



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	THURSDAY, 19 JANUARY 2012 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Arthur Taylor, Margaret Webster
Officers Present	Jon Baker, Amanda Gregory, Justin Thorne, Claire Van Heerden, Charlotte Whitewood, Kevin Winchcombe

58. [Point of Order](#)

The Committee noted the following two points raised by Mr Robert Izzard, an Island resident prior to the commencement of the meeting. Mr Izzard believed that:

- i. The meeting was not advertised correctly on the appropriate notice board and that the whole agenda should have been prominently displayed.
- ii. Certain relevant plans had not been included with the agenda and supporting papers sent out in advance of the meeting.

The Democratic Services officer confirmed to the Committee that a notice of the meeting had been displayed in a prominent place on the notice Board outside County Hall. The Committee also noted that hard copies of the agenda as well as all supporting papers were freely available to all members of the public inside County Hall. Having taken advice, members were content that the meeting was properly constituted.

59. [Declarations of Interest](#)

Cllr Taylor declared a personal interest in Minute 60, as he was a member of the Campaign for Real Ale (CAMRA).

60. **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 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 applications be determined as detailed below:

Decision Ref: 35 (11/12)

Application: [A Premises Licence for Marston's Plc, Merrie Gardens Farm, Newport Road, Lake, Isle of Wight.](#)

Resolution THAT the grant of a Premises Licence for Marston's Plc, Merrie Gardens Farm, Newport Road, Lake, 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, as well as those agreed with the Police save Condition 1 be modified to state that the Local Licensing Authority agrees to a CCTV system

In addition, the Sub Committee believed the following conditions necessary for the promotion of the four licensing objectives:

- Conditions:**
- i. Recorded music shall cease at 2300hrs each day externally
 - ii. All doors and windows shall be shut during the playing of live music

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 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: Steve Roberts - (On behalf of Marston's PLC - applicant)
Michelle Hazelwood - (Solicitor on behalf of applicant)
Sergeant Mark Voller (Hampshire Constabulary)

Additional Representations: None.

Comments: Members made the determination in relation to the representation relating to the vicinity of the premises and had regard to Section 182 guidance, and having taken advice, believed the representation to be valid and relevant. Whilst members noted the premises was approximately 400 meters away, they also noted that there was no set distance in the licencing policy. It was therefore a matter of judgment for the local licencing authority to be empowered to make the decision in the local area and to note that the land at the side of the representation was relevant and therefore should be taken into account.

CHAIRMAN