

## Representation from Tracy Reardon

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

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

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

### The prevention of crime and disorder

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

### Public safety

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

### The prevention of public nuisance

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

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

### The protection of children from harm

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

### Protecting and improving public health

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

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

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

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

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

Good morning Tracy

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

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

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

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

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

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

2. *A refusals / ID checks / incident book or computer record shall be maintained by staff. These records shall be retained for a minimum of 1 year and be made available to the Police and Council upon request.*
3. *A 'Challenge 25' proof of age policy shall be in place. Challenge 25 means that that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol, shall produce identification proving they are 18 years age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or other ID containing a photograph and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person unless exemptions apply within the Licensing Act 2003.*
4. *A written record shall be retained at the bar area to list the staff that have been authorised to sell or supply alcohol following their training. This shall be made available to the Police and Council upon request.*

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

Applicant's comments to your representation

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

**The Prevention of crime and disorder**

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

**Public safety**

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

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

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

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

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

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

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

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

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

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

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

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

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

I look forward to hearing from you.

Kind regards

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

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

Dear Andrea

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

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

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

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

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

Kind regards

Tracy Reardon