

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 11 AUGUST 2008 COMMENCING AT 9.30 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Warren Haynes, Julie Martin, Justin Thorne, Claire Van Heerden

13. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [9 June 2008](#) be confirmed.

14. **Declarations of Interest**

Cllr Ivan Bulwer declared a personal interest in Minute 14, an application for a premises licence for Le Casati House, 4 West Street, Ryde, Isle of Wight as he knew one of the objectors.

Cllr Susan Scoccia declared a personal interest in Minute 14, an application for a premises licence for Le Casati House, 4 West Street, Ryde, Isle of Wight as her daughter had previously attended Ryde School who were one of the objectors.

15. **Report of the Head of Consumer Protection**

Consideration was given to the report of the Head of Consumer Protection, providing details of an application for a Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

A schedule of additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of the application.

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 2008 – 2011, the applications be determined as detailed below:

Decision Ref: 05 (08/09)

Application: A Premises Licence for Casati House, 4 West Street, Ryde, Isle of Wight

Resolution THAT the grant of a Premises Licence for Casati House, 4 West Street, Ryde, Isle of Wight be approved, in accordance with the application, 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, 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:**
- (i) As per conditions on pages B - 41 and B - 42 of the report.
 - (ii) No open vessels containing alcohol shall be taken on the balconies or the rear courtyard between 2300 hours and 1000 hours
 - (iii) No glass disposal outside the building to occur between the hours of 2300 hours and 0800 hours.
 - (iv) Notwithstanding the application no late night refreshment shall be permitted outside the building in the outdoor area.

Reason: In order to prevent noise nuisance associated with glass, bottle disposal and general noise disturbance of talking and to promote the prevention of public nuisance.

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 agreed schedule of amendments and conditions on pages B - 41 and B - 42 of the report.

Public Participants: Mr T Joyner (On behalf of the applicant)
Mr J Kohn (Applicant)

Mrs P Firth (Objector)
Mr Ferguson (Objector)
Mrs Reed (Objector)
Mr Limon (Objector)
Mrs S Dodds (Objector)

Additional Representations: A letter of support from the next door neighbour.
A letter of objection from a neighbour.

CHAIRMAN