



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 2 NOVEMBER 2009 COMMENCING AT 1.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, David Williams
Officers Present	Julie Martin, Justin Thorne, Claire Van Heerden

13. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [12 October 2009](#) be confirmed.

14. **Declarations of Interest**

There were no declarations received at this stage.

15. **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 made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

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 2008 – 2011, the application be determined as detailed below:

Decision Ref	07 (09/10)
Application:	Application for the Review of a Premises Licence for Seagrove Hotel, 42 - 44 High Street, Sandown, Isle of Wight
Resolution:	<p>THAT in respect of the Premises Licence for Seagrove Hotel, 42 - 44 High Street, Sandown, 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 :</p> <p>The exclusion of all licensable activities from the area shown in the plan attached to this decision from the licence that being the Ruby's bar.</p>
Reasons:	<p>Members believe that there was a lack of proper control of the premises and this had resulted in the Crime and Disorder objective being inadequately promoted. Members had heard evidence of crime and disorder associated with the licensable activities on the premises and did not believe that conditions or the removal of the Designated Premises Supervisor would resolve those problems. Members noted that some evidence was direct evidence and some was hearsay, and placed appropriate weight accordingly. Members believed the premises under one licence could not be adequately controlled at present. Principally members believed that there had, on balance of probabilities, been illegal substances used on the premises. Members did not believe there were similar problems in the main bar and this part of the licence therefore remained unaffected. Members noted S.182 guidance and in particular 11.6, 11.17, 11.18, 11.21, 11.22 to 11.26</p> <p>Informative: Members believed that the premises could not operate under one licence. If a separate licence was to be applied for with a separate Designated Premises Supervisor with perhaps the suggested conditions that had been discussed during the hearing that may resolve some of the problems that members had highlighted as inadequately promoting this licence objective, but remained without prejudice to the final decision. Members' clear view was that it could not operate under one licence.</p>
Reasons for Decision:	<p>The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Crime and Disorder.</p> <p>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</p>

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.

**Public
Participants:**

Sergeant Mark Voller (Hampshire Constabulary)
PC Adrian Cleightonhills (Hampshire Constabulary)

Mr Brian Oxford (On behalf of Premises Licence Holder)
Mr Alan Westwater (Premises Licence Holder)
Mr Kevin Chorley (DPS)
Mr Thomas Henderson (Ruby's Manager)

Mr Christopher McDonald (Witness)
PC Therese Street (Witness - Hampshire Constabulary)
Carol Chiverton (Witness)
PC Ben Burfitt (Witness- Hampshire Constabulary)
Mr Nat Slade (Witness – Environmental Health)

Mr Bob Blezzard (On behalf of Sandown Town Council)

**Additional
Representations:**

Further additional information was circulated by the Police prior to the meeting.

Comments:

During the hearing the an offer was made on behalf of the Premises Licence Holder to include the following three conditions:

1. No regulated entertainment be permitted on the premises marked as Ruby's restaurant on the plan.
 2. CCTV be installed in that part of the building etc
 3. The sale of alcohol to cease at 23:00 hours in Ruby's part of the premises.
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CHAIRMAN