



# Minutes

Name of meeting **LICENSING (DETERMINATIONS) SUB COMMITTEE**  
Date and time **THURSDAY, 16 AUGUST 2007 COMMENCING AT 2.00 PM**  
Venue **COMMITTEE ROOM 1, COUNTY HALL, NEWPORT, ISLE OF WIGHT**  
Present Cllrs Susan Scoccia (Chairman), Ivan Bulwer, David Whittaker  
Officers Present Sarah MacDonald, Julie Martin, Helen Miles

41. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [6 August 2007](#) be confirmed.

42. **Declarations of Interest**

There were no declarations received at this stage.

43. **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.

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 and interested parties 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 2004 – 2007, the application be determined as detailed below:

**Decision Ref:** 8 (07/08)  
**Application:** A Premises Licence for Tumblers Café, 2 -4 Atherley Road, Shanklin, Isle of Wight.

**Resolution** THAT the grant of a Premises Licence for Tumblers Café, 2 -4 Atherley Road, Shanklin, 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:**
- 1) Alcohol will only be consumed in the café area, and not the amusement area.
  - 2) The sale of alcohol after 1800 hours will only be with a substantial table meal.
  - 3) No alcohol is to be taken outside the building after 1800 hours.
  - 4) No bottles to be taken outside at any time.
  - 5) No alcohol to be taken off the premises at any time.
  - 6) No unaccompanied children will be permitted on the premises after 1800 hours.
  - 7) The Challenge 21 scheme will be adopted as regards proof of age.
  - 8) All staff involved in the supply of alcohol will receive training as regards their responsibilities and the legal requirements concerning the sale of alcohol. Records of such training will be kept.
  - 9) The outside seating area shall be supervised by staff at ALL times to ensure that patrons do not create noise so as to be a public nuisance.

Subject to condition 8 requiring all staff to undertake training within three months.

The supply of alcohol shall only take place between 10:00 hours and 16:00 hours Saturday to Wednesday, and 10:00 hours and 23:00 hours Thursday and Friday. The premises may be open between 08:00 hours and 16:00 hours Saturday to Wednesday and 08:00 hours to 23:00 hours Thursday and Friday.

**Reasons for Decision:** The reasons were provided in the report to promote the Licensing objectives regarding the Prevention of Crime and Disorder and The Prevention of Public Nuisance 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 report.

Subject to condition 8 requiring all staff to undertake training within three months.

The supply of alcohol shall only take place between 10:00 hours and 16:00 hours Saturday to Wednesday, and 10:00 hours and 23:00 hours Thursday and Friday. The premises may be open between 08:00 hours and 16:00 hours Saturday to Wednesday and 08:00 hours to 23:00 hours Thursday and Friday.

**Public  
Participants:**

Mr Christopher May (Applicant)

Mr David Pugh (On behalf of Mr and Mrs Gaskin)

Mr Kevin Nixon (Objector)

Mr Alec Brennen (Objector)

CHAIRMAN