



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	THURSDAY, 18 AUGUST 2011 COMMENCING AT 10.00AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Jonathan Bacon, Arthur Taylor, Margaret Webster
Officers Present	Marie Bartlett, Bill Berry, Ben Gard, Julie Martin, Claire Van Heerden

24. [Election of Chair for the day](#)

RESOLVED:

THAT Councillor Jonathan Bacon be elected Chairman for the day.

25. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [1 August 2011](#) be confirmed.

26. **Declarations of Interest**

There were no declarations received at this stage.

27. **Reports of the Head of Planning and Regulatory Services**

- (a) Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application made by Mrs York, on behalf of Protecting Peace at the Gardens, under Section 51 of the Licensing Act 2003 to review a Premises Licence.

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 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	23 (11/12)
Application:	Application for the Review of a Premises Licence for Ventnor Botanical Gardens, Undercliff Drive, Ventnor, Isle of Wight.
Resolution:	THAT in respect of the Premises Licence for Ventnor Botanical Gardens, Undercliff Drive, Ventnor, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the following additional conditions to be added to the licence :
Conditions:	<ul style="list-style-type: none">(i) THAT the numbers of people attending all live music events shall be counted and recorded and provided to the licensing authority on request within 21 days.(ii) THAT the licence holder to ensure that noise monitoring shall take place and is recorded during all events.(iii) THAT notices of responsible persons shall be made available prior to and during all events.(iv) Insert the word 'all' between for and events in paragraph 5, annex 2, of the report(v) THAT paragraph 13 annex 3 be amended to read as follows: Events that do, or are likely to attract more than 500 persons shall not be held on more than 20 days per calendar year.(vi) To include the wording for all licensable events at the end of the last paragraph of annex 3.
Reasons for Decision:	The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Public Nuisance and the Protection, 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 the 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 and Mrs York (Applicants)
Mrs Astrid Davies (on behalf of the premises license holder)

Additional Representations: A further letter from Mr Black was circulated with the agreement of all concerned.

- (b) 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: [24 \(11/12\)](#)

Application: A Premises Licence for Images, 143 High Street, Newport, Isle of Wight

Resolution THAT the grant of a Premises Licence for Images, 143 High Street, 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 additional conditions listed below:

- Conditions:**
- (i) As per conditions on pages C - 32 and C - 33 of the report Appendix B of the report, with regard to the hours for any take-away facility be amended as follows :
 - (ii) To restrict the sale of late night refreshments, Wednesday to Saturday inclusive to 0100 hrs.
 - (iii) The supply of alcohol off the premises to be restricted to 2300hrs.
 - (iv) The sale of alcohol for customers in the restaurant to be restricted to 2400 hrs.
 - (v) Insert the words 'of alcohol' between sale and to persons, bullet point 6, page C - 32 of the report.
 - (vi) Insert the word 'Wednesday' between every and Thursday, bullet point 10 page C - 33 of the report.

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 Hang (Applicant)
Mr Brian Oxford (Applicants Agent)

Cllr Dawn Cousins (on behalf of Mr and Mrs Loving – objectors)

Mr Perry (Objector)

Mr Hougham (Objector – on behalf of Newport Parish Council)

Sergeant Mark Voller (Hampshire Constabulary)

Application: For a Street Trading Consent under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 for Mr Tony Arthur, Trading as 'Shakalicious' at various locations on the Isle of Wight.

This item was deferred at the applicant's request.

CHAIRMAN