



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	TUESDAY, 16 MARCH 2010 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, David Williams
Officers Present	Ben Gard , Amanda Thomas

25. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [2 December 2009](#) be confirmed.

26. **Declarations of Interest**

Cllr Williams declared a personal interest as he was a member of Hampshire Police Authority.

27. **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 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, interested parties and responsible authorities and having regard to the Guidance issued under Section 182 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	11 (09/10)
Application:	Application for a Variation of the Premises Licence for the Kasbah, 76 Union Street, Ryde, Isle of Wight.
Resolution:	THAT the grant for a Variation of the Premises Licence for the Kasbah, 76 Union 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 members have considered necessary for the promotion of the 4 licensing objectives, namely by requiring the following conditions:
Conditions:	<ul style="list-style-type: none">(i) as per suggested conditions on pages B-32 and B-33 of report dated 16 May 2010, numbers 2 and 3;(ii) and as per suggested conditions page B-38 of report dated 16 March 2010 and numbered 1, 2, 3, 4 and 5;(iii) the provision of live music shall hereby be restricted to no more than 6 occasions per calendar month.
Reasons for Decision:	<p>The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Public Nuisance and in accordance with the Isle of Wight Council's Statement of Licensing Policy and Section 182 guidance.</p> <p>In reaching the above 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.</p> <p>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.</p>

- Details:** As per application.
- Informative:** Members noted the applicant's offer to install a noise limiter if they are notified of a nuisance by the Environmental Health Department and hope that this is respected and will not require a formal review.
- Public Participants:** Mr Nicolas Woodward (applicant)
Mr Mathew Phipps (applicant's legal representative)
Mr Kelly (objector)

CHAIRMAN