

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 18 AUGUST 2008 COMMENCING AT 9.30 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Bill Berry, Laura Gaudion, Julie Martin, Claire Thomas, Claire Van Heerden

16. **Declarations of Interest**

Cllr Susan Scoccia declared a personal interest in Minute 17 (a) - New Close Cricket Ground, Blackwater, Newport – as she knew both Mr John Hilsom and Mr Keith Newnham in connection with Ventnor Cricket Club.

17. **Reports 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.

A schedule of additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of each relevant 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 each 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 2008 – 2011, the applications be determined as detailed below:

(a) New Close Cricket Ground, Blackwater, Newport, Isle of Wight

Decision Ref: 06 (08/09)

Application: A Premises Licence for New Close Cricket Ground, Blackwater, Newport, Isle of Wight

Resolution THAT the grant of a Premises Licence for New Close Cricket Ground, Blackwater, Newport, Isle of Wight be approved, in accordance with the amended 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 A – 16 of the report dated 18 August 2008 with conditions 3 and 5 therein being amended to make CCTV recorded images and written records of staff training to be available to both the Licensing Authority and the Police on request.

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 amended application.

Public Participants: Mr Keith Verrinder (Solicitor on behalf of the applicants)
Mr Keith Newnham (Club Treasurer)
Mr Andrew Morgan (Designated Premises Supervisor)
Mr Brian Gardener (Trustee)

Mr Hardy (Objector)

Additional Representations: A late representation had been received from Dr S C Sweetman and was circulated to the applicants and members of the committee. It was agreed by all parties that the representation could be considered in conjunction with other representations received.

(b) White Air Extreme Sports Festival, Yaverland Car Park, Yaverland Isle of Wight

Decision Ref: 07 (08/09)

Application: A Premises Licence for White Air Extreme Sports Festival, Yaverland Car Park, Yaverland, Isle of Wight.

Resolution THAT the grant of a Premises Licence for White Air 2008, Yaverland Car Park, Yaverland Road, Sandown, 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: The conditions previously imposed by the Isle of Wight Council Licensing (Determinations) Sub Committee on 14 April 2008 (Licence number - IW 024556) shall apply, namely :

Annex 2
Conditions consistent with the operating Schedule

1. This licence is valid for the period of Friday, the 19 September 2008 to Sunday 21 September 2008.

2. Maximum numbers permitted by this licence shall not exceed 4,999 persons. A robust system of counting in and out shall be in place.
3. SIA registered door staff shall be employed at all gates and bars on the premises. Stewards and door staff shall be in radio communication throughout the event.
4. Stewards shall employ recognised search techniques at all entry gates.
5. Alcohol shall be placed in plastic drinking vessels outside of the bar area.
6. Posters shall be displayed in bar area to prevent persons under 18 attempting to purchase alcohol.
7. Training regarding the sale of alcohol shall be carried out by the DPS.
8. The Challenge 21 scheme shall be adopted.
9. Provision of facilities for making music shall be in the form of recorded music via headphones only.
10. Litter shall be picked at regular intervals throughout the event.
11. Staff working in the lost child facility shall be fully CRB checked.
12. A competent company shall be employed to control security. A joint briefing will be held between the Event organisers, Emergency Services, Event Safety Officer, Security and Police.
13. SIA registered staff will be used on gates and bar areas and the supervisor in control will also be SIA registered. Stewards and door staff shall be in radio communication throughout the event.
14. Event attendees will not be permitted to take alcohol from the arena.
15. Appropriate posters will be displayed to discourage under age sales of alcohol.
16. All bar staff will be 18 yrs or older. They will receive training in the law regarding the sale of alcohol, including how to question customers and refuse sales. A record of such training shall be maintained by the Designated Premises Supervisor.
17. Event organisers are to work with Security and Police to ensure that drugs are not brought onto the festival site.
18. A fire risk assessment will be carried out for the entire site. This will include designated emergency routes.
19. All caterers and traders will have at least one operational 5kg dry powder extinguisher and

- one light duty fire blanket. These are to be inspected by the festival organisers prior to the Event opening.
20. Throughout the Event site a vehicle movement restriction will be enforced during the Festival opening times, except in an emergency.
 21. All structures are to be checked and certified by suitably qualified and experienced persons, and certificates will be available for inspection at all times.
 22. Adequate First Aid provision will be provided.
 23. Any use of fireworks or pyrotechnics shall be under the control of a competent display contractor.
 24. The Event Production Manager, Mr Nigel Howell will take overall responsibility for all management issues.
 25. The Event organisers will work with Police to ensure any anti social behaviour is prevented or reduced to a minimum.
 26. Adequate car parking will be provided by the Event Organisers.
 27. Appropriate and adequate lighting of the site shall be provided during the hours of darkness.
 28. A written traffic management plan will be submitted to the police licensing unit no later than 30 days before the event.
 29. A written emergency evacuation procedure will be submitted to the police licensing unit no later than 30 days before the event.
 30. Security will be provided on site overnight whilst alcohol is stored there.
 31. No unaccompanied children will be permitted in areas where alcohol is being sold.
 32. The DPS or nominated personal licence holder will be on site at all times whilst the sale of alcohol is taking place. A rota of these named persons will be submitted to the police licensing unit no later than seven days before the event.
 33. Appropriate and adequate arrangements will be made for the regular collection of litter and all rubbish.
 34. A written lost/distressed children policy shall be in place. Any person working in this area will have an Enhanced CRB check prior to the event.
 35. Persons under the age of 16 years shall be accompanied by an adult on the Event site.
 36. No glass bottles or drinking vessels will be used for the sale of alcohol.

37. An itinerary of events and attractions will be supplied to the police 30 days prior to the event.
38. A stewarding plan will be submitted to the police licensing unit no later than 30 days prior to the event.
39. The entire site will be fenced using heras fencing to prevent unauthorised access.
40. All previous licences issued for this event covering this period will be surrendered to the local authority by 1 September 2008.

Annex 3

Conditions attached after a hearing by the licensing authority

1. The Event Organiser will appoint a person responsible for the overall control of all noise being generated within the boundary of the licensed premises. Details of this person are to be provided to the Licensing Authority and he/she will be available at all times throughout the event.
2. The sound systems will be made available for testing by the Licensing Authority, by prior agreement with them. This will include unrestricted access to all sound mixing positions and backstage areas. Means of communication between off site monitoring points and Engineers will be made available to the Licensing Authority by the Event Organiser.
3. The Event Organiser will provide and maintain sound level monitoring equipment to measure the noise levels of the main stage at the mixer position.
4. The maximum noise levels will be set prior to the Event by the Licensing Authority, and shall not be exceeded throughout the duration of the Event. Levels may be altered by the Licensing Authority if found necessary to prevent noise nuisance, and ensure compliance with licence conditions.
5. The Event Organiser will install and maintain an electronic sound logging device; this is to be approved by the Licensing Authority prior to the Event. This will be positioned at the mixing desk and will log 15 minute dB(a) Leq values at the mixer position for the full duration of the Event. The values shall be stored and kept until permission is granted by the Licensing Authority for their disposal. A hard copy of the logged values will be supplied to the Licensing

- Authority at the close of each day's entertainment.
6. The Event Organiser will control all sites where amplified music is played. On receipt of a request from the Licensing Authority, the Event Organiser will arrange for the volume to be reduced, or the playing to cease, if in the opinion of the Licensing Authority an unreasonable noise disturbance is being or is likely to be caused.
 7. All loudspeakers shall be arranged and directed as agreed with the Licensing Authority prior to the commencement of the event.
 8. The Event Organiser will ensure that amplification equipment is not brought onto site unless:
 - a. it is for use as part of the licensed entertainment.
 - b. It is for the use of authorised traders for the sole purpose of providing background music to their own stall.
 9. The Event Organiser will arrange for the confiscation of equipment in the case of traders where, in the opinion of the Licensing Authority, an unreasonable noise disturbance is being or likely to be caused.
 10. Separate persons will be positioned, one within the mixing tower and one near the stage fold back desk, both provided with noise cancelling headsets, to act as contact points and communicate messages and/or instructions from the Licensing Authority to desk Engineers. The Event Organisers will, in agreement with the Licensing Authority reduce if necessary noise levels.
 11. A telephone number will be published prior to the event for all complaints about the Event. All complaints will be logged. Noise complaints of a persistent nature will be thoroughly investigated by the production Manager. The Code of Practice on Environmental Noise Control at Concerts and the Noise at Work Regulations will be consulted when managing all noise issues.
 12. No electrical generator shall be used between 23:00 and 08:00 the following morning, unless it is inaudible at the boundary of the nearest noise-sensitive premises.
 13. The site lighting installation shall comply with relevant guidance from the Society of Light and Lighting¹ (Part of the Chartered Institute of Civil Engineers) or from the Institute of

Lighting Engineers², for the prevention of light nuisance. A plan of the lighting shall be submitted to and agreed by the Local Licensing Authority, identifying the position and direction any lighting to be used in association with the event.

14. Regulated entertainment permitted by this licence shall be restricted to:
Live Music: Saturday 18:00 – 22:00 hours
Acoustic Music: Friday – Sunday 10:00 – 18:00 hours
15. Recorded Music: Friday, 19 September 2008 10:00 – 24:00 hours
Saturday, 20 September 2008 10:00 – 01:00 hours
Sunday, 21 September 2008 10:00 – 23:00 hours.
16. Regulated entertainment permitted by this licence shall not exceed:
Recorded Music – 75 dB(A) leq measured at a distance of 1 metre from the boundary of any noise sensitive premises over a period of 15 minutes.
Acoustic music – 65dB(A) leq when measured at a distance of one metre from the boundary of any noise sensitive premises over a period of 15 minutes.

Annex 4 – Plans

The map provided is substituted as the plan of the event.

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 save for the applicant withdrew the live music element on Friday, 19 September 2008 from 18:00 – 22:00 hours and would just have recorded music in the marquee until 24:00 hours.
Public Participants:	Mr Nigel Howell (Applicant) Mrs Clemens (Objector) Mrs Norman (Objector)
Additional Representations:	None.
Comments:	It was noted that the applicant had offered to withdraw the live music element on Friday, 19 September 2008 from 18:00 – 22:00 hours and just have the recorded music in the marquee until 24:00 hours instead.

(c) Lazy Afternoon Festival, Western Gardens, Ryde, Isle of Wight

Decision Ref:	08 (08/09)
Application:	A Premises Licence for Lazy Afternoon Festival, Western Gardens, Ryde, Isle of Wight
Resolution	THAT the grant of a Premises Licence for Lazy Afternoon Festival, Western Gardens, Ryde, Isle of Wight be approved, in accordance with the amended 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:	(i) As per suggested conditions of Paper C pages B 31 – B 32 of the report dated 18 August 2008. Reason: As per reasons given within the same report in order to promote the Licensing objectives and in accordance with the Isle of Wight Councils Statement of Licensing Policy 2008 – 2011 and s182 guidance.

- (ii) As per suggested conditions of Paper C pages B 33 – B 34 of the report dated 18 August 2008 save for condition 6 contained therein.
Reason: As per reasons given within the same report in order to promote the Licensing objectives and in accordance with the Isle of Wight Councils Statement of Licensing Policy 2008 – 2011 and s182 guidance.
- (iii) Numbers shall not exceed 2,500 at any one time. A system shall be put in place to count the number of persons entering and leaving the site so that at any time the numbers of persons on the site can be confirmed.
Reason: To promote the licensing objective of provision of public safety.
- (iv) At all times, when undertaking licensable activity and for a period of 30 minutes thereafter the event shall provide a minimum of 12 SIA Registered Security Staff together with 12 Stewards unless otherwise agreed with the police.
Reason: For the prevention of crime and disorder, the prevention of public nuisance and the provision of public safety.
- (v) To make appropriate and adequate arrangements for the regular collection of litter and all rubbish.
Reason: For the prevention of public nuisance.

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 save for the applicant withdrew all licensable activities on Monday, 25 August 2008.

Public Participants: Mr Steve Robson (Joint Applicant)
Mr Benjamin Leal (Joint Applicant)
Mr Stewart Benton (Joint Applicant)

Mr C Wyatt (Objector)
Mrs A Jackson (Objector)
Mrs F Lane (Objector)
Mr D Coughlin (Objector)

Additional Representations: Three late representations were received and were accepted by all parties.
A letter from Dr C O'Callaghan
A letter from Mr D Coughlin
A letter from A Hall and J Richards.

Comments: It was noted that the applicant had withdrawn all licensable activities on Monday, 25 August 2008.

CHAIRMAN