



Minutes

Name of meeting

LICENSING (DETERMINATIONS) SUB COMMITTEE

Date and time

21 JUNE 2007, AT 10.00 AM

Venue

COMMITTEE ROOM 1, COUNTY HALL, NEWPORT, ISLE OF WIGHT

Present

Cllrs Susan Scoccia (Chairman), Brian Mosdell and David Whittaker

Officers Present

Gareth Davies, Barbara Herbert

Apologies

None

30. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [11 June 2007](#), be confirmed.

31. **Declarations of Interest**

There were no declarations received at this stage.

32. **Report of the Head of Consumer Protection**

Consideration was given to Paper B, 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.

A schedule of any additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of the application. Members noted that a record to this effect would be contained within the minutes.

Details of any proposed additional steps to promote the licensing objectives were set out in the reports of the Head of Consumer Protection, circulated with the agenda.

The Sub Committee followed the agreed procedure, which had been previously circulated to all parties prior to the meeting. After the hearing of the application, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT upon reading the report of the Licensing section, and having received oral and written evidence from the applicant and the licence holder 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 2004 – 2007, the application be determined as detailed below:

Decision Ref 4 (07/08)

Application: Application for the Review of a Premises Licence for Bar Bluu, 17 St James Street, Newport, Isle of Wight, PO30 5HB

Public Participants: Mr P Savill (Legal representative on behalf of the applicant)
Sgt G Mudge (Licensing Sergeant)
PC A Cleightonhills (Hampshire Constabulary)
Inspector S J Evans (Hampshire Constabulary)
WPC R L Fairweather (Hampshire Constabulary)

Mr P Somarakis (Legal representative on behalf of the Licence Holder)
Mr A Woodward (Designated Premises Supervisor)
Mr B Oxford (representative for the Licence Holder)

Comments : At the meeting of the Licensing (Determinations) Sub Committee held on 22 May 2007, the hearing had been adjourned, at the request of both parties, to enable them to try and reach an acceptable resolution on the way forward. A meeting had been held between the parties on 4 June and a broad agreement had been reached. However, as there were two proposals, which could not be resolved, a successful arbitration could not be reached.

A list of incidents, which had occurred between 15 February 2006 and 19 May 2007, and alleged by the Hampshire Constabulary to be associated with Bar Bluu, was circulated to all parties.

Reasons for Decision: The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Crime and Disorder and Public Safety, in particular and in accordance with the Isle of Wight Council's Statement of Licensing Policy and to the Guidance issued under s182 of the Licensing Act 2003.

Members of the Sub Committee had regard to all the evidence, including the assertion by the Licence

Holder that the evidence of the police was biased and prejudiced. They also had regard to the assertion that the failure to co-operate to promote the licensing objectives fell to the police due to their hostile attitude. However, the Sub Committee placed little weight on this assertion. The Sub Committee believed the requests from the police had been proper and the purposes were to further the licensing objective regarding the Prevention of Crime and Disorder, in particular. They considered that the uncooperative attitude of the Designated Premises Holder (DPS) failed to assist in that promotion.

The Sub Committee also had regard to the number of incidents since the premises obtained a 24-hour licence, in July 2006. The Sub Committee believed that there had been incidents that showed that crime and disorder was associated with the premises. Although there had been an improvement, Members of the Sub Committee did not have the confidence that this would continue. They believed that there had been a failure to actively co-operate with the police. This failure was at least partly as a result of the attitude of the DPS and his failure to assist them in the promotion of the Crime and Disorder objective.

Members of the Sub Committee therefore believed that they had to take appropriate steps to rectify those failures.

In reaching the decision the Sub Committee had 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.

The Sub Committee advised the applicant and the objector 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.

Resolution: THAT in respect of the Premises Licence for Bar Bluu, 17 St James Street, Newport, Isle of Wight, the licence be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the following additional conditions to be added to the licence :

- Conditions:**
- i. To remove Mr Andrew Woodward as the DPS for the premises;
 - ii. The CCTV condition to be modified to delete the words “ with 24 hours notice”;
 - iii. No licensable activity to be permitted by the licence until a risk assessment has been submitted to and approved, in writing, by the local Licensing Authority and that any such action highlighted by the risk assessment to be implemented to the written satisfaction of the local Licensing Authority;
 - iv. No licensable activity to be permitted by the licence until an Operating Procedure for the DPS, outlining his areas of responsibility has been submitted to and agreed in writing by the local Licensing Authority.
-

CHAIRMAN