



# Minutes

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| Name of meeting  | <b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>                |
| Date and time    | <b>TUESDAY, 15 JUNE 2010 COMMENCING AT 2.00 PM</b>             |
| Venue            | <b>COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b> |
| Present          | Cllrs Ivan Bulwer, Colin Richards, Arthur Taylor               |
| Officers Present | John King, Sarah MacDonald, Julie Martin, Justin Thorne        |

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**8. Election of Chairman for the Day**

RESOLVED:

THAT Councillor Ivan Bulwer be elected Chairman for the day.

**9. Declarations of Interest**

Councillor Arthur Taylor declared a personal interest as he was the local member.

**10. Report of the Head of Community Safety Service**

Consideration was given to the report of the Head of Community Safety Service, 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 2008 – 2011, the applications be determined as detailed below:

**Decision Ref:** 01 (10/11)

**Application:** A Variation of a Premises Licence for Liquid Lounge, 74 Union Street, Ryde, Isle of Wight, PO33 2LN

**Resolution** THAT the grant of a variation of a Premises Licence for Liquid Lounge, 74 Union Street, Ryde, Isle of Wight, PO33 2LN be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and the mandatory conditions specified in the Licensing Act 2003 and those agreed with the Police, including the conditions on page B-30 as the Sub Committee have considered necessary for the promotion of the four licensing objectives, such condition to now read:

**Conditions:** Notwithstanding the application, no regulated entertainment shall be authorised between 02:00 hours and 12:00 hours until the electronic sound limiting device installed is re-set by a competent person, also an officer from the Environmental Health department, in accordance with details which have been submitted to and approved in writing by the Local Licensing Authority, such details to include sound levels and tamper proof integrity. The sound limiter level once set shall not be adjusted without prior written approval of the Local Licensing Authority.

The limiter thereafter is regularly maintained by a competent person and a report is produced at no greater than 12 month intervals from the date of grant of this licence variation which shall include details of this maintenance, a test of its normal operation and certification of the devices tamper proof integrity. Such records shall be open to inspection by an authorised officer of the Local Licensing Authority within 24 hours of request.

**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.

The potential for public nuisance increases after 23:00 hours due to a reduction in background noise levels. In accordance with the application, regulated entertainment is proposed to take place until 03:00 hours Friday and Saturday, on 12 occasions a year. There are nearby properties which may suffer public nuisance arising from regulated entertainment at these proposed times. These

proposed conditions are considered necessary, relevant and enforceable to secure the licensing objective of the prevention of public nuisance in accordance with paragraphs 8.14, 8.15 and 8.18 of the Licensing Authority's Statement of Licensing Policy 2008-2011.

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**

Mr Stewart Benton (Premises Licence Holder)

**Participants:**

Mr Rory Keeling (Owner)

CHAIRMAN