

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 11 JULY 2011 AT 10.00AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT
Present	Cllrs Susan Scoccia (Chairman). Jonathan Bacon, Margaret Webster
Officers Present	Jon Baker, Sarah MacDonald, Justin Thorne
Apologies	None

13. [Minutes](#)

RESOLVED:

THAT the Minutes of the meeting held on [27 June 2011](#) be confirmed.

14. [Declarations of Interest](#)

Cllr Bacon declared a personal interest in Minute 17 as his wife worked in a non competing shop next to the premises which were the subject of the application.

15. **Urgent Business**

No urgent business had been received.

16. **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 applications for the Grant of Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

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 decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the reports of the Licensing section, oral and/or written evidence from the applicant, interested parties and/or responsible authorities and having regard to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Street Trading, the applications be determined as detailed below:

Decision Ref	20 (11/12)
Application:	An application for the grant of a Street Trading Consent under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for Mr Michael Tracey, “Out to Lunch” at Duver Road, Seaview, Isle of Wight
Resolution:	Upon receiving the report of the licensing section, oral and/or written evidence from the applicant and objectors, and having regard to the Isle of Wight Council’s Interim Statement of Licensing Policy (Street Trading Consents) adopted in July 2008, the sub committee hereby refuse the Street Trading Consent in accordance with the application.
Reasons for Decision:	<p>The trading of an Ice Cream van selling a variety of hot food and drinks as well as Ice Cream would cause a nuisance of litter in an area of national and local designation.</p> <p>The type of products sold would be consumed at different locations and members did not believe that the applicant would have sufficient control over the disposal of the packaging. This was considered unacceptable in an area adjacent to a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a Ramsar site (a wetland of international importance).</p> <p>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.</p> <p>All parties were advised there was no direct right of appeal against the decision but if anyone was dissatisfied they did have the right to judicially review the decision.</p>
Public Participants:	Mr Jim Howkins – Councillor for Seaview and Nettlestone Parish Council
Additional Representations:	Councillor Reg Barry – Elected Ward Member of the IWC
Comments :	Members gave due consideration to objections raised around the issue of litter in a nature reserve area of national and international importance.

17. 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 each 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 Section 34 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 [21 \(11/12\)](#)

Application: Application Under Section 17 of the Licensing Act 2003, for the variation of a Premises Licence at Hong Kong Express, 3 Esplanade, Ryde, Isle of Wight

Resolution: THAT the grant for a Variation of the Premises Licence for the Hong Kong Express, 3 Esplanade, Ryde, Isle of Wight be refused.

Reasons for Decision: The position of the bar selling alcohol would encourage more people to congregate in the area and queue onto the street. This would present a public safety and nuisance concern as it would be adjacent to a road. It could also cause a nuisance to the other persons using the pavement.

The addition of alcohol consumed as a result of the bar may cause further crime and disorder through intoxication, thus contrary to the crime and disorder objective.

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: Mr Lin Bun Hang – Applicant

Additional Representations: Mr Brian Oxford – Applicants representative
PC Gary Fletcher – IW & Hants Police
Sgt Neil Goodyear – IW & Hants Police

Comments:

As well as the reservations over crime and disorder issues, the Sub Committee noted the concerns of the police with regard to the risk of proxy sales where a minor could be supplied with alcohol via a third party.

CHAIRMAN