



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	THURSDAY, 1 SEPTEMBER 2011 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Heather Humby
Officers Present	Andrea Bull, Ben Gard, James Howe, Julie Martin

28. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [18 August 2011](#) be confirmed.

29. **Declarations of Interest**

There were no declarations received at this stage.

30. **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 Premises Licence, received in accordance with Section 17 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/or written evidence from the applicant, interested parties and/or responsible authorities 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 applications be determined as detailed below:

Decision Ref: [25 \(11/12\)](#)

Application: A Premises Licence for Brawn's of Cowes, 62 High Street, Cowes, Isle of Wight.

Resolution THAT the grant of a Premises Licence for Brawn's of Cowes, 62 High Street, Cowes, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule as amended and agreed with the police and also subject to the mandatory conditions specified in the Licensing Act 2003, but modified to such an extent as the Sub Committee have considered necessary for the promotion of the four licensing objectives, namely by requiring the following conditions :

Conditions: As per suggested conditions page B2 – B3 (a) – (j) of the report dated 1 September 2011 and amended as follows :

- (i) Paragraph 10 (d) to read 'After 2000 hours the rear courtyard area shall not be used by customers for the purpose of eating, drinking or smoking and shall only be used for access to the toilet'.
- (ii) Paragraph 17 (d) to read 'That the maximum number of customers permitted on the premises be forty four'.
- (iii) To ensure that the French windows are closed and remain shut after 2000 hours save for access to the toilet.
- (iv) Alcohol only to be sold ancillary to the consumption of a substantial table meal, except for off site sales.

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 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.

Details : As per application

**Public
Participants:**

Matthew Parker (Applicant)
Abigail Stiles (DPS)

Mark Voller (Hampshire Constabulary)

Andrew Wilson (Objector)
Craig Wilson-Smith (Objector)

CHAIRMAN