



Minutes

Name of meeting

LICENSING (DETERMINATIONS) SUB COMMITTEE

Date and time

FRIDAY, 22 FEBRUARY 2008 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

Andrea Bull, Mat Drake, Julie Martin

65. **Declarations of Interest**

There were no declarations received at this stage.

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

Consideration was given to the report of the Head of Consumer Protection, providing details of the Police objection to a Temporary Event Notice for Mr Michael Tracey, 4 Madeira Row, Cemetery Road, Binstead, Isle of Wight, for a 'chiller' van to be located in a lay-by along Fairlee Road towards the Southern Water Works, submitted in accordance with Section 100(1) of the Licensing Act 2003.

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 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 2008 - 2011 the application be determined as detailed below:

Decision Ref 18(07/08)

Application: Police objection to a Temporary Event Notice submitted by Mr Michael Tracey, 4 Madeira Row, Cemetery Road, Binstead, Isle of Wight, PO33 3HG for a 'chiller' van to be located in a lay-by along Fairlee Road towards the Southern Water Works, during the period of the Isle of Wight Festival 12 – 15 June 2008 for 0800 – 2100.

Resolution: THAT a Counter Notice be issued under Section 105 2 b of the Licensing Act 2003 to the premises holder Mr Michael Tracey, 4 Madeira Row, Cemetery Road, Binstead, Isle of Wight refusing permission for the sale of alcoholic refreshment at the place and times specified in the Temporary Event Notice.

Reasons for Decision: The Committee was most concerned at the prospects of alcohol being served to the public on the main road to the festival site, particularly on the location of an Emergency Services Rendezvous Position.

There was in the view of the Committee an unacceptable risk allowing the premises user to sell alcohol from the site would lead to large numbers of people congregating around the van drinking and causing crime and public disorder.

The Committee was aware of the fact that there were at least three outlets able to sell alcoholic drinks in the vicinity of the festival site but those premises had full premises licences and were either the camp site itself or within the Newport Designated Public Places Order which facilitated the supervision and prevention of crime and disorder.

Although there were several representations made by the police about other licensing objectives these were not relevant for the hearing and only those relating to the prevention of crime and disorder were considered.

The applicant was advised that there was a right of appeal to the magistrates' court, however no such appeal could be made within 5 clear working days of the event.

Public Participants: Mr Tracey (Applicant)
Mr Brian Oxford (On behalf of the applicant)

PC Adrian Cleightonhills (Police Licensing Officer)
Inspector Terry Clawson (Hampshire Constabulary)

CHAIRMAN