



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	WEDNESDAY, 21 SEPTEMBER 2011 COMMENCING AT 9.30 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Richard Hollis, Heather Humby
Officers Present	Jon Baker, Laura Gaudion, James Howe, Sarah MacDonald, Kevin Winchcombe

34. [Declarations of Interest](#)

There were no declarations received at this stage.

35. **Report of the Head of Planning and Regulatory Services**

Decision Ref 27 (11/12) [\(Part 1\)](#) [\(Part 2\)](#) [\(Part 3\)](#)

Application: Under Section 51 Of The Licensing Act 2003 For The Review Of The Premises Licence For “The Qube”, Esplanade Pavilion, Esplanade, Ryde, Isle of Wight, PO33 2EL

Resolution: Upon receiving the report of the licensing section, oral and/or 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 2011 – 2014, the sub-committee hereby:

Modify the licence to such as extent as members have considered necessary for the promotion of the 4 licensing objectives, namely by requiring;

The amendments to the License as agreed between the Licence Holder and the Isle of Wight Councils Environmental Health Department at Appendix C (Pg A-26) to the report, namely:

- i. The removal of conditions 39 and 40.
- ii. The amendment of Condition 41 to read “The electronic sound limited shall be set to the satisfaction of the Local Authority and be capable of being sealed with a tamper-

proof seal. All amplified music in the premises must go through the limiter and be capable of being controlled by the limiter. Thereafter, the limiter shall be inspected and maintained by a competent person at least once a year. The result of this inspection and maintenance shall be recorded and forwarded to the licensing section annually. In the event of a malfunction affecting the noise output appropriate action shall be taken to ameliorate the effect immediately and the licensing authority shall be notified within three days”.

- iii. The inclusion of a further condition to read “No regulated entertainment hereby authorised by this licence shall take place inside the premises unless all external doors and windows are fully closed, except for access to and egress from the premises”.

The amendments to the Licence as agreed between the Licence Holder and the Police, namely:

- i. The premises shall be closed and all customers shall have left the premises 30 minutes after the terminal hour for licensable activities.
- ii. Existing condition Annex 2 number 2 shall be removed.
- iii. Existing condition Annex 2 number 5 shall be re-worded as follows: ‘Alcohol shall not be sold or supplied to any person when customers aged under 18 years are admitted to or permitted to remain on the premises after 1800 hours. On such occasions reasonable steps shall be taken to make it obvious alcohol is unavailable.’
- iv. Existing condition Annex 2 number 6 shall be re-worded as follows: ‘Challenge 25’ policy shall be adopted, so that alcohol shall not be sold to any person appearing to be under the age of 25 unless that person produces satisfactory documentary proof that he or she is aged at least 18 years.’
- v. Existing condition Annex 2 number 8 should be re-worded to replace the term ‘the authorities etc’ with ‘...a police officer or responsible officer of the local authority on reasonable request.’
- vi. Existing condition Annex 2 number 13 shall be amended as follows: ‘A sufficient number of door supervisors shall be present on the premises whilst licensable activities are taking place. This condition need not apply prior to 2100 hours on any day unless an event likely to attract more than 200 persons is taking place or an event to which

persons under the age of 18 are admitted is held after 1800hours.

- vii. A new condition should be added to clarify the above condition as follows: 'Where required by this licence, the number of door supervisors to be engaged on any occasion shall be determined by the licence holder, taking account of such factors as the nature and duration of licensable activities proposed, the number, age and character of persons likely to attend, and any known risks likely to impact on promotion of the licensing objectives. The licence holder shall make a written record of the number of door supervisors to be engaged and the factors taken into account by the licence holder. Any such record shall be produced to a police officer or responsible officer of the Local Authority on reasonable request.'
- viii. A new condition shall be added as follows: 'Door supervisors shall maintain active supervision of any public entrance to, or exit from, the premises and all areas to which customers have access, including male and female toilets and the balcony area situated at the north side of the premises.'
- ix. A new condition shall be added as follows: 'Door supervisors may search customers entering the premises in order to prevent persons bringing intoxicating substances (including alcohol) into the premises. Any such search shall be carried out with the consent of the customer and as a condition of entry. Customers shall not be permitted to bring any alcohol or intoxicating substance (whether legal or otherwise) into the premises.'
- x. A new condition shall be added as follows: 'Door supervisors shall take action to prevent customers congregating without good reason in toilet areas.'
- xi. A new condition shall be added as follows: 'Door supervisors shall challenge drunken, disorderly or inappropriate behaviour by customers and take necessary action to ensure public safety on the premises.'
- xii. A new condition shall be added as follows: 'Door supervisors shall monitor the immediate vicinity of the licensed premises and take all practicable steps to ensure customers disperse in a quiet and orderly manner.'
- xiii. A new condition shall be added: 'Clear signage requesting customers to leave in a quiet and orderly manner shall be placed prominently at every public exit from the premises.'

- xiv. Condition 17 (door staff conflict training) to be removed.
- xv. Existing condition 18 (toilet checks by door staff) to be removed.
- xvi. A new condition shall replace existing condition Annex 2 number 21 as follows: 'A written record shall be made of any incident involving violence or disorder taking place on the premises, of any complaint made by a customer or member of the public about the premises and of any refusal to sell alcohol to a person who is drunk or under the age of 18 years. Any entry in the record shall be signed and dated by the person making it. The record shall be produced to a police officer or responsible officer of the local authority on reasonable request.
- xvii. Existing conditions 21 and 22 to be removed as covered by the new condition covering incidents/refusals log.
- xviii. Existing condition Annex 2 number 23 to be removed as drinks promotions are now covered by the mandatory licence conditions.
- xix. Existing condition Annex 2 number 24 to be removed as this is already covered by (2) above and is, in any case, repeated in the existing licence.
- xx. Existing condition Annex 28 number 28 should be replaced with new condition: 'Where any event on the premises is to be provided by an external promoter the licence holder shall, in advance of the event, advise the promoter any relevant conditions of the premises licence and agree steps to remove or reduce any risks associated with the event.'
- xxi. A new condition shall be added : 'The licence holder shall notify the Isle of Wight Police Licensing unit in writing (or electronically) of any event to be provided by an external promoter, or any event to which persons under the age of 18 will be admitted after 1800hours, at least 14 days in advance of the event.'
- xxii. Existing condition Annex 2 number 29 (Pubwatch) to be removed. Although Pubwatch membership is fully supported by police we do not consider it should be mandatory.
- xxiii. Existing condition Annex 2 number 31 is a restatement of conditions already referred to and should be removed.

- xxiv. Existing condition Annex 2 number 32 (closure at request of a police officer) is inappropriate and should be removed.
- xxv. Existing condition Annex 2 number 33 to be removed provided the relevant 56 day period has elapsed.
- xxvi. Existing condition Annex 2 number 34 to be removed. The consent of police for licensable activities is not required.
- xxvii. A new condition should be added: 'The licence holder or his agent shall not knowingly permit any drunken person to enter the premises. Where any drunken person is found to be present on the premises he or she shall be removed or necessary provision shall be made for the welfare of that person (as appropriate).

Conditions and Reasons:

The following additional conditions be added to the licence:

- i. All licensable activities shall cease not later than 0130hrs on any day of the week. On Christmas Eve and New Year's Eve licensable activities shall cease not later than 0230hrs.

Reason: To meet the licensing objectives of the prevention or crime and disorder, public safety and the prevention of nuisance.

- ii. The Licence Holder shall not admit any customers to the premises between 0030 and 0130 hours on any day and 0030 and 0230 on Christmas Eve and New Year's Eve. Last entry to the premises is at 0030.

Reason: To meet the licensing objectives of the prevention or crime and disorder, public safety and the prevention of nuisance.

- iii. The premises is not permitted to hold "under 18's" events.

Reason: To meet the licensing objectives of the prevention or crime and disorder, public safety, the prevention of nuisance and the protection of children from harm.

Reasons for Decision:

The reasons were provided in the report and outlined above to promote the Licensing objective regarding the Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance, The Protection of Children From Harm and Section 182 Guidance and Statement of Licencing Policy 2011-2014.

In reaching the above decision the sub-committee have 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 consider this decision is proportionate and necessary for the

promotion of the 4 licensing objectives under the Licensing Act 2003.

There is a right of appeal to the Magistrates Court if anyone is dissatisfied with this decision, and must make any appeal within 21 days of the date of notification.

Details:

Before any representations were heard by the Committee, the Police submitted CCTV footage of two incidents that occurred outside of the Qube nightclub and as referred to in the written representations made as a responsible authority.

The first footage showed an incident involving minors and the second footage show and an incident involving a number of victims from who consent for their identity to be revealed had not been obtained.

In accordance with Regulation 14 of the Licensing Act 2003 (Hearing regulations 2005) the committee agreed that the hearing would go into private session to view the video with all public, the applicant and press excluded as it was considered that the public interest in so doing outweighed the public interest for that part of the hearing taking place in public.

Following the private session, further details were provided by all sides as per the submitted published papers.

Participants:

Mr Paul Thomas - (Applicant)

Mr Dayne Hoskins - (Licensee)

Mr Andrew Pennie - (Licensee)

Sgt Mark Voller - (Hampshire Constabulary)

Acting Insp Steve Goodier - (Hampshire Constabulary)

PC Richard Veitch - (Hampshire Constabulary)

Cllr Wayne Whittle - Local Elected Member

Mr Tony Pearson - (Objector)

Mrs J Gould - (Objector)

Additional

Representations:

Late representations were received from three interested parties via the local elected ward member.

Late representations were also received from Mrs Joanna Orpin as well as the applicant Mr Thomas.

All late representations were agreed by all parties to be heard.

Advisory

It was noted that the Sub Committee advised the Licensees to rectify the situation with regard to the noise limiter and ensure it was working appropriately.

It was also noted that the Licensees should meet with their neighbours on a regular basis in order to prevent any further problems.

CHAIRMAN