



Minutes

Name of meeting

LICENSING (DETERMINATIONS) SUB COMMITTEE

Date and time

MONDAY, 14 APRIL 2008

Venue

COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT

Present

Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham

Officers Present

Bill Berry, Julie Martin, Justin Thorne, Claire Van Heerden

71. **Declarations of Interest**

There were no declarations received at this stage.

72. **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 each relevant 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 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 written evidence from the applicant, interested parties and 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: 21 (07/08)

Application: A Premises Licence for White Air 2008, Yaverland Car Park, Yaverland Road, Sandown, Isle of Wight

Resolution

THAT the grant of a Premises Licence for White Air 2008, Yaverland Car Park, Yaverland Road, Sandown, 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 listed below:

Conditions:

As per suggested conditions 1 – 10 and 12 – 15 on pages A49 – A50 of the report.

Condition 15 be amended to require a plan to be submitted to and agreed in writing with the Local Licensing Authority, identifying the position and direction any lighting to be used in association with the event.

Additional conditions :

Condition 16.

Regulated entertainment permitted by the licence shall be restricted to :

Live Music

Friday and Saturday 1800 hours – 2200 hours

Acoustic Music

Friday – Sunday 1000 hours – 1800 hours

Recorded Music

Friday – Sunday 1000 hours – 2300 hours

Condition 17.

Regulated entertainment permitted by the licence shall not exceed :

Live Music - 75 dB(A) leq measured at a distance of 1 metre from the boundary of any noise sensitive premises over a period of 15 minutes.

Acoustic Music - 65 dB(A) leq when measured at a distance of 1 metre from the boundary of any noise sensitive premises over a period of 15 minutes.

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.

Details

As per application

Public Participants:

Mr N Howell (Applicant)

Mrs Clemens (objector)

Additional Representations:

A schedule of proposed changes, as agreed with the applicant and environmental health, was circulated to members prior to the start of the meeting.

A copy was also given to the objector Mrs Clemens.

CHAIRMAN