



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 21 JANUARY 2008 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Ivan Bulwer, Mike Cunningham, Arthur Taylor
Officers Present	Bill Berry, Sarah MacDonald, Julie Martin, Claire Van Heerden

58. **Election of Chairman**

RESOLVED

THAT Cllr Ivan Bulwer be elected Chairman for the day.

59. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [13 December 2007](#) be confirmed.

60. **Declarations of Interest**

There were no declarations received at this stage.

61. **Reports of the Head of Consumer Protection**

Consideration was given to the reports of the Head of Consumer Protection, providing details of an application for a Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

A schedule of additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of each relevant 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 decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and/or written evidence from the applicant, interested parties and/or 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, the applications be determined as detailed below:

(a) A Premises Licence for SLV News, 37 – 37A High Street, Ventnor, Isle of Wight

Decision Ref: 15 (07/08)

Application: A Premises Licence for SLV News, 37 – 37A High Street, Ventnor, Isle of Wight

Resolution THAT the grant of a Premises Licence for SLV News, 37 – 37A High Street, Ventnor, 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.

Conditions: As per report.

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 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.

Details : As per application.

Public Participants: Mrs Sheila Thompson (Objector)
Mr Mark Compton-Hall (Objector)

Mr Patrick Burke of Caven, Martin & Associates Ltd (On behalf of the applicant)

Comments:

During the debate the Sub Committee had particular regard to the comments that had been made by the objectors, but members believed the applicant had demonstrated he would adequately promote the licensing objectives, particularly the conditions agreed with the police. The Sub Committee was mindful that there were 10 offences within the Act itself which created liability if the applicant were to commit an offence relating to the sale of alcohol and to children. The Sub Committee was mindful of the review mechanism whereby if the applicant failed to promote the licensing objectives he may be brought in and held to account and be subject to a further Sub Committee hearing whereby his licence could be restricted or revoked.

With reference to the evidence presented by the objectors, who believed there was already a possible nuisance, annoyance or disorder associated with the consumption of alcohol within the area, there was a mechanism under the Criminal Justice Act 2001 for the introduction of Designated Public Places Order which gave the police additional power.

(b) The Celebration Room, 77 Sandown Road, Lake, Isle of Wight

Decision Ref: 16 (07/08)

Application: A Premises Licence for The Celebration Room, 77 Sandown Road, Lake, Isle of Wight.

Resolution THAT the grant of a Premises Licence for The Celebration Room, 77 Sandown 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, but modified to such an extent as the Sub Committee have considered necessary for the promotion of the four licensing objectives, namely by requiring the following conditions listed below:

- Conditions:**
- (i) As per suggested conditions 2 - 5 from Environmental Health on page C - 39 of the report.
 - (ii) No licensable activities shall be permitted after 01:00 hours on Saturday evenings or after 00:30 hours on Bank Holiday Sundays.

- (iii) No regulated entertainment shall be permitted by this licence until a sound management plan restricting the noise emanating from the premises has been agreed in writing with the Local Licensing Authority to include monitoring the audibility of noise from premises to the nearest noise sensitive premise; this may include ultimately the need for a noise limiter to be introduced.
- (iv) In relation to prevention of public nuisance, no licensable activity shall be permitted by this license if more than 10 patrons are smoking outside the building.

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 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.

Details

As per application.

Public Participants:

Miss Michele Edmonson (Applicant)
Mr Paul Holbrook (Applicant)

Additional Representations:

An additional representation with 47 signatures had been received by the Licensing Department on Friday afternoon of 18 January 2008.

CHAIRMAN