



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 2 FEBRUARY 2009 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	David Curtis-Botting, Laura Gaudion, Julie Martin, Claire Thomas

31. Minutes

RESOLVED :

THAT the Minutes of the meeting held on [8 January 2009](#) be confirmed.

32. Declarations of Interest

There were no declarations received at this stage.

33. Report of the Head of Consumer Protection

Consideration was given to the report of the Head of Consumer Protection, 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 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: 12 (08/09)

Application: Application for the Review of a Premises Licence for Sherwood Clifftop Hotel, 25 Hope Road, Shanklin, Isle of Wight.

Resolution: THAT in respect of the Premises Licence for Sherwood Clifftop Hotel, 25 Hope Road, Shanklin, Isle of Wight the licence be revoked in accordance with the application.

Reasons for Decision: The reasons were provided in the report to promote the Licensing objectives regarding the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm and in accordance with paragraphs 11.24 and 11.25 of the s182 guidance.

The Sub Committee was satisfied that there had been a serious disregard of the Licensing Objectives. The current conduct and use of the premises did not promote the Licensing Objectives. In establishing the causes for concern the Sub Committee had identified :

- (i) Activities had taken place which were in breach of the current licence.
- (ii) The licence holder and Designated Premises Supervisor had no control over the use of the premises.
- (iii) There had been a clear intention of criminal activity at the premises namely unlawful gambling arranged by the tenant.

The Sub Committee was of the view that the cause of the review was so serious that only revocation of the licence would prevent further breaches and protect the general public by ensuring Licensing Objectives were met.

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: Sergeant Mudge, Hampshire Constabulary (Applicant)

Comments: The Sub Committee was advised that an event had been advertised for 6th December 2008 at the Python Bar, which was described as "Shanklin's Newest Fun Pub". Officers visited the Sherwood Clifftop Hotel and saw a notice outside advertising the premises as the Python Bar.

It was brought to the attention of the Licensing Authority that a poker event was scheduled to take place in December 2008. The proposed poker tournament was in contravention of the restrictions of the Gambling Act 2005. It was confirmed that the event did not go ahead.

It had since arisen that a further event was planned for 14th February 2009.

CHAIRMAN