



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	WEDNESDAY, 2 NOVEMBER 2011 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Paul Fuller
Officers Present	Julie Martin, Matt Northard, Claire Thomas, Justin Thorne

49. [Minutes](#)

RESOLVED :

THAT the Minutes of the meetings held on [24 October 2011](#) be confirmed.

50. **Declarations of Interest**

Cllr Susan Scoccia declared a personal interest in Minute 51, as she knew Miss Hounslow.

51. **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 made by the Police 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 each application, the Sub Committee presented the following decisions 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** [32 \(11/12\)](#)
- Application:** Application for the Review of a Premises Licence for Turquoise, 137 High Street, Newport, Isle of Wight
- Resolution:** THAT in respect of the Premises Licence for Turquoise, 137 High Street, Newport, 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 amending the operating schedule as outlined below and requiring the following additional conditions to be added to the licence :
- Conditions:**
1. The sale of late night refreshment shall be between 23:00 hours and 24:00 hours only on any day. The premises shall then close by 00:30 hours to the public.
 2. Clear signage shall be displayed at the front door requesting customers leave in a quiet, orderly manner.
 3. A CCTV system shall be maintained to the satisfaction of police and the local authority. The system shall provide coverage of the front door and the area to which the public have access. The system shall be capable of recording images of sufficient resolution from all cameras and the footage shall be retained for a period of at least 30 days and produced to a police officer or responsible officer of the local authority on reasonable request.
 4. Existing conditions 1 and 2 of Annex 2 of the premises licence to be removed.
 5. A scheme detailing an appropriate queuing system, including the timing of using such system, shall be submitted to, and agreed, in writing with the local licensing authority within 21 days of the date of this decision. The scheme shall include the erection of a physical barrier of at least 1000 mm high. Signage must be provided to enable a clear queuing lane for customers waiting to place orders. Where a fixed barrier is provided it must be secure, substantial and strong enough to restrain any person liable to fall

against it. Where un-tensioned chains, ropes or other non rigid barriers are used, they must not be capable of being picked up by customers. The scheme to be implemented during licensable activity.

Reason: To prevent violent situations arising from, for example, queue jumping or customers knocking into one another.

6. An incident book shall be maintained on the premises recording details of any incidents of crime and disorder on the premises as well as the time and date and what action was taken. The book shall be made available to police and local licensing authority on reasonable request.

Members considered it the duty of all licensees to adequately promote the licensing objectives. In this instance members do not believe the licensing objectives of crime and disorder, public nuisance and public safety are being adequately promoted. Members were concerned at the potential disorder on and near the premises and that this concern must be mitigated. Members noted that Turquoise had not caused the drunkenness but were responsible for ensuring order on and near their premises. Members did not believe door staff would adequately be able to deal with the volume of customers and potential disorder in the area. Members considered that it is essential for benefit of reducing crime and disorder and ensuring public safety and reducing public nuisance. If the licence holder could demonstrate other measures would achieve the same then they would invite a variation to the licence, but members are not confident the licensing objectives can adequately be promoted by other measures.

**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 the decision to be proportionate and necessary for the promotion of the four licensing objectives under the Licensing Act 2003 and no other measures would address the concerns identified.

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: Miss Filiz Kugulu (Premises Licence Holder)
Mr Ossie Yasar (Interpreter)
Mr Robin Price (on behalf of the Premises Licence Holder)
Miss Roseanne Hounslow (Accompanying Mr Price)

Sergeant Mark Voller (Hampshire Constabulary)
PC Gary Fletcher (Hampshire Constabulary)
PC Joe Finch (Hampshire Constabulary)

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

Additional Representations: Further information was circulated by the police prior to the hearing.

Comments: Mr Price wanted it noted that he had objected to the police DVD being played.

Cllr Paul Fuller declared a personal interest, as in his role as a magistrate he had recognised two people on the DVD shown by the Police.

Mr Thorne, legal advisor on behalf of the Isle of Wight Council gave advice on s.182 Guidance of the Licensing Act 2003 in relation to conditions as well the responsibility of licence holders to promoting the objectives.

CHAIRMAN