



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 17 AUGUST 2009 COMMENCING AT 11.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Ivan Bulwer
Officers Present	David Curtis-Botting, Laura Gaudion, Elaine Gutcher, Julie Martin, Claire Thomas, Claire Van Heerden, Mark Wootton

4. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [22 July 2009](#) be confirmed.

5. **Declarations of Interest**

There were no declarations received at this stage.

6. **Report 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 Zoo Licence, received in accordance with the Zoo Licensing Act 1981.

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, the independent report of the inspector assigned by the Secretary of State, oral and written evidence from the applicant, interested parties and responsible authorities and having regard to the requirements of the Zoo Licensing Act 1981, including those

matters under s4 of the Act, the application be determined as detailed below:

Decision Ref:	03 (09/10)
Application:	A Zoo Licence for Owl and Monkey Haven, Five Acres Farm, Staplers Road, Newport, Isle of Wight.
Resolution	THAT the grant of a Zoo Licence for Owl and Monkey Haven, Five Acres Farm, Staplers Road, Newport, Isle of Wight be approved, in accordance with the application, subject to those recommendations specified in the report of the independent inspector appointed by the Secretary of State, but modified to such an extent as the Sub Committee have considered necessary and reasonable, namely by requiring:
Conditions:	THAT all records and reports referred to at pages B5 and B6 under paragraph 43 shall be made immediately available to an authorised officer of the council upon request and copies shall be provided to the Local Licensing Authority with 24 hours notice.
Reasons for Decision:	<p>The reasons were provided in the report to ensure that the licensed zoo premises were adequately discharging their responsibilities under the Zoo Licensing Act and in particular s4.</p> <p>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.</p> <p>There is no right of appeal to the decision. If any party is dissatisfied with this decision they may have the right to apply for Judicial Review which must be made promptly.</p>
Details :	As per application.
Public Participants:	Mr Don Walser (Applicant) Mr Anthony Walser (Applicant) Mr David Wickes (Applicant) Mr Mitchell (Supporter) Mr Brayford (Objector) Mr Hopper (Objector)
Additional Representations:	A late representation had been received from The Captive Animal Protection Society.

Comments: Members wished the applicant to note that any future offences under related legislation or other regulatory regime may call into question whether the zoo is being properly managed and may result in a revision to the licence. Members encouraged the applicants to ensure all necessary consents and licences are obtained and adhered to.

- (b) 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: 04 (09/10)

Application: A Premises Licence for Froglands Farm, Froglands Lane, Carisbrooke, Newport, Isle of Wight

Resolution THAT the grant of a Premises Licence for Froglands Farm, Froglands Lane, Carisbrooke, Newport, 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: As per suggested conditions on page C – 44 of the report dated 17 August 2009 in that further conditions are to be added namely :

- (i) The event management plan shall form part of the Operating Schedule for the event. Any breach of the plan shall be deemed a breach of the premises licence.
- (ii) The event organisers shall warn any concession/outlet responsible for the supply of any drug alternatives, herbal substances, pills, powder or gases (other than from a dedicated pharmacy approved by the Health authorities), which is found to be causing legitimate concerns to any of the emergency services to cease providing that substance and if a concession/outlet continues to sell/provide such items, the organisers will give assurances that they will close such outlets on site.

Reason: As per reasons given within the same report in order to promote the Licensing objective the prevention of crime and disorder and in accordance with the Isle of Wight Council Statement of Licensing Policy and the s182 guidance.

- (iii) The licensable hours are to be modified in respect of the live music, the playing of recorded music, the provision of music making facilities and the supply of alcohol to start at 15:00 hours and finish at 22:30 hours.

Reason: This had been agreed by the applicant prior to the committee hearing.

- (iv) Ticket sales are prohibited on the day of the event save for from outlets advertised as retailing tickets prior to the date of determination of this Licensing (Determinations) Sub Committee.

Reason: In order to promote the Licensing objective the prevention of crime and disorder and public safety and in accordance with the Isle of Wight Council Statement of Licensing Policy and the s182 guidance.

- (v) A marshalling plan is to be produced by the event organiser and agreed with the Licensing authority and the police no later than seven days prior to the event. The plan must identify the location and numbers of security staff and marshals for the event, having specific regard to the perimeter of the concert arena field.

Reason: In order to promote the Licensing objective the prevention of crime and disorder and public safety and in accordance with the Isle of Wight Council Statement of Licensing Policy and the s182 guidance.

- (vi) The event organiser must provide a minimum of 50 toilets for women, and a minimum of 60 urinals and 20 toilets for men within the concert arena field, a further eight toilets must be provided in the main car park area.

Reason: In order to promote the Licensing objective the prevention of public nuisance due to the sites special characteristics and in accordance with the Isle of Wight Council Statement of Licensing Policy and the s182 guidance.

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 Aaron Baker (Applicant)
Mr Kevin Moody (Applicant)
Mr Paul McGuire (Applicant)
Mr John Marsh (Applicant)

Councillor John Hobart (On behalf of Carisbrooke residents)

Mr Graham Montrose (Objector)
Mr Ben Houfton (Objector)
Mr Dennis Russell (Objector)
Mr Phil Truckel (Objector – on behalf of Vivienne Garrett)
Mr C Kirby (Objector)
Mrs Jane Legg (Objector)
Mr Levy (Objector)