



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	THURSDAY, 19 NOVEMBER 2009 COMMENCING AT 11.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Jonathan Bacon, Ivan Bulwer, David Williams
Officers Present	Andrea Bull, Sarah MacDonald, Julie Martin

16. Election of Chairman for the Day

RESOLVED :

THAT Councillor Ivan Bulwer be elected Chairman for the day.

17. Minutes

RESOLVED :

THAT the Minutes of the meeting held on [2 November 2009](#) be confirmed.

18. Declarations of Interest

Councillor Jonathan Bacon declared a personal interest in Minute 21 – Application for a Street Trading Consent for Mr Phillips

19. Exclusion of Public and Press

RESOLVED :

THAT, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely minute item number 20, on the grounds that there is likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

20. **Confidential Report of the Head of Community Safety Service**

Consideration was given to the report of the Head of Community Safety Service, providing details of an application for a Personal Licence, received in accordance with Section 117 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 2008 – 2011, the application be determined as detailed below:

Decision Ref: 08 (09/10)

Application: A Personal Licence for Mr Andrew Bishop, Stag Inn, 45 Sandown Road, Lake, Isle of Wight.

Resolution THAT the grant of a Personal Licence for Mr Andrew Bishop Stag Inn, 45 Sandown Road, Lake, Isle of Wight be refused, the Sub Committee was not satisfied that exceptional and compelling circumstances which justified in granting the licence and therefore refused the application in accordance with paragraph 4.9 of the secretary of state s182 guidance. However, members noted the seriousness of the offence that remained unspent.

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 Crime and Disorder licensing objective 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 Andrew Bishop (Applicant)
Mr Brian Oxford (On behalf of the applicant)

Sergeant Mark Voller (Hampshire Constabulary)

Comments: Members wished to be clear that no weight was placed upon the intelligence report of November 2007 as it remained unsubstantiated.

Members would respectfully suggest either more information was provided in future or similar reports were not brought before members.

The public and press were then re-admitted to the meeting

21. **Report of the Head of Community Safety Service**

Consideration was given to the report of the Head of Community Safety Service, providing details of applications for the Grant of Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

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 Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Street Trading, the applications be determined as detailed below:

Decision Ref	09 (09/10)
Application:	An application for the grant of a Street Trading Consent submitted by Mr Andrew Phillips, Conifers, Field Lane, St Helens, Isle of Wight.
Resolution:	Upon receiving the report of the licensing section, oral and written evidence from the applicant, and having regard to the Isle of Wight Council's Interim Statement of Licensing Policy (Street Trading Consents) adopted in July 2008, the sub committee hereby grant the Street Trading Consent in accordance with the application.

Reasons for Decision: Members noted the length of time the trading had operated and were prepared to deviate from the current interim policy due to the minor nature of the deviation and the service provided by the operator to date.

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.

All parties were advised there was no direct right of appeal against the decision but if anyone was dissatisfied they did have the right to judicially review the decision.

Details: As per application.

The proposed sites, days and times of trading were:

Spanners Close, Chale Green – Wednesday 16:15 to 18:45

Nettlestone Road, Nettlestone – Thursdays 11:45 to 13:45

School Crescent, Godshill – Thursdays 16:30 to 19:15

Car Park rear of Youth Club, Niton – Fridays 16:30 to 19:15

Car Park, St Helens Green – Saturdays 11:45 to 14:00

Nettlestone Road, Nettlestone – Saturdays 16:45 to 19:00

Public Participants: Mr Andrew Phillips (Applicant)

CHAIRMAN