



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	TUESDAY, 1 NOVEMBER 2011 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER. COUNTY HALL, NEPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Margaret Webster, David Williams
Officers Present	Andrea Bull, Julie Martin, Justin Thorne

47. [Declarations of Interest](#)

There were no declarations received at this stage.

48. **Report of the Head of Planning and Regulatory Services**

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

Details of any proposed additional steps to promote the licensing objectives were set out in the report circulated with the agenda.

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

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant and having regard to the Guidance issued under s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the application be determined as detailed below:

Decision Ref

[31 \(11/12\)](#)

Application:

Application for the Review of a Premises Licence for Salty's, Quay Street, Yarmouth, Isle of Wight

Resolution:

THAT in respect of the Premises Licence for Salty's, Quay Street, Yarmouth, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the following :

Conditions:

Condition 1 be amended to read:

No off sales permitted by this licence.

Condition 5 be amended to read:

No regulated entertainment shall take place unless all external doors and windows are fully closed, except when being used for access or egress.

Reasons:

Members were concerned that the licensing objectives of public nuisance and public safety were not adequately promoted. Members thought the congregation of people outside could cause nuisance to other vehicles and lawful users of the highway.

Closing the windows and doors was necessary to stop other non patrons congregating outside the premises.

Members considered further reduction was not proportionate at this time but further action may be necessary if the licence was reviewed again.

**Reasons for
[Decision:](#)**

The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children From Harm, in particular.

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 the decision to be proportionate and necessary for the promotion of the four licensing objectives under the Licensing Act 2003.

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.

Details:	As per application
Public Participants:	Mrs Joanna Green (Applicant) Mr James Rankin (Counsel on behalf of the Applicant) PC Gary Fletcher (Hampshire Constabulary) Sergeant Mark Voller (Hampshire Constabulary)
Informative:	Members encouraged all staff, including the DPS, to undertake further training on the licensing laws and objectives, as soon as possible.
Comments:	Members gave consideration as to whether or not to accept the 14 letters of support that had been set aside as invalid. The Sub Committee's legal advisor indicated that members needed to determine whether the persons who had written the letters either lived or had businesses in the vicinity. He also indicated they should allude in some way to the four licensing objectives. Members noted the letters had been received but decided they were not valid in the decision making process. PC Taylor who had attended an incident on the 10 June 2011 was unavailable to attend, PC Fletcher read out his written statement. A copy of the original 2005 licence was circulated with the agreement of all parties.

CHAIRMAN