



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 16 MARCH 2009 COMMENCING AT 11.30 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer and Mike Cunningham
Officers Present	Julie Martin, Justin Thorne, Claire Van Heerden

40. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [23 February 2009](#) be confirmed.

41. **Declarations of Interest**

There were no declarations received at this stage.

42. **Reports of the Head of Community Safety Service**

- (a) Consideration was given to the report of the Head of Community Safety Service, providing details of an application for a Personal Licence, received in accordance with Section 117 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, written evidence from the applicant and responsible authorities and having regard to the Guidance issued under Section 117 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2008 – 2011, the application be determined as detailed below:

Decision Ref 15 (08/09)

Application: Application for a Personal Licence from Mr Luke Edgington-Johnson, Morton Brook, Sandown, Isle of Wight.

Resolution: THAT the grant of a Personal Licence for Mr Luke Edgington-Johnson, Morton Brook, Sandown, Isle of Wight be refused.

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.

The Sub Committee was not satisfied that exceptional and compelling circumstances which justify granting the licence, it therefore concludes that it is necessary to the promotion of crime prevention objectives to refuse the application in accordance with S.120 of the Act and with paragraph 4.9 of the secretary of state s182 guidance.

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, especially the crime prevention objective, 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: None

- (b) Consideration was given to the report of the Head of Community Safety Service, 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 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 written evidence from the applicant and interested parties 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 2008 – 2011, the applications be determined as detailed below:

Decision Ref	16 (08/09)
Application:	Application for a Variation of the Premises Licence for Ryde Theatre, Lind Street, Ryde, Isle of Wight.
Resolution:	THAT the grant for a Variation of the Premises Licence for Ryde Theatre, Lind 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 listed below:
Conditions:	<p>(i) Notwithstanding the variation no licensable activity shall be authorised after 11.00 pm until an operating schedule detailing the system for patrons smoking area has been submitted to and approved in writing by the Local Licensing Authority. Such system shall be maintained thereafter.</p> <p>Reason: as per reasons given within the same report in order to promote the Licensing Objective of Public Nuisance and in accordance with paragraphs 8.17 to 8.19 of the Isle of Wight Councils Statement of Licensing Policy of the s182 guidance.</p> <p>(ii) To remove all hours of permitted sale of alcohol and, save any New Years Eve preserved rights, and replace with those detailed in the operating schedule of the application.</p>
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.

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: Miss L Gaudion (Solicitor on behalf of the applicant)
Mr Lawrence Edmonston (Applicant)
Mr Nolan Winter (Applicant)
Stephanie Wood (Designated Premises Supervisor)

Mr Kennedy (Objector)
Mary Rose (Objector)
Mr Mason (Objector)
Evelyn Timms (Objector)

Additional Representations: Mr Kennedy produced copies of photograph's and asked if they could be circulated to members, the applicants confirmed they had no objections to the photograph's being circulated to the Sub Committee.

Comments: A full copy of the Risk Assessment and Operating Schedule was circulated to all parties prior to the hearing commencing.
