



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>TUESDAY, 17 MAY 2011 COMMENCING AT 6.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Susan Scoccia (Chairman), Paul Fuller, David Williams
Officers Present	Andrea Bull, Laura Gaudion, Amanda Gregory, Julie Martin, Helen Miles, Matthew Northard, Kevin Winchcombe

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43. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [4 May 2011](#) be confirmed subject to the following addition:

Councillor Susan Scoccia declared a personal interest as she knew the co-applicant, who was a resident in her ward.

Minute 42, paragraph 3, should read 'After hearing the application'

44. [Declarations of Interest](#)

Councillor David Williams declared a personal interest as he was the Councils representative on Hampshire Police Authority.

45. **Report of the Head of Planning and Regulatory Services**

Consideration was given to the report of the Head of Planning and Regulatory Services, 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 report, was submitted to Members prior to the consideration of the 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 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 s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the application be determined as detailed below:

- Decision Ref:** 16 (10/11) ([Recording 1](#) and [2](#))
- Application:** A Premises Licence for Seaclose Park, Fairlee Road, Newport, Isle of Wight
- Resolution** THAT the grant of a Premises Licence for Seaclose Park, Fairlee Road, Newport, Isle of Wight be approved, in accordance with the application, subject to the Event Safety and Operational Plan proposed by the applicant 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. The holder of the premises licence, or an agent on behalf of and under the authority of the licence holder, shall produce an event safety and operational plan (hereinafter referred to as 'ESOP').
  2. The ESOP shall, amongst other matters, address the methods by which the licence holder proposes to manage the following matters in accordance with the licensing objectives:
    - crowd safety;
    - procedures in the event of emergency;
    - the reduction of crime and disruption of the supply and possession of drugs;
    - regulation of the number of persons on the event site;
    - stewarding;
    - the responsible sale of alcohol;
    - the welfare of persons working at the event site;
    - missing persons and the safety of children;
    - ticket sales and conditions of entry;
    - the provision of first aid;
    - accident reporting procedures;
    - the control of noise and the prevention of public nuisance;
    - the prevention of fire;
    - the use of fireworks;
    - the safety of food;
    - the control of litter;
    - sanitation and the disposal of waste;

- the safety of temporary structures;
  - traffic management;
  - provision of facilities for disabled persons;
  - the structure for the operational management of the event, including the composition and functions of the event liaison team (hereinafter referred to as 'ELT');
  - the responsibilities of personnel engaged at the site;
3. The ESOP shall be revised on an annual basis and, with effect from 2012, a draft version of that document shall be circulated to all responsible authorities, and to the licensing authority (Isle of Wight Council), not later than 120 days before the start of each Isle of Wight Festival event (hereinafter referred to as 'event').
  4. Following the circulation of the draft ESOP, the licence holder, or an agent on behalf of and under the authority of the licence holder, shall consult with all responsible authorities and shall take due account of any representation made by a responsible authority regarding the content of the document.
  5. With effect from 2012, subject to conditions 7 and 8 below, the ESOP shall be finalised not later than 56 days before the start of each Isle of Wight Festival event and shall be circulated in final form to all responsible authorities and to the licensing authority.
  6. The Licence holder must obtain written approval for the Event Safety and Operational Plan from the Licensing Authority at least 14 days prior to the event.
  7. Where, following the submission of the final version of the ESOP (as required under condition 5 above) but prior to the commencement of the event, the licence holder considers it necessary to make any adjustment to the ESOP, the proposed adjustment shall be notified to the licensing authority, who may notify the relevant responsible authority. No adjustment shall be made to the ESOP unless it is agreed with the licensing authority.
  8. Where, during the course of the event, the licence holder considers it necessary to deviate from any provision within the ESOP, the matter shall be brought to the attention of representatives of the relevant responsible authority or authorities within the ELT who may approve such deviation. Any such decision shall be documented by the ELT and such approved deviation shall not constitute a breach of condition 10 below.
  9. The licence holder may at any time prior to an event provide appropriate information to accompany the ESOP. This may include appendices to the plan detailing such matters as the names and contact details of persons engaged at the site. Nothing in the conditions of this licence shall prevent the continued flow of information, especially where such information

could not reasonably have been known to the licence holder prior to 56 days before the event.

10. Where a person placed under a positive obligation to comply with a provision of the ESOP fails to do so, the failure shall be regarded as a breach of this condition of the premises licence, provided that the failure on that occasion amounted to a failure to promote one or more of the licensing objectives.
11. Any proposed alteration to the following matters shall not be made during the period of the premises licence except by formal variation of the licence:
  - The number of days over which the event takes place each year (save for any decrease);
  - The hours the licensed area is open to the public for licensable activities (save for any decrease);
  - The hours during which licensable activities are to take place (save for any decrease);
  - An increase in the total noise output from stages at the event site beyond that permitted pursuant to the provisions of the pre-existing ESOP;
  - Material changes to the general location of the stages from those identified in the pre-existing ESOP;
  - The overall public capacity;
  - The perimeter of the licensed area;
  - Change of the designated premises supervisor.

**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 from the date of notification.

**Details :**

As per application

**Public Participants:**

Mr David Clifton (Legal representative for Solo)  
Caroline Giddings (Applicant)  
John Giddings (Applicant)  
Mark Hatch (Proposed Designated Premises Supervisor)  
Alan Law (Solo - Principal Author of ESOP)  
Steve Levitt (Solo – Noise issues)  
Keith Morris (Solo – ESOP issues)

Warren King (Vanguardia Consulting – Noise issues)

Sergeant Jason Holford (Hampshire Constabulary)  
Sergeant Dave Steele (Hampshire Constabulary)  
Sergeant Mark Voller (Hampshire Constabulary)

Mr Douglas Bailey (Objector)  
Ms J Johnson (Objector)  
Mr Chris Hougham (Newport Parish Council)  
Mr Paul Millard (Objector)  
Mr Stan Przysocki (Objector)  
Mrs Christina Ray (Objector)

Councillor Dawn Cousins (Local Member)  
Councillor Geoff Lumley (Adjoining Member)

**Additional Representations:**

A representation from Mr Saunders was circulated to all parties prior to the meeting.

**Comments:**

Environmental Health had withdrawn their objections

It was noted that the event safety and operational plan would be a more efficient way of proceeding as it created a template for future years. It would be an open ended licence which should allow for flexibility, within bounds, to allow for greater numbers to attend the festival. The event safety and operational plan would be agreed annually and signed off by the relevant Director and Cabinet Member.

A formal application would still be required for any material changes to the licence in the future, as required by the Licensing Act 2003. The development of the event safety and operational plan would not impinge on the right of any individual or responsible authority to call for a review of the licence. An annual fee would still be payable.

**Informative:**

That having heard the representations of the Parish Council and the Local Members and the verbal assurance given by the applicant the Sub Committee would expect the applicant to engage, both at the time of preparation of the ESOP and at the de-brief after each event, with both the Parish Council and Local Members. The Sub Committee believed that it would better assist in identifying and meeting the concerns of local residents.