIDENT : CASE
INC-20200530-1144

Grade* Grade 2 Created On 30/05/2020 19:52 Status Closed Owner* Owner, SVC

Classify (Active for 102 days) Assess Elaborate Elab.

✓ Incident Type* Public Health	✓ Incident Location* STARBEST LTD, HARBOUR I	✓ Incident Ty
✓ Grade* Grade 2	✓ Dispatch Location STARBEST LTD, HARBOUR I	Crime Class
✓ Reported By* [Redacted] Extended search	✓ Summary Description* There is large group of Incident Process Flow (Active for 102 days) Next Stage	✓ Created Or

Incident Summary

Incident Description

There is large group of adults approx 100 adults

Incident Grade* Grade 2
Request Downgrade

Incident Type* Public Health

Incident Category Miscellaneous

Crime Classification --

Attempted? No

Occurrence Start 30/05/2020 19:52

Occurrence End --

Reported By

Reported By* [Redacted]
Extended search

Caller Details

Originating Call [Redacted]

CLI Phone Nbr --

Incident Log

Filter log...

30 May 2020

Osman, Susan (15134) 19:52
Log Type: Incident Update

Incident Created
Summary Description: There is large group of adults approx 100 adults

Incident Location: STARBEST LTD, HARBOUR HOUSE, ESPLANADE, RYDE, PO33 1JA
Reported By: [Redacted]
Dispatch Location: STARBEST LTD, HARBOUR HOUSE, ESPLANADE, RYDE, PO33 1JA

Osman, Susan (15134) 19:52
Log Type: Contact Record

Phonecall Received
[Redacted]
Call Summary: There is large group of adults approx 100 adults

Incident Update

Officer Assignment

Allocate to OIC HC, CM ALL

Next Action --

Retain on Dashboard No

Active

(13)

EMAIL RECEIVED FROM P.C.S.O. FENNEL ON 01/06/20 RE GROUPS HE AND P.C.S.O. KING HAD SEEN OUTSIDE HARBOUR HOUSE ON 30/05/20

Hi

I thought that I should update you re the above licensed premises.

During the day on Saturday, 30/05/20 whilst on patrol, I received several complaints from MOP re the large group that were gathering outside their premises and on the sea wall. Some MOP showed concern as the social distancing wasn't happening. They were feeling intimidated by the sizes of the group and the language. They were asked to call Police and council- trading Standards and Environmental Health should they have any concerns

I approached the DPS and made him aware of the concerns raised and was told that he was doing his best . He was informed that he had a responsibility to remind persons of the covid regs and not to allow persons to drink on his property . I was made aware that the premises was staying open to 10pm. I made him aware that further reports would have an impact on his license.

The groups that were on the harbour wall were spread out from the harbour masters office along to the sailing club , and at times before being spoken to were 4-5 people deep. Groups were reminded by myself to adhere to the social distancing. The ignorance of the social distancing from a few of the groups was mainly down to known nominals. Persons were reminded that ignorance of not adhering to the covid reg would allow Police to take it a stage further and use Police discretionary powers of the DPPO. At this point I left . A lot of people were adhering to social distancing after Police. However it was felt that this was temporary till we were out of site

Further that afternoon PCSO KING went down and noticed that the group had increased to approx. 50-60 people. Police were informed that the bar would be open till 10pm, empty glasses and rubbish were seen in the harbour area and people who had been drinking were seen swimming in the harbour enclosure.

Early evening PCSO King and myself went down to the harbour . The number had increased. We were stopped by several members of the public asking what Police were doing and informed them that the DPS had been spoken to. We were assisted by ARV , We made Cwun aware should any further reports come about when we could use other powers. A lot of people were adhering to social distancing after Police spoke to them . However it was felt that this was temporary measure till we were out of site. A lot of our known nominals were now there at this time.

This premises is becoming a magnet for younger persons – 20 yrs +. All the other cafes, Big Kahuna, Appley Park, Captains Table etc appear to be adhering to conditions. I feel that the DPS is just after the money at this time.

Regards Darren

POLICE COMMUNITY SUPPORT OFFICER 13221 DARREN FENNEL

14

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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER

INCIDENT : CASE

INC-20200613-1210

Grade*	Created On	Status	Owner*
Grade 3 Monitored	13/06/2020 21:03	Closed	Owner, SVC

Classify (Active for 87 day) Assess Assess - Anti-Social Behaviour Elat

✓ Incident Type*	ASB - Environmental	✓ Incident Location*	5-6, ESPLANADE, RY
✓ Grade*	Grade 3 Monitored	✓ Dispatch Location	5-6, ESPLANADE, RY
✓ Reported By*	[Redacted]	✓ Summary Description*	Online form submiss

Incident Process Flow (Active for 87 days, 23 hours) Next Stage

Incident Summary

Incident Description

Online form submission: GON-32676-20-0144-C

There is a group of 20 people sitting around the Ryde Pier Cafe, buying drinks from the Alamo over the road and bringing them with them to the cafe

Incident Grade* Grade 3 Monitored

Incident Type* ASB - Environmental

Incident Category Miscellaneous

Crime Classification --

Attempted? No

Occurrence Start 13/06/2020 21:03

Occurrence End 13/06/2020 21:04

Reported By

Reported By* [Redacted]

Active

Incident Log

Filter log...

13 June 2020

Brooks, Jamie (16899) 21:03

Log Type: Incident Update

Incident Created

Category: Miscellaneous

Summary Description: Online form submission: GON-32676-20-0144-C

There is a group of 20 people sitting around the Ryde Pier Cafe, buying drinks from the Alamo over the road and bringing them with them to the cafe. They are getting quite loud, shouting at people.

As you go further down the esplanade the same thing is happening at the Harbour House bar where there are about 30 people. It is hard to walk down there without getting within 2 metres as they are going between the harbour wall and the bar.

Incident Update

Regarding yesterday's observations at Harbour House, [REDACTED] [REDACTED] [REDACTED] were sat on the benches in the outside area of HARBOUR HOUSE, the decked area. I did see that [REDACTED] was drinking a beer in a plastic cup on the premises. It wasn't until we walked by and thought about it that we decided that this was a breach and we needed to address this. On our return they had gone.

The outside bar was staffed by 2 individuals, [REDACTED]. Staff are always very polite and helpful and happy to speak to police.

Yesterday there were yellow warning signs on posts along the seawall directly outside the restaurant that clearly stated no one to be sat on the wall. The posts were turned around facing the sea, so unable to clearly read.

There was only approx. 5 or so persons sat on the wall, not the usual candidates, please note they were not causing issues, and were all drinking from plastic cups.

[REDACTED] and [REDACTED] had parked their cars on the grass verge near to the fishing club, not in the pay and display car park.

As the afternoon went on, the groups appear to grow in numbers on Eastern gardens, attracting the younger groups whom are clearly buying from harbour House. This area of Eastern Gardens is always a focus for patrolling police, and appears to have a feel about the atmosphere that the more alcohol being drunk will cause drink related issues as the summer continues. I will approach the council to ensure that signs are clearly displayed ref the DPPO, so persons are aware exactly what this means and how it is managed.

Many Thanks

Zoe

Hi Paul,

in support of my colleagues I was down there outside Harbour House after them.

There was approximately three group of persons sitting drinking with plastic containers supplied by the premises on the wall opposite . Two of the groups were social distancing. The group known to me with nominals who live locally were the ones that weren't abiding by the guidelines. The nominals brought their drinks from the premises, and sat with their drinks on tables opposite the bowling green. I was on my bike and had a conversation with one of the nominal group for at least 15 minutes.

[REDACTED]

[REDACTED] At no time whilst down there did I see him challenge anyone in relation to social distancing.

All the signs had been turned around re social distancing . It is a concern that all Ryde nominals appear to go to the Harbour House. It is obvious that the DPPO powers can only come inforce when persons are acting in an ASB manner and refuse to surrender their alcohol to PCSO/PCs when requested . We can then summons them to court.

Hope this helps

Regards Darren

Hi Paul ,



Further update from Harbour House. Between the times of 1530 – 1800pm today whilst on patrol it was noted that Leigh Hyatt was putting more signs up and asking persons to leave the area after purchasing alcohol . People were social distancing, however both the owner and the DPS were expressing their difficulty in abiding by their license they were informed that they have to keep on persisting. They did inform me that they are getting an SIA person for the weekend, Again they expressed concerns as the DPS stated that they won't enforce anything that is not on their property- being edge of their area to the harbour wall. He was advised that should he have any concerns or threats being made to call Police .

[REDACTED] I shall update you as and when if that alright .

Regards Darren

POLICE COMMUNITY SUPPORT OFFICER 13221 DARREN FENNEL
Station Street, Ryde, Isle of Wight, PO33 2HN
Email – darren.fennell@hampshire.pnn.police.uk
Mobile- [REDACTED]



Occurrence enquiry log report

Version 7b90cb5b9f7372f801c9c92d287c3be5c318b78d (2018/06/16)

Hampshire Constabulary

Occurrence: 44200293443 ASB - Community @04/08/2020 13:59 General ASB
 Task status: All
 Log type: All

Valid as of 09/09/2020 21:21:55
 Printed by #3007 BRADLEY, P.

#	Type	Entry time	Event time	Author	Link	Task
1	Enquiry log	04/08/2020 14:05		#15063 KING, Z.	No	

Log entry:

On the 30.7.2020 at approx 22.00Hrs, there was a large crowd of local nominals frequenting the Harbour House Restaurant, Ryde Esplanade.

As the police car patrolled past the restaurant [REDACTED] could be heard to be shouting aggressively at [REDACTED] that he wanted to fight. The crowd appeared to be toxic and bubbling. The persons present appeared to be in drink and milling around. [REDACTED] and [REDACTED] then spotted police and parted.

The restaurant had no security on. The venue was very busy. The control room were updated and a communication to local officers awareness was put over the radio.

Subsequently from speaking to [REDACTED] informed me that they had heard there had been a scuffle at the venue on this night and someone had a chair wrapped around their head. There was no police report to make ref to this and police were not called. For some reason there was no security on this night either.

The venue now have door staff x 2 on the weekends, although from speaking to the owner, they have highlighted that Thursdays appear to be a very busy night. The owner denied all knowledge of the chair incident and made out he was unaware of it.

Licencing will be updated.

[REDACTED]

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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER

INCIDENT : CASE

INC-20200814-0516

Grade*	Created On	Status	Owner*
Grade 3	14/08/2020 12:04	Investigating	Owner, SVC

Classify (Active for 26 days, 9 hou) Assess Elaborate

✓ Incident Type*	Criminal Damage	✓ Incident Location*	HARBOUR HOL
✓ Grade*	Grade 3	✓ Dispatch Location	HARBOUR HOL
✓ Reported By*	HARDING, KARL RICH/	✓ Summary Description	Caller reporting

Incident Process Flow (Active for 26 days, 9 hours) Next Stage

Incident Summary

Incident Description

Caller reporting that his business window has been smashed by a captain Morgans bottle of rum which is full.

INFT doesn't think that they have gained access

Incident Grade*	Grade 3
Incident Type*	Criminal Damage
Incident Category	Crime
Crime Classification*	Criminal damage under £5000
Attempted?	No
Occurrence Start	14/08/2020 00:00
Occurrence End	14/08/2020 12:00

Incident Log

Filter log...

14 August 2020

Hicks, Millie (17791) 12:04
Log Type: Incident Update

Incident Created
Summary Description: Caller reporting that his business window has been smashed by a captain Morgans bottle of rum which is full.

INFT doesn't think that they have gained access, he states that the window has been smashed, nothing has been taken from inside and there has not been any signs of break in or untidy search.

This same incident happened on Sunday - INFT thinks that he is being targeted by the same suspects as before.
Incident Location: HARBOUR HOUSE

Active

Occurrence details

Version 02c73eec5d8b930cee91258d30c9f3798ded7321 (2018/06/16)

Hampshire Constabulary	
Printed:	09/09/2020 21:03 by 3007
Occurrence:	44200303026

Occurrence details:

Report no.: 44200303026
 Occurrence Type: Criminal damage
 Occurrence time: 10/08/2020 06:45 -
 Reported time: 10/08/2020 12:54
 Occurrence address: HARBOUR HOUSE, ESPLANADE, RYDE, ISLE OF WIGHT England PO33 2DY
 (District: 6 ISLE OF WIGHT, Sector: LE NORTH EAST WIGHT, N'hood: 6LE02 RYDE, Beat: 6LE0206 RYDE NORTH EAST)
 Clearance status: Filed
 Concluded: Yes
 Concluded date: 10/08/2020
 Summary: ONLINE SUBMISSION CDS-112908-20-4400-000 INFORMANT REPORTING THAT AS SHE WALKED PAST THE HARBOUR HOUSE COCKTAIL BAR SHE NOTICED THAT A LARGE WINDOW AT THE FRONT HAD BEEN SMASHED. SHE IS NOT CONNECTED TO THE BAR.

Remarks:

Associated occurrences:

- Same address / 44180014388 [O] / Z Prem Licence (Management Occurrence)

Involved persons:

- HARBOUR HOUSE [G4V] / Aggrieved / 2912173 RYDE HARBOUR, ESPLANADE, RYDE, ISLE OF WIGHT England PO33 1LG (HARBOUR HOUSE) (District: 6 ISLE OF WIGHT, Sector: LE NORTH EAST WIGHT, N'hood: 6LE02 RYDE, Beat: 6LE0205 RYDE NORTH WEST)



Involved addresses:

- HARBOUR HOUSE ESPLANADE / Dispatch address; Occurrence address / RYDE, England PO33 2DY (District: 6 ISLE OF WIGHT, Sector: LE NORTH EAST WIGHT, N'hood: 6LE02 RYDE, Beat: 6LE0206 RYDE NORTH EAST)

Involved comm addresses:

Involved officers:

- Officer in case / 9 / CONTACT MANAGEMENT CENTRE 1 / 911007 / Hamp / Assignable / 10/08/2020 / 20200810 --:--:--:--
- Call taker / 9 / CARTER, C. / #18078 / Hamp / Police staff / CRIME REPORTING BUREAU (MERLIN PARK, AIRPORT SERVICE ROAD, # POLICE INVESTIGATION CENTRE, COPNOR, PORTSMOUTH, PORTSMOUTH UK PO3 5GE (HAMPSHIRE CONSTABULARY) (District: 5 PORTSMOUTH, Sector: PN PORTSMOUTH NORTH, N'hood: 5PN03 HILSEA AND COPNOR, Beat: 5PN0304 COPNOR)) / 10/08/2020 / Official



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NEW SAVE SHARE WITH HIGHWAYS NEW APPOINTMENT SEND SDS MESSAGE

KB SEARCH NEW RISK ASSESSMENT NOTIFY PARTNER ***

INCIDENT : CASE

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✓ Grade*	Grade 3	✓ Dispatch Location	HARBOUR HOL
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Incident Process Flow (Active for 26 days, 9 hours) Next Stage

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Incident Category	Crime
Crime Classification*	Criminal damage under £5000
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This same incident happened on Sunday - INFT thinks that he is being targeted by the same suspects as before.
Incident Location: HARBOUR HOUSE,

Active

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Consultee Comments for Licensing Application

20/00646/LAPNEW

Application Summary

Application Number: 20/00646/LAPNEW

Address: Not Available

Proposal: New Premises Licence

Case Officer: Miss Claire Thomas

Consultee Details

Name: Mr Matthew Northard

Address: Jubilee Stores, The Quay, Newport PO30 2EH

Email: matthew.northard@iow.gov.uk

On Behalf Of: Environmental Health

Comments

To Licensing

From Matthew Northard, Environmental Health

Date 7 August 2020

Subject Licensing Act 2003 (The Act)

Application for a Premises Licence Variation

Harbour House, Esplanade, Ryde, Isle Of Wight, PO33 2DY

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 variations to Premises Licences.

It is concerned that the applicant has not adequately addressed the licensing objectives for control of public nuisance in the Operating Schedule as required under section 17(4)(g) of the Act.

The applicant seeks to extend the hours of opening and regulated recording music entertainment from 23:00 hours until 01:00 from Thursday to Saturday.

We are concerned over this giving rise to public nuisance due to noise from people and music on their patio area and also customers with takeaway drinks congregating along the Esplanade wall.

Currently under the Coronavirus regulations music in premises must only be at background level. However, if those restrictions of the regulations are removed/ relaxed in the future the premises could potentially have DJs until 01:00 hours.

Therefore, Environmental Health objects to this application as it is currently.

We would consider an application for extended opening hours if customers and music provision was kept indoors and no takeaway sales all after 23:00 hours. We would also want to see further noise management controls for music indoors and customer dispersal.

Many thanks for consulting this section.

Kind regards

Matthew Northard | Senior Environmental Health Practitioner | Regulatory Services| Isle of Wight Council | Jubilee Stores | The Quay | Newport | Isle of Wight | PO30 2EH

Tel: (01983 823150) (x 6118) | Fax: (01983) 529804 | Email: matthew.northard@iow.gov.uk |

Web: www.iwight.com

From: Liz O'Doherty, The Strand, Ryde
Sent: 04 August 2020 11:38

Appendix 6

I am unable to download the License Application for Harbour House on my phone and do not have a computer so if you could please take note of my objections to HH being given a 1.30 am license.

The noise that we are experiencing currently with the current opening times is already extremely unpleasant music, shouting, and screeching.

The litter they leave and the difficulties that people experience when trying to walk past particularly with young children is not pleasant, we all know what inebriated people are like. Having been across to speak to the proprietors in a nonconfrontational manner we were met with an unpleasant attitude and told if we didn't like it then they suggested we move house. Not helpful.

They then started making inflammatory accusations Re Councilor Whittle which I think is totally out of order. So this mail is to register my horror on them getting said late licence. Thank you for your time in reading this .

From: Mr David Farrar, The Strand, Ryde
Sent: 05 August 2020

- Crime - Nuisance - Safety

I wish to strongly log my objection to any extension of the opening hours for The Harbour House in Ryde. This is based on the owners consistent inability to control the social distancing of its customers and also their inability to control the rowdy / anti social and very noisy behavior of its customers.

We are constantly having our evenings ruined by the way their customer's are allowed to behave and when the owners have been approached to discuss the problem they have been totally unsympathetic and not offered to do anything to improve the situation, in fact their only advice was to suggest we move house!

In summary as well as not being granted any extension, I think they should have to prove they can run their bar responsibly or have their license revoked altogether.

From: Mr Simon Jarvis, Magnolia Drive, Ryde
Sent: 12 August 2020

My 92 year old father lives opposite this venue and has been complaining of 'noisy neighbours' - meaning this venue. He tells me that the noise gives him 'a bumpy night'. This is not fair on him. He has lived at the flat since 2008 but has used the flat since 1978.

For the owner of the bar to suggest he 'moves if he doesn't like it' shows contempt for the community his business is located in and an arrogance to which my father should not be subjected.

I use the slip way near the bar for kayaking. Every time I go there, I fish out plastic 'glasses' as well as beer cans and bottles which I am assuming have come from customers dropping them into the sea. This is an environmental issue too as it detracts from the image of Ryde.

The clientele during the day seem reasonable but at night it is a different story. It is very noisy and it is intimidating if you wish to walk past. My father no longer walks that way.

There is very little evidence of social distancing.

From: John Smith, The Strand, Ryde
Sent: 07 August 2020

It has just been brought to my attention that The Harbour House cocktail bar at Ryde Harbour has applied for an extension to their music licence both indoors and outdoors on Thurs/Fri and Saturday nights.

The present closing time of 11.30 while loud is tolerable as we are a holiday resort whereas, that level of noise continuing until 1.00am would be quite unacceptable and I would like to put forward my objection at this time.

I would be interested to hear your comments.

From: Mark Rees, The Strand, Ryde
Sent: 20 August 2020

I am writing to express my concern over the above application. I feel it should be refused for the following reasons:

- The Harbour House already plays loud music and there is no consideration shown for local residents.
- Customers are loud and foul-mouthed – this is on a sea front for families adjacent to children’s entertainments, a public footpath, and a marina.
- Customers congregate on the footpath and sit on the sea wall with no regard to social distancing.
- To have music outside is completely unacceptable – during Pride 2019 there was an external sound system and the noise could be felt through our double glazing and it was impossible to sleep even on the opposite side of the house to the sea front.
- This is a largely residential area and residents get up early for work. They do not want to be forced to go to bed later and have less sleep because of the noise.
- There are enough late-night bars with entertainment just a few minutes walk away in Union Street.
- The Council has just bought Ryde Marina and has plans to develop it – the efforts to encourage visiting yachts people will not be helped by having a venue of this nature immediately adjacent to it.
- There was considerable trouble over a number of years from the Balcony Bars and there are now even fewer Police and council resources, e.g. environmental health, to ensure licence restrictions are complied with and that customers behaviour is acceptable.

Thank you for your time.

From: Ms Bronwyn Hamilton Brown, The Strand, Ryde
Sent: 4 August 2020
- Nuisance - Safety

Regardless of discomfort, anxiety and nuisance that has also been afforded to the 14 Richmond House residents, locals, boat owners, hotel stayers, the incapacity to manage safety by the proprietors of Harbour House is concerning.

The relaxing of restrictions allowed outdoor socialising. We were urged to be alert, sensible and safe. Inaction, inability and unwillingness by the licensees to:

- restrict huge numbers to congregate
- manage excessive drinking
- crowd in close proximity
- urinate
- littering in harbour/ walkways
- loud, repetitive music
- provide an impenetrable barrier to walkers and cyclists
- use insulting, abusive, sexual taunts, intimidating behaviour

all have occurred repeatedly since late May 2020.

Discussion of issues with the management met with aggression, confrontation and a combative attitude. There is an absence of responsibility and capacity to de-escalate by the volatile, hot-headed owners. Extra licensing hours and music will exacerbate the above

24 AUG 2020

Jennifer Rees
The Strand
Ryde
Isle of Wight
PO33

20th August, 2020

Isle of Wight Council Licensing Section
Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

Dear Sir or Madam,

I have noticed in the Isle of Wight County Press that an application has been made from the Harbour House, Ryde, for a licence to play amplified music both inside and outside the premises until 1am for three nights a week. However, music is already being played loudly.

Also, since reopening there has been rowdy and loud behaviour in the evenings, and occasionally daytimes, from customers.

Amplified music is not acceptable in a built-up area as it is disturbing peoples rest and some have early starts in the mornings, even at weekends.

In the past there has been noise and disturbance from the now defunct Balcony Bars, and it took years to force stringent measures to be put into place to make the noise levels anywhere near acceptable.

Thank you for your time.

Yours sincerely,



Jennifer Rees (Mrs)

Richard Veitch

I am a local resident of Ryde. I live near to the Esplanade. My details have been provided to the Isle of Wight Council Licensing Department.

I am making this report in relation to the increasing concerns over the premises known as “HARBOUR HOUSE” situated on the promenade between Ryde Superbowl and Ryde Harbour.

I previously served for 22 years as a police officer with Hampshire Constabulary. During the latter part of my career I specialised in the causes of crime and disorder in the Night Time Economy, and how best to reduce associated offences such as violent crime, public order offences, drunkenness and criminal damage.

The impact of unregulated and poorly run licensed premises can be devastating to a local community. It increases the perception of crime and creates a feeling of being unsafe. Which, in turn, leads to a greater increase in offending within all areas of crime.

With regard to ‘HARBOUR HOUSE’.

I walk my dogs along that route nearly every morning, and as a long-term resident of Ryde, I can fully appreciate that the summer period attracts a great deal more people to that area.

As the lockdown eased, I saw that HARBOUR HOUSE was now back open and running. I walked through that area just before the lockdown was eased and could see the bar and surrounding area was packed with drinkers.

There was no regard for social distancing. They had signs up, but the premises were not taking any form of active control, and as a result the place was filled with people shoulder to shoulder.

They were on the tables outside and spread along the entire walkway and using the harbour wall as a secondary bar and seating area.

That carried on as the lockdown rules relaxed.

I then immediately noticed a significant increase in the litter and degradation to that area.

Every morning the ground is thick with cigarette butts, bottle tops, plastic beer cups, straws, food wrappers, serviettes, plastic shot glasses and food condiment sachets.

The rubbish at the back is stacked several feet high and several feet deep with sometimes dozens of bin bags left unsecured. Rats are now infesting that area with seagulls ripping the bags open.

I have also noticed that HARBOUR HOUSE does not appear to follow any closing down procedure as the tables are frequently left covered in glasses and food stuffs. That makes the area look grotty and uncared for. It turns holiday makers away and gives a very negative impact to an otherwise beautiful area.

I have also noticed a sharp increase in petty crime. Drunken people sleeping on the beach and multiple patches of urine that stinks.

The tables and chairs in the neighbouring commercial properties are now frequently turned over, thrown about and scattered across the walkway.

There is nearly always broken glass on the ground near that area. I understand HARBOUR HOUSE may not serve glass, but the standards of their operations are attracting people to gather nearby, and drink cheap strong alcohol purchased from off-licences.

Alarmingly, there have been two very recent incidents of Criminal Damage with unattended beer kegs being thrown through the plate glass doors.

There is no alarm within the premises, so that damage is left unaddressed overnight with broken glass scattered across the public walkway.

That, in turn, will absolutely attract more crime. (The broken window theory is very well established and recognised).

One other very concerning issue is that users of this premises are depositing those plastic items into the harbour. Whether by accident or on purpose, the result is going to be devastating to the local wildlife and could have a very serious environmental impact.

I have seen a public notice that suggests HARBOUR HOUSE wish to increase their hours of trading.

I wholly object to this increase on the grounds of public safety. HARBOUR HOUSE cannot currently operate on a safe standard, and to increase their capacity will only worsen all of the associated issues.

Furthermore, I would respectfully request the Isle of Wight Council Licensing Dept. to consider a licensing review of that premises, and if they are suitable to continue trading.

Attached are a number of images captured during my early morning walks.

Respectfully submitted for your consideration.

23rd July

- Litter and commercial waste left outside
 - Furniture spilling out into walkway
- Plastic beer cups, straws and plastic shot glasses all over the walkway
- Plastic cups, shot glasses and straws on the wall and in the harbour











25th July

- Plastic beer cups left all along the walkway from the fishing club to the harbour entrance
- Bin bags and commercial refuse stacked at the back and spilling out.







31st July

- Drinks and litter left outside.
- Bottle tops, cigarettes butts, straws and plastic shot glasses and plastic beer cups all over the public walkway.
- The wall opposite is being used as a bar and left covered in plastic beer cups and plastic shot glasses.
- Plastic beer cups, straws and plastic shot glasses are being thrown into the harbour creating an environmental hazard for the wildlife in that area.
- Commercial refuse is dumped at the back, spilling out onto the walkway. It isn't secure or properly contained. Rats are infesting that area now creating and it stinks.







Monday 10th August

- Door smashed through with beer keg. Glass littered over the walkway. No alarm in place.



Tuesday 11th August

- Drinks and litter left overnight. The ground is covered in cigarette butts



Wednesday 12th August

- Glasses and Litter left outside.
- Tables and kegs left on public walkway.
- The ground is covered in cigarette butts.



- Drinks and litter left outside



- Broken bottles and glass left on public walkway



Friday 14th August

- Trolley dumped in walkway



- Door smashed through with beer keg



- Glasses and litter left outside overnight





- Inadequate rubbish storage. It stinks and is infested with vermin.

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