

Environmental Health Representation &
Communications between Environmental Health Officer and Applicant

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

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

Please let me know if you have any queries.

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

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

Many thanks Mr Kanial,

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

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

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

Hi Mark,

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

many thanks

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

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

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

Regards,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

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

Hi Mark,

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

many thanks

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

Mr Kanial,

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

Many thanks,

Mark Wootton | Senior EHP | Regulatory & Community Safety Services

From: Wootton, Mark

Sent: 14 September 2023 15:21

To: Licensing ; Bull, Andrea

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

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

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

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

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

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

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

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

Relevant History

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

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

Agreed Police Conditions

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

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

Consideration

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

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

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

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

Regards,

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

Application Summary

Application Number: 23/01248/LAPVAR

Address: 137 High Street Newport Isle Of Wight PO30 1TY

Proposal: Premises Licence Variation

Case Officer: Ms Andrea Bull

Consultee Details

Name: Mr Mark Wootton

Email: Not Available

On Behalf Of: Environmental Health

Comments

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

Regards,

Mark Wootton