

Mr Shane Batchelor  
Licensing Officer  
Isle of Wight Council  
Jubilee Stores  
The Quay  
Newport  
Isle of Wight  
PO30 2EH

21<sup>st</sup> February 2022

From  
**Mr Daniel Power**  
Environmental Health  
Jubilee Stores  
The Quay  
Newport  
Isle of Wight  
PO30 2EH

Tel (01983) 823000  
Email [daniel.power@iow.gov.uk](mailto:daniel.power@iow.gov.uk)  
DX 6047 Newport (Isle of Wight)  
Web [www.iwight.com/eh](http://www.iwight.com/eh)

Dear Shane,

**Premises Licence Variation, Harbour House, Ryde Harbour, Esplanade, Ryde, PO33 1JA**

**Licensing reference - 22/00091/LAPVAR**

**Environmental Health reference - 22/00223/CONSUL**

I've had sight of the aforementioned application and understand the proposed variation if granted will culminate in the extension of licensable activity with reference to the sale of alcohol, late night refreshment and regulated entertainment.

On notification of the application, I approached the Premises Licence Holder, Mr Karl Harding, to request an opportunity to meet with the gentleman to discuss the proposed variation whilst learning of measures to ensure the safeguarding of key licensing objectives, most notably, the prevention of public nuisance and the public safety objective.

I had considered the above pertinent as a consequence of my discussions with the licensee in August 2021, in response to the Environmental Health Department receiving multiple complaints concerning reports of noise nuisance as a consequence of a Temporary Event Notice held between 30<sup>th</sup> July and 1<sup>st</sup> August 2021. I enclose my correspondence addressed to the licensee in response to my previous investigation, this is provided as **DP/01**.

Further to our meeting on Tuesday 15<sup>th</sup> February 2022, during which I learned of Mr Harding's approach to noise control, the intended use of the premises, were the variation granted and subsequent mitigation following our previous interaction, I have received accompanying documents in support of the application. In addition, these include the premises Noise Management Plan, a Dispersal Policy and a Noise Policy in response to TENs and/or events.

However, whilst the supporting documents are welcomed, these do not mark a material change from the controls previously established. Accordingly, I am concerned that were the variation to result in the extension of licensable activity, the prevention of public nuisance objective would be undermined given the increased likelihood of noise disturbance.

Furthermore, I enclose a Venue Risk Assessment in line with the joint risk matrix provided by the Institute of Acoustics and the Institute of Licensing, *'Good Practice Guide on the Control of Noise from Places of Entertainment'* - Institute of Acoustics & Institute of Licensing, December 2016. The enclosed risk assessment considers the additional risk associated with the application to vary the premises licence. This is provided as **DP/02**.

I have advised the applicant, that I consider the Temporary Event Notice system as a more suitable means of trialling the extended hours of licensable activity given the serious concern, I raised following my previous investigation in August 2021.



---

I ask that the Environmental Health Department are notified of a date by which to supply additional information to support the representation, in anticipation of a licensing committee hearing.

Please do not hesitate to contact me should you wish to discuss the content of my representation.

Yours Sincerely



Daniel Power  
Regulatory Officer

Enclo. 1) DP/01 – Environmental Health, 21/02304/COMNOI et al – 04.08.2021  
2) DP/02 - Venue Risk Assessment, Harbour House Variation - 22/00091/LAPVAR



Mr Karl Harding



4<sup>th</sup> August 2021

From  
**Mr Daniel Power**  
 Environmental Health  
 Jubilee Stores  
 The Quay  
 Newport  
 Isle of Wight  
 PO30 2EH

Tel (01983) 823000  
 Email [daniel.power@iow.gov.uk](mailto:daniel.power@iow.gov.uk)  
 DX 6047 Newport (Isle of Wight)  
 Web [www.iwight.com/eh](http://www.iwight.com/eh)

**Our References:** EHSR/DAPOW1/21/02304/COMNOI, EHSR/DAPOW1/21/02305/COMNOI  
 EHSR/DAPOW1/21/02306/COMNOI, EHSR/DAPOW1/21/02308/COMNOI  
 EHSR/DAPOW1/21/02350/COMNOI, EHSR/DAPOW1/21/02333/COMNOI  
 EHSR/DAPOW1/21/02349/COMNOI

Dear Mr Harding,

ENVIRONMENTAL PROTECTION ACT 1990 PART III  
 REGULATION OF INVESTIGATORY POWERS ACT 2000  
 Commercial Noise (Music Noise Levels & Low frequency noise/bass) at The Harbour House, Esplanade,  
 Ryde, Isle of Wight, PO33 1JA

I write to you in your capacity as the Premises Licence Holder of The Harbour House, Esplanade, Ryde, Isle of Wight, PO33 1JA.

I've considered it necessary to summarise the content of our discussions further to yesterday's meeting held at your premises. You'll note my colleague Claire Thomas, Licensing Officer was present at the time whilst you were accompanied by Ms. Jasmine Ellwood, Office Manager on behalf of the above-mentioned premises. In addition, Ms. Leigh Hyatt attended in her capacity as the owner of the aforementioned premises.

I had requested an opportunity to meet with you as a result of my visit during the early hours of Sunday 1<sup>st</sup> August 2021 in response to the Environmental Health Department receiving multiple complaints regarding reported noise disturbance as a consequence of an event occurring at your premises. Accordingly, the general consensus amongst the complaints received by this department alleged music noise levels emanating from the premises accompanied by excessive levels of bass had the effect of causing significant disturbance.

You'll note that prior to the commencement of the event, I had discussed matters including noise control with you whilst considering your Temporary Events Notice applications. Furthermore, subsequent email correspondence, confirmed my initial concern regarding an absence of scheduled noise monitoring during the hours of the TENs.

Accordingly, I suggested at the time that you review Part 2.15 to 2.21 of the Revised guidance issued under s182 of the Licensing Act 2003 to ensure you are well aware of the licensing objectives, outlining the expectations placed upon a licensed premises, particularly the prevention of public nuisance objective. Consequently, you were asked to provide an outline of the following:

- Genre/description of the music to be provided
- Whether each event will consist of a live DJ/ performer and/or recorded music
- Noise control identified to monitor noise levels throughout each event
- Whether you intend to employ sound level monitoring during the event given your enquiry regarding decibel levels

- Measures to respond to any complaints received at the time regarding noise disturbance

In response your legal representative submitted an Event related Noise Management Plan, intended to cover the Temporary Event Notice period referred to as 'Noise Policy-Summer TENs 2021'. On review of the plan, I considered the following actions:

1. *A sound monitoring form, as outlined in Annex C, shall be completed on each occasion entertainment, in the form of live or recorded music, is provided in the external areas of the premises in accordance with submitted TEN.*
2. *External Audio Equipment shall be orientated to direct sound away from noise sensitive areas and principally out to sea.*
3. *Regular noise check (hourly from 11pm) shall be conducted to monitor noise levels during the later hours of operation.*

In addition, the policy provides that '*A record of the volume setting procedure and subsequent sound checks shall be documented and retained for a period of 28 days following the event*'. I ask that the sound checks taken at the time are provided to me in line with the above policy.

Therefore, whilst I noted your suggestion that further guidance provided by the local authority on acceptable noise levels would have been beneficial, given there is no mention of the policy confirming ongoing noise level monitoring during the event other than via subjective assessment, this was not considered necessary.

In addition, I confirmed that I was not prepared to agree to levels set prior to the event without an ongoing sound level monitoring programme given the likelihood of variables including but not limited to weather conditions, potentially requiring further on-site review to mitigate the likelihood of noise disturbance during the event.

At the time of considering the Temporary Event Notice applications, I concluded that were subjective assessments carried out in line with the actions provided above, this would have been sufficient in ensuring the event did not have the effect of causing disturbance to local residents.

#### **Interaction with the Environmental Health Department between 31<sup>st</sup> July -1<sup>st</sup> August 2021**

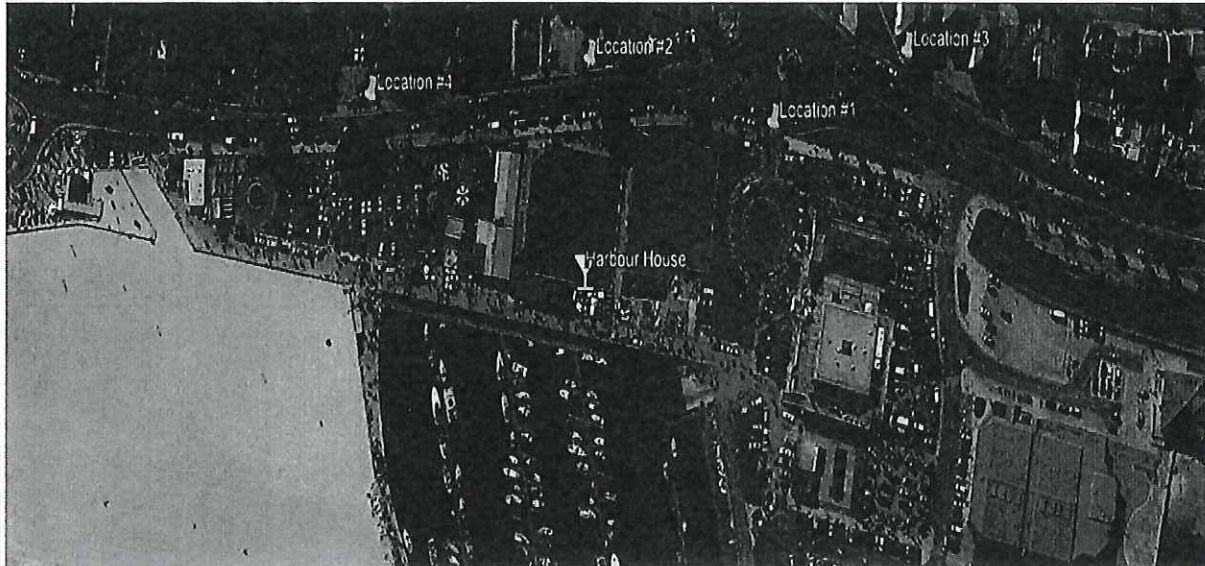
Prior to my visit between 23:55hrs on 31<sup>st</sup> July and 01:00hrs on 1<sup>st</sup> August 2021, I understand you were visited by my colleague, Ms Katarina Seligo, Covid Support Officers, Team Leader at approximately 18:30hrs on Saturday 31<sup>st</sup> July 2021, during which Ms Seligo advised she had been tasked to visit in response to complaints of noise disturbance.

In addition, the aforementioned officer was advised that you had also received complaints of noise disturbance, confirming the identity of a local resident who had contacted the premises requesting action be taken to mitigate the ongoing nuisance. I understand, Ms. Seligo advised that bass levels required revision given the low frequency noise observed at the nearest residential receptors. Accordingly, you took the opportunity at the time to have this adjusted whilst in the officer's presence.

Nevertheless, despite the officer's intervention, this department was informed of additional complaints regarding the impact of low frequency noise/bass shortly after the officer's visit. This culminated in a phone call Mr Michael Howard, Technical Assistant, Environmental Health making further contact with you to reiterate measures to control the impact of bass were required immediately on learning of a further assessment undertaken by Ms Seligo within close proximity of the nearest residential receptors, which suggested low frequency noise associated with bass levels emanating from the premises had increased despite initially having been addressed at the time of her visit.

As a consequence of the ongoing disturbance despite the intervention of this department, I considered it necessary to visit to undertake further assessment in relation to noise emissions originating from your premises. On attending at approximately 23:55hrs, I initially undertook a subjective assessment whilst located within close proximity of the rear parts of Sorrento Lodge, 11 The Strand, Ryde PO33 1JE. Consequently, given the dominant nature of the music noise levels and the associated bass associated with the event at The Harbour House, Esplanade, Ryde, Isle of Wight, PO33 1JA, I considered it appropriate to undertake a programme of sound level monitoring.

I make reference to the agreed noise monitoring observation points outlined within the previously submitted *Noise Policy-Summer TENs 2021* plan, provided as Annex B.



Below you'll find confirmation of the readings provided at the time of the assessment:

**Location 1 – Eastern Gardens**

Noise Parameter	Reading
LAeq	58.3dB(A)
LA90	55.6 dB(A)
63Hz	79.1dB
125Hz	70.2dB

**Location 2 – Rear of Richmond House, The Strand, PO33 1JE**

Noise Parameter	Reading
LAeq	59.2dB(A)
LA90	56.1 dB(A)
63Hz	83dB
125Hz	71.6dB

**Location 3 – Residential receptors on the junction of Castle Street and Dover Street**

Noise Parameter	Reading
LAeq	47.8dB(A)
LA90	44.5 dB(A)
63Hz	66.7dB
125Hz	59.4 dB

**Location 4 – Rear of Sorrento Lodge, PO33 1JE**

Noise Parameter	Reading
LAeq	57.9dB(A)
LA90	53.5 dB(A)
63Hz	67.6dB
125Hz	59 dB

**Assessment of sound monitoring levels**

At the time of our follow up meeting to discuss the sound level monitoring I had undertaken during my visit, you informed me that you had been instructed to achieve a limit of 65dB(A) 1 metre from the nearest residential receptor. I advised this a limit suggested via the Code of Practice on Environmental Noise Control at Concerts and did not apply given the setting in which the event took place.

In addition, I prioritised my assessment on the figures outlined during the assessment of Location 2, Richmond House, The Strand, PO33 1JE. Accordingly, I confirmed that the decibel levels recorded were excessive, this was followed up via a visit to a complainant's property. During my visit, I considered music noise levels and the associated low frequency bass to impede the complainant's use of their property.

With regard to the presence of low frequency noise/bass, Part III of the Code of Practice on Environmental Noise Control at Concerts confirms that in relation to the presence of bass, A level up to 70dB in either of the 63 Hz or 125 Hz octave frequency band is satisfactory; a level of 80 dB or more in either of those octave frequency bands causes significant disturbance.

Again, whilst I did not consider the Code of Practice to apply in this instance given the setting of the event, the assessment of location 2 (83dB in the 63Hz octave frequency band), accommodating the nearest residential

receptors, serves to demonstrate the significant disturbance experienced by residents within the immediate locality after 00:00hrs.

Accordingly, I have serious concerns regarding your commitment to safeguard the prevention of public nuisance objective. Furthermore, were similar events to occur resulting in further disturbance experienced, we are minded to serve a Noise Abatement Notice in respect of a Statutory Nuisance. Any notice would be served on you as the person responsible.

Please note that I would welcome comment on this particular issue within 7 days from the date on which this letter is served, this may include any comments regarding how you intend to proceed with the remaining TENs schedule. Please keep in mind my recommendation that were you to proceed with any further events during the current TENs schedule, I strongly urge you to seek the assistance of a sound engineer.

Additionally, were sufficient notice provided I would be prepared to visit during the event to review sound levels and its likely impact on residential receptors. With regard to complaints of noise disturbance, this department will continue to monitor this case given the complaints received in addition to my visit.

### **Noise monitoring records**

In relation to future events, I would recommend that you record any such action that you take and log the following details –

- Name of the person carrying out the monitoring
- Date and time
- Location of monitoring
- Outcome of the assessment (i.e. is the noise barely audible or not? Can lyrics be heard?)
- Any remedial action taken
- Details of a re-assessment following action being taken (including time and location of assessment)
- Details of any further remedial action etc.

Claire Thomas, Licensing Officer also informed you during our meeting that live/recorded music can be provided at premises that are licensed for the sale of alcohol between 8am and 11pm without it being regulated under the licence – although the licence states 21:00hrs for Live Music, it can therefore be provided until a later time. However, there is still a duty to ensure that nuisance is prevented and should problems occur, such entertainment could become regulated following Review of the Premises Licence.

**Please be aware that at any time following the grant of a Premises Licence, a Responsible Authority (e.g. Police, Fire, and Environmental Health) or any other person may apply for a review of the licence if they believe the licensing objectives are not being upheld.**


If a Review of the licence is sought and there is evidence to suggest that any of the four licensing objectives are not being upheld at the premises, the Licensing Sub-Committee may decide to take action. The options available to them include regulating entertainment by restricting the hours it is permitted or attaching conditions to the licence to control how it is conducted, they may remove a licensable activity from the licence which could prevent any entertainment being provided at any time, they could reduce the hours of any licensable activities, remove the Designated Premises Supervisor or even suspend or revoke the licence.

### **Conclusion**

Please be aware that regard has been had for our enforcement policy, accordingly, my correspondence constitutes a written warning and were similar incidents to occur, further action will be considered. Moreover, incidents may include but are not limited to noise disturbance and/or the promotion of key licensing objectives in addition to compliance of the existing premises licence.

Your co-operation in this matter would be greatly appreciated. If you would like to discuss this letter, please contact this department to speak to an appropriate officer quoting the above reference number.

Yours Sincerely



Daniel Power  
Regulatory Officer

## Venue Risk Assessment

Premises – Harbour House, Ryde Harbour, Esplanade, Ryde, PO33 1JA

Consideration of Premises Licence Variation - 22/00091/LAPVAR

Criteria	Risk Rating	Premises Rating	Comments
Number of events per year			
<ul style="list-style-type: none"> <li>&lt; 1 event per week</li> <li>&lt; 30 events per year</li> <li>Weekly, or more frequently</li> </ul>	0 3 6	3	The application if successful would provide the extension of licensable hours until 01:30hrs (Mon-Sun), however, a medium risk rating has been provided given the premises operates primarily within the holiday season only.
Time of event			
<ul style="list-style-type: none"> <li>Up to 20:00 hrs</li> <li>Up to 23:00 hrs</li> <li>After 23:00 hrs</li> </ul>	0 3 6	6	The higher risk rating reflects the proposed extension of hours from 23:00hrs to 01:30hrs.
Noise sensitive receptors			
<ul style="list-style-type: none"> <li>None in close proximity</li> <li>One, or more, in close proximity (up to 50 metres)</li> <li>Structurally adjoining</li> </ul>	0 3 6	3	<p>Officer discretion has resulted in a medium risk rating having been applied as whilst the nearest residential receptor is approximately 80m from the premises, the licensee intends on using the outside parts until 01:30hrs.</p> <p>Therefore, given the residual noise levels locally would have reduced by this time, patron noise as well as regulated entertainment is likely to be clearly audible from the nearest receptor.</p> <p>In addition, I reference SLM readings taken on Sunday 1<sup>st</sup> August 2021, to confirm the noise levels experienced from the nearest receptors between 23:00 and 01:00hrs.</p>
Venue sound insulation performance			
<ul style="list-style-type: none"> <li>Purpose built - robust sound insulation performance</li> <li>Average – not purpose built but structurally sound</li> <li>Poor – weak sound insulation performance</li> </ul>	0 3 6	3/6	<p>The venues sound insulation performance varies dependent on whether patrons remain on the outside parts or whether activity is restricted to the internal parts only.</p> <p>The uncovered outdoor area provides multiple opportunities for noise escape. This may be mitigated resulting in a lower risk rating were activity restricted to the internal parts culminating in a greater attenuation of noise levels.</p>
Confidence in management			
<ul style="list-style-type: none"> <li>High – well-prepared NMP, no or very few noise complaints</li> <li>Moderate - informal controls in place, few complaints</li> <li>Low - no controls, poor compliance history, history of complaints</li> </ul>	0 3 6	6	<p>Whilst I've noted the supporting documents accompanying the application which includes the provision of a Noise Management Plan, a Dispersal Policy and a Noise Policy in response to TENs and/or events.</p> <p>I've raised serious concerns regarding the safeguarding of the public nuisance objective, which are summarised in my correspondence dated 4<sup>th</sup> August 2021.</p>

Total			
Risk rating			
LOW MEDIUM HIGH	<10 10-20 20+	21/24	There is an increased risk of noise complaint associated with the variation application.

Source - *Venue Risk Assessment - 'Good Practice Guide on the Control of Noise from Places of Entertainment'* - Institute of Acoustics & Institute of Licensing, December 2016



## Batchelor, Shane

---

**From:** Power, Daniel  
**Sent:** 28 February 2022 15:20  
**To:** Batchelor, Shane  
**Cc:** Licensing  
**Subject:** Environmental Health Comments, Additional documents - 22/00091/LAPVAR  
**Attachments:** Environmental Health Comments - Harbour House , Variation - 22/00091/LAPVAR ; Environmental Health, Harbour House -Temporary Event Notices ; RE: Environmental Health, Harbour House -Temporary Event Notices; DP05 Harbour House Noise logs 31.07.21.docx; DP06 Harbour House Noise Noise Map 31.07.21.docx

**Switch-MessageId:** 85ddd203cbb7401d980c5de006f103f3

Afternoon Shane,

### Premises Licence Variation, Harbour House, Ryde Harbour, Esplanade, Ryde, PO33 1JA

**Licensing reference - 22/00091/LAPVAR**  
**Environmental Health reference - 22/00223/CONSUL**

Further to my representation on behalf of the Environmental Health Department submitted to the licensing authority on 21<sup>st</sup> February 2022, I wish to disclose additional information which I considered pertinent with reference to the aforementioned variation application.

I enclose my initial submission which includes the accompanying venue risk assessment and my correspondence with the applicant dated 4<sup>th</sup> August 2021 with reference to my visits on 1<sup>st</sup> & 3<sup>rd</sup> August 2021. However, I make available additional items with reference to conversations had with Mr Harding and his legal representative whilst considering the Temporary Event Notice Applications on 19 & 20<sup>th</sup> July 2021.

**DP/03** provides a summary addressed to the applicant in response to a telephone discussion with Mr Harding on 19<sup>th</sup> July 2021, I initially raised concern regarding the applicant's regard for the public nuisance objection. Nevertheless, Mr Harding was requested to provide further detail on noise controls to mitigate the likelihood of neighbouring resident's having cause for concern during the extended hours of licensable activity. Consequently, **DP/04** provides confirmation of discussions with Mr Grunert of John Gaunt and Partners, acting on behalf of Mr Harding, responsible for the drafting of a Noise Management Plan to cover the hours of extended activity as a means of attempting to satisfy the public nuisance objective.

You'll also find enclosed **DP/05** which provides the premises noise monitoring logs during the hours of extended licensable activity on 31<sup>st</sup> July and 1<sup>st</sup> August 2021, these were made available during my visit on 3<sup>rd</sup> August 2021, whilst **DP/06** provides an aerial map indicating the extent of the public nuisance reported and the approximate locations of the complainant's who made contact with the Environmental Health Department on 31<sup>st</sup> July 2021.

Please note that I intend to rely on the additional information provided during any proposed licensing committee hearing.

Kind Regards

Daniel

Daniel Power | Regulatory Officer | Regulatory & Community Safety Services  
Isle of Wight Council | Jubilee Stores | The Quay | Newport | Isle of Wight | PO30 2EH  
Email: [Daniel.Power@iow.gov.uk](mailto:Daniel.Power@iow.gov.uk) Web: [www.iow.gov.uk](http://www.iow.gov.uk)  
Telephone: 01983 823000 Internal: Ext 6047 Mobile: 07816064000

DP/03

**Batchelor, Shane**

---

**Subject:** Environmental Health, Harbour House -Temporary Event Notices  
**Attachments:** Revised\_guidance\_issued\_under\_section\_182\_of\_the\_Licensing\_Act\_2003\_April\_2018\_(18).pdf

---

**From:** Power, Daniel  
**Sent:** 19 July 2021 15:57  
**To:** rydeharbourhouse@gmail.com  
**Subject:** FW: Environmental Health, Harbour House -Temporary Event Notices

Afternoon Karl/Leigh,

Karl - Thank you for receiving my call.

I contacted you to ascertain the nature of the proposed events scheduled in line with the TEN applications. In response to my query as to whether Regulated Entertainment were planned, despite its current absence from the TEN Applications outlined in my previous email, you confirmed there would indeed be live music.

On further enquiry, you stated this will take the form of a live DJ on occasion and as such there would be an expectation of loud music from 23:00hrs. In response, I asked for details of noise control to ensure the safeguarding of the prevention of public nuisance objective and to mitigate the likelihood of disturbance to local residents.

I must add that I was concerned with your response, suggesting resident's will be inevitably disturbed given the nature of the event. I ask you to keep in mind the existing objectives most notably the prevention of public nuisance objective, moreover, I ask that you review Part **2.15 to 2.21** of the Revised guidance issued under s182 of the Licensing Act 2003 and attached above for reference outlining the expectations placed upon a licensed premises.

In relation to your enquiry regarding acceptable decibel levels, I asked that you provide an outline of the event initially so that I will be in a position to advise you appropriately. Therefore, prior to commenting please provide me with an outline as to each event, providing details including but not limited to;

- Genre/description of the music to be provided
- Whether each event will consist of a live DJ/ performers and/or recorded music
- Noise control identified to monitor noise levels throughout each event
- Whether you intend to employ sound level monitoring during the event given your enquiry regarding decibel levels
- Measures to respond to any complaints received at the time regarding noise disturbance

In relation to the public safety objective, I also welcome guidance in relation to how you have agreed upon the proposed capacity and any additional mitigation controls you intend to employ during the events to ensure the continued safety of staff and customers, you may wish to consider the revised guidance in relation to *Guidance for people who work in or run restaurants, pubs, bars, cafes, nightclubs or takeaways* provided here; <https://www.gov.uk/guidance/working-safely-during-covid-19/restaurants-pubs-bars-nightclubs-and-takeaway-services>

Again, I am obliged to provide the licensing authority with a response by the close on 20<sup>th</sup> July 2021, should I not hear from you in this time, given our call I will be minded to object to the applications received.

I look forward to your response.

Regards

Daniel

Daniel Power | Regulatory Officer | Regulatory & Community Safety Services  
Isle of Wight Council | Jubilee Stores | The Quay | Newport | Isle of Wight | PO30 2EH

Email: [Daniel.Power@iow.gov.uk](mailto:Daniel.Power@iow.gov.uk) Web: [www.iow.gov.uk](http://www.iow.gov.uk)  
Telephone: 01983 823000 Internal: Ext 6047 Mobile: 07816064000

DP/04

## Batchelor, Shane

---

**From:** Power, Daniel <Daniel.Power@iow.gov.uk>  
**Sent:** 20 July 2021 15:36  
**To:** CGrunert@john-gaunt.co.uk  
**Cc:** rydeharbourhouse@gmail.com  
**Subject:** RE: Environmental Health, Harbour House -Temporary Event Notices  
**Attachments:** Revised\_guidance\_issued\_under\_section\_182\_of\_the\_Licensing\_Act\_2003\_April\_2018\_(18).pdf; HH PL.docx

**Importance:** High

Dear Mr Grunert,

Many thanks for your response, I can confirm sight of the Noise Management Plan in relation to the Temporary Event Notices provided below;

1. 30 – 1<sup>st</sup> August 2021 – 23:00-01:00hrs
2. 6-8<sup>th</sup> August 2021 - 23:00-01:00hrs
3. 13-15<sup>th</sup> August 2021 – 23:00-01:00hrs
4. 20-22<sup>nd</sup> August 2021 – 23:00-01:00hrs
5. 27- 31<sup>st</sup> August 2021 – 23:00-01:00hrs

I'd expect the event specific Noise Management Plan to cover the TENs outlined above in their entirety. Additionally, I'd recommend that the completed Sound Monitoring Form, itemised as Annex C is provided to the Environmental Health Department shortly after each TEN and preferably within 48hrs on the event having ended, were this agreeable, I'd ask that the completed log were sent to the following inbox [EHAdmin@IOW.gov.uk](mailto:EHAdmin@IOW.gov.uk)

### Modifications of the TENs received

The intention of my initial call was to discuss modifications in relation to the TENs received to ensure the safeguarding of the public nuisance objective, Part 7.37 of the Revised guidance issued under s182 of the Licensing Act 2003 and attached above for reference provides a relevant person in this instance Environmental Health with the opportunity to discuss such options with the premises user, accordingly, I wish to modify the TEN to include the premises existing premises licence conditions during the temporary extension of licensable activity as outlined via the above TENs with the exception of Annex 3, Condition 3 & 4 which read as follows;

***Annex 3, Condition 3- Persons are not permitted to remain on the premises after 00:00hrs.***

***Annex 3, Condition 4- The outside area shown on the plan accompanying the application shall be exclusively used for smokers after 23:00hrs. No consumption of alcohol or other refreshments shall be allowed in this outside area of the premises after 23:00hrs.***

A copy of the premises licence conditions are enclosed. Please note that I am required to provide my comments to the licensing authority this afternoon and therefore, welcome a prompt response indicating whether you are in agreement of the modifications proposed. Please do feel free to contact me via mobile were you to have any queries.

Kind Regards

Daniel

Daniel Power | Regulatory Officer | Regulatory & Community Safety Services  
Isle of Wight Council | Jubilee Stores | The Quay | Newport | Isle of Wight | PO30 2EH  
Email: [Daniel.Power@iow.gov.uk](mailto:Daniel.Power@iow.gov.uk) Web: [www.iow.gov.uk](http://www.iow.gov.uk)  
Telephone: 01983 823000 Internal: Ext 6047 Mobile: 07816064000

**From:** Chris Grunert <CGrunert@john-gaunt.co.uk>  
**Sent:** 20 July 2021 14:15  
**To:** Power, Daniel <Daniel.Power@iow.gov.uk>  
**Cc:** rydeharbourhouse@gmail.com  
**Subject:** Environmental Health, Harbour House -Temporary Event Notices

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

Dear Mr. Power,

We have been instructed by Mr. Harding of the Harbour House at Ryde to respond to your recent email request for further information.

Please find attached a noise management policy which, in essence, has the aim of monitoring noise levels to ensure that a public nuisance does not arise.

The music proposed will be recorded and therefore can be controlled via the PA system. There will not, for example, be a acoustic drum kit (which are more difficult to control).

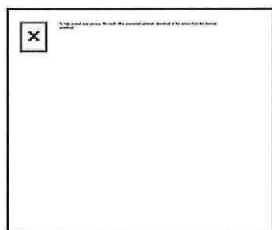
As a responsible Operator our client would be happy to engage with your service further on this matter and in the future.

We would be grateful if you would kindly acknowledge receipt of the attached.

**Regards**

**Chris Grunert**  
Partner

CGrunert@john-gaunt.co.uk | [www.john-gaunt.co.uk](http://www.john-gaunt.co.uk)  
**T:** 0114 266 8664 | **M:** 07834 933 041 | **F:** 0114 267 9613



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

Premises Licences | Personal Licences | DPS Changes | Temporary Event Notices  
APLH Courses | Reviews | Due Diligence | Betting and Gaming | eLearningPlus

For more details on our services please click on the links above.

**From:** "Power, Daniel" <[Daniel.Power@iow.gov.uk](mailto:Daniel.Power@iow.gov.uk)>  
**Date:** 19 July 2021 at 15:56:49 BST

Log sheets provided on request by Harbour House in response to noise monitoring on 31 & 1<sup>st</sup> August 2021

Service Request Ref.	21/02304/COMNOI, 21/02305/COMNOI, 21/02306/COMNOI, 21/02308/COMNOI, 21/02350/COMNOI, 21/02333/COMNOI 21/02349/COMNOI
Address	The Harbour House, Esplanade, Ryde, Isle of Wight, PO33 1JA
Date of visit	3 <sup>rd</sup> August 2021

Pg. 1

**Noise Monitoring Log**


Date of Event: 31/07/21  
 Start Time: 3pm  
 End Time: 1am  
 Description of Entertainment: DJ  
 Name of Entertainer(s): Tropical Sound

Sound Check Time	Location 1 / Action taken	Location 2 / Action taken	Location 3 / Action taken	Location 4 / Action taken	Subjective Observations & Comments
6.0 - 12pm	Bass boost would be heard, bass adjusted.	No issue	No issue	Bass boost would be heard, bass adjusted.	Enforcement event being considered at the Ryde Castle Hotel. Noise multiple 30m from venue.
3pm	no issue	no issue	no issue	no issue	
4pm	no issue	no issue	no issue	no issue	
5pm	no issue	no issue	no issue	no issue	
6pm	no issue	no issue	no issue	no issue	
7pm	no issue	no issue	no issue	no issue	
8pm	no issue	no issue	no issue	no issue	

**In the event of complaints:**

- You are expected to do whatever reasonable to check that you can to confirm or deny whether you are complying with the licence conditions.
- You should immediately carry out a monitoring check to see if levels are higher than expected, and take action where they are.
- You should record on the sheet what action is taken, and inform the complainant where appropriate to.

All Checks completed  
 By BAR Manager  
 Kyle Morris



Harbour House log sheet, 31/07/2021 between 15:00-20:00hrs



~~SECRET~~

**Noise Monitoring Log**

Date of Event: 31/07/21  
 Start Time: 3am  
 End Time: 1am  
 Description of Entertainment: DJ  
 Name of Entertainer(s): Tropical Sound

Sound Check Time	Location 1 / Action taken	Location 2 / Action taken	Location 3 / Action taken	Location 4 / Action taken	Subjective Observations & Comment
e.g. 12pm	Bass beat could be heard, bass adjusted	No issue	No Issue	Bass beat could be heard, bass adjusted	Entertainment event being conducted at the Ryde Castle Hotel. Noise audible 50m from venue.
9am	bass beat heard Adjusted	bass beat heard Adjusted	no issue	no issue	
10am	no issue	bass beat heard Adjusted	no issue	no issue	
10:30am	no issue	bass beat heard Adjusted	no issue	no issue	Ryde Castle event to rear of building
11am	no issue	bass beat heard Adjusted	no issue	no issue	" "
11:30pm	bass beat heard Adjusted	bass beat heard Adjusted	no issue	no issue	" "
12 PM	no issue	bass beat heard Adjusted	no issue	no issue	" "

**In the event of complaints:**

- You are expected to do whatever reasonable to check that you can to confirm or deny whether you are complying with the licence conditions.
- You should immediately carry out a monitoring check to see if levels are higher than expected, and take action where they are.
- You should record on the sheet what action is taken, and inform the complainant where appropriate to.

Harbour House log sheet, 31/07/2021 between 21:00 and 00:00hrs



04705

**Noise Monitoring Log**

Date of Event: 31/07/21 - 01/08/21  
 Start Time: 23pm  
 End Time: 1am  
 Description of Entertainment: DJ  
 Name of Entertainer(s): Leopold Sound

Sound Check Time	Location 1 / Action taken	Location 2 / Action taken	Location 3 / Action taken	Location 4 / Action taken	Subjective Observations & Comment
e.g. 11pm	Bass beat could be heard, bass adjusted	No issue	No issue	Bass beat could be heard, bass adjusted	Entertainment event being conducted at the Kyle Castle Hotel. Noise audible 50m from venue.
12.30pm	no issue	bass beat heard adjusted	bass beat heard adjusted	no issue	
1am	no issue	no issue	no issue	no issue	
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—

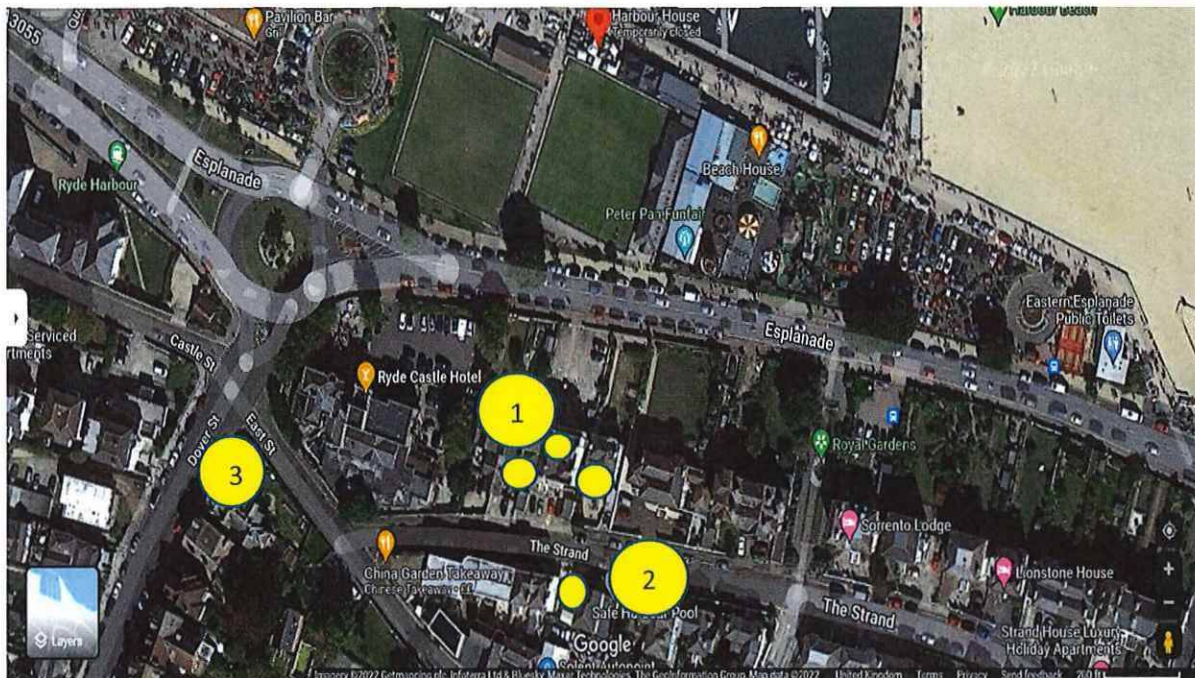
**In the event of complaints:**

- You are expected to do whatever reasonable to check that you can to confirm or deny whether you are complying with the licence conditions.
- You should immediately carry out a monitoring check to see if levels are higher than expected, and take action where they are.
- You should record on the sheet what action is taken, and inform the complainant where appropriate to.

Harbour House log sheet, 01/08/2021 between 00:30 and 01:00hrs

Aerial map of approximate location of residents who contacted the Environmental Health Department's Out of Hours Noise Service on 31<sup>st</sup> July 2021.

Service Request Ref.	21/02304/COMNOI, 21/02305/COMNOI, 21/02306/COMNOI, 21/02308/COMNOI, 21/02350/COMNOI, 21/02333/COMNOI 21/02349/COMNOI
Address	The Harbour House, Esplanade, Ryde, Isle of Wight, PO33 1JA



Source - <https://www.google.com/maps/place/Harbour+House>

1. Approximate distance between premises and nearest residential receptor (Identified as No.1) on **The Strand, PO33 1JD** – 80 metres
2. Approximate distance between premises and furthest receptor (Identified as No.2) on **The Strand, PO33 1JD** – 130 metres
3. Approximate distance between premises and receptor (Identified as No.3) on **Dover Street, PO33 2AQ** – 165 metres