



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>WEDNESDAY, 18 APRIL 2012 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Paul Fuller, Richard Hollis, Arthur Taylor
Officers Present	Julie Martin, Justin Thorne, Claire Van Heerden, Charlotte Whitewood, Kevin Winchcombe

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66. [Election of Chair for the Day](#)

RESOLVED:

THAT Councillor Arthur Taylor be elected Chair for the Day.

67. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [2 April 2012](#) be confirmed.

68. [Declarations of Interest](#)

There were no declarations received at this stage.

69. **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.

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:** [38 \(11/12\)](#)

**Application:** A Premises Licence for Westhill Hotel, 2 Leed Street, Sandown, Isle of Wight.

**Resolution** THAT the grant of a Premises Licence for Westhill Hotel, 2 Leed Street, Sandown, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and agreed with the Environmental Health Department and the Police as amended during the hearing, also subject to the mandatory conditions specified in the Licensing Act 2003.

- Conditions:**
1. Non-residents are not permitted to enter the premises before 08:00hrs on any day.
  2. Non-residents are not permitted to remain on the premises after 00:30 hrs. Only bona fida residents will be permitted to remain on premises after 00:30 hours, save for the 12 occasions (in condition 11 below) when non-residents may stay on the premises until 01:30 hours.
  3. A 'Challenge 21' policy shall be adopted, so that alcohol shall not be sold to anyone appearing to be under the age of 21 unless that person produces satisfactory documentary proof that he or she is aged at least 18 years.
  4. Posters to the effect that a 'Challenge 21' policy is in place shall be displayed prominently in the bar/lounge area.
  5. A notice requesting guests or customers to respect neighbours and keep noise to a minimum shall be displayed prominently at every public exit from the building.
  6. All reasonable steps shall be taken to prevent any person removing any alcoholic drink from the premises.

7. All persons involved in the sale of alcohol will be trained in the law relating to the sale and supply of alcohol including the premises licence conditions. A written record shall be kept of such training, and records will be provided to an authorised officer of the licensing authority or the police on request.
8. A written record shall be made of any complaint relating to the licensing activities, and of any refusal to sell alcohol to a person suspected to be under the age of 18 years. Any such record shall be produced to a police officer or relevant officer of the local authority on reasonable request.
9. When entertainment is advertised for the general public, the licensee will risk assess and record the need to supply door supervisors as defined in the Private Security Industry Act 2001, and who are registered with the Security Industry Authority. The number of door supervisors to be on duty while the premises is open to the public will be determined by the licensee, and having due regard to crime and disorder.
10. Where the licensed premises boundary extends to 'outside areas' the consumption of alcohol will cease in these areas at no later than 21:00 hours.
11. No regulated entertainment is authorised by this licence after 21:00 hours unless all external doors and windows are closed to prevent public nuisance.
12. The sale of alcohol to non-residents may take place until midnight each day save for the 12 calendar days per calendar year when alcohol may be sold until 01:00 hours. The licence holder shall keep a written record of every such occasion. This record shall be produced to a police officer or responsible officer of the local authority on request.

#### Environmental Health Conditions:

1. All regulated entertainment will end at 23:00 hours, save for the 12 occasions provided for in condition 11 when the entertainment can continue until 01:00 hours.
2. When regulated entertainment is taking place, regular assessments of the noise coming from the premises will be conducted and steps will be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book and shall include the date and time of the checks, the person making them and

the results including any remedial action

3. On the occasions that regulated entertainment will take place after 2300hrs, amplified music noise from the premises shall not be clearly audible and discernable at any residential premises

**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.

Members considered the objections and noted the perceived existing problem of crime and disorder in the area. Members did not see evidence that they considered this application would add to any crime and disorder issue and were content the amended application did promote the licensing objectives. Members noted the proposal limited later occasions and the conditions that they believe would adequately control problems arising from the premises. Members also noted that if the business plan was not put forward and problems did arise then the review mechanism would bring the licence back before the committee.

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:  
Public  
Participants:**

As per application.  
Mr Steven Williams (Applicant)  
Mrs Heidi William (Applicant)  
  
Mr Martin Rogers (Objector)

CHAIRMAN