



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>MONDAY, 1 AUGUST 2011 COMMENCING AT 10.15 AM</b>
Venue	<b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Jonathan Bacon, Heather Humby, Arthur Taylor
Officers Present	Julie Martin, Claire Thomas, Justin Thorne

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18. [Election of Chairman for the Day](#)

RESOLVED :

THAT Councillor Arthur Taylor be elected Chairman for the day.

19. [Minutes](#)

RESOLVED :

THAT the Minutes of the meetings held on [4](#) and [11 July 2011](#) be confirmed.

20. **Declarations of Interest**

There were no declarations received at this stage.

21. [Exclusion of Public and Press](#)

RESOLVED :

THAT under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting for the following item of business, namely Minute number 22, on the grounds that there was likely to be disclosure of personal information of the applicant and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 22. Confidential Report of the Head of Planning and Regulatory Services

### RESOLVED :

THAT upon receiving the report of the licensing section, oral and written evidence from the applicant and the police and having regard to the Guidance issued under s182 of the Licensing Act 2003, in particular paragraph 4.28 to 4.30 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014 the application be determined as detailed below:

**Decision Ref** 21 (11/12)

**Application:** Application to vary a Premises Licence to specify a New Designated Premises Supervisor for God's Providence House, 12 St Thomas' Square, Newport, Isle of Wight.

**Resolution:** THAT the variation to the Premises Licence to specify a New Designated Premises Supervisor for God's Providence House, 12 St Thomas' Square, Newport, Isle of Wight be granted as it was considered there were no exceptional circumstances that would undermine the crime prevention objective.

**Reasons for Decision:** Members took into account the current proceedings but did not consider these sufficient to be exceptional circumstances that would undermine the crime prevention objective. Members were concerned that the DPS had failed to personally notify the court that he was a personal licence holder but again did not believe this was sufficient grounds to reject the application.

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 proportionate and necessary for the promotion of the crime prevention 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.

**Public Participants:** Applicant  
Solicitor acting on behalf of the owner.  
Hampshire Constabulary

Members asked that police officers notify the courts of the fact that the DPS was a personal licence holder forthwith

The public and press were readmitted to the meeting for the following item.

23. **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 for a Variation of a Premises Licence, received in accordance with Section 34 of the Licensing Act 2003.

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 the application, 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 written evidence from the applicant and interested parties and having regard to the Guidance issued under Section 34 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:

<b>Decision Ref</b>	<a href="#">22 (11/12)</a>
<b>Application:</b>	Application for a Variation of the Premises Licence for the Beach Shack, Steephill Cove, Ventnor, Isle of Wight.
<b>Resolution:</b>	THAT the grant for a Variation of the Premises Licence for the Beach Shack, Steephill Cove, Ventnor, Isle of Wight be approved, to allow the supply of alcohol until 17:00 hours, subject to those conditions proposed by the applicant within the operating schedule and also subject to the mandatory conditions specified in the Licensing Act 2003, as well as requiring that a notice shall be displayed on the premises notifying patrons of the toilet provisions including its location.
<b>Reasons for <a href="#">Decision:</a></b>	Members considered that all objectives were adequately promoted except public nuisance. Members were concerned that supply of alcohol until 18:00 hours may mean inadequate toilet provision for customers. Members also considered that noise from persons leaving the premises after this time may have unacceptable adverse impact on people in this particular vicinity. However, members considered that the restriction in hours would mean that the objective was adequately promoted.

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.

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 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.

**Public Participants:** Mr Andrew Hinson (Applicant)  
Mr Brian Oxford (Applicants agent)

Gail Hooley (Objector)  
Nick Bellamy (Objector)  
Vanessa Wheeler (Objector)  
Jane Curtis (Objector)

**Additional Representations:** Photos from Gail Hooley were circulated with the agreement of councillors and the applicant.

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CHAIRMAN