



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	WEDNESDAY, 22 JULY 2009 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Ivan Bulwer
Officers Present	Sarah MacDonald, Julie Martin, Mathew Northard, Claire Van Heerden

1. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [3 June 2009](#) be confirmed.

2. **Declarations of Interest**

There were no declarations received at this stage.

3. **Reports of the Head of Community Safety Service**

Consideration was given to the report of the Head of Community Safety Service, providing details of an application for a Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

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 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 2008 – 2011, the applications be determined as detailed below:

- Decision Ref:** 01 (09/10)
- Application:** A Premises Licence for Fiesta Hotel, Hope Road, Shanklin, Isle of Wight
- Resolution** THAT the grant of a Premises Licence for Fiesta Hotel, Hope Road, Shanklin, 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:
- Conditions:** As those suggested conditions 2 – 4 on pages B – 30 to B – 32 of the report dated 22 July 2009 and per suggested conditions on page B – 33 in accordance with the Police and Environmental Health requirements save as provided below.
- Licensable activities shall be restricted to the following hours:
- (i) The sale of alcohol 10:00 hours to 02:00 hours Thursday, Friday and Saturday

Performance of dance, making music, dancing and anything similar to making music or dance 10:00 hours to 00:00 hours Sunday to Wednesday

No licensable activity shall be authorised as allowed under box 'H' of the application.

 - (ii) Live music 10:00 hours to 23:00 hours
 - (iii) Recorded music 10:00 hours to 02:30 hours Thursday, Friday Saturday

10:00 hours to 00:30 hours Sunday to Wednesday

 - (iv) Notwithstanding licence, no alcohol shall be sold for consumption off the premises.
 - (v) No regulated entertainment after 23:00 hours is authorised by this licence unless it is barely audible from the perimeter of the nearest noise sensitive premises.

Reason: Members considered that the above conditions were necessary to adequately promote the licensing objectives, in particular the prevention of public nuisance. Members had regard to specifically Part 10.19 to 10.20 of s182 guidance. Members noted the interested parties concern and believed these conditions mitigate the potential harm.

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 from the date of notification.

Details :

As per application.

Public Participants:

Mr Jairo Restrepo (Applicant and Designated Premises Supervisor)

Mr Mitra Salick (Applicant)

PC A Cleightonhills (Hampshire Constabulary)

Councillor David Williams (On behalf of the Hope Road Residents Association)

Comments:

An e mail from Mr Berry, the Environmental Health Officer was read out.

Decision Ref:

02 (09/10)

Application:

A Premises Licence for Temptation Nightclub, 16 St James Street, Newport, Isle of Wight

Resolution

THAT the grant of a Premises Licence for Temptation Nightclub, 16 St James Street, Newport, 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 suggested conditions on pages C – 31 to C – 35 of the 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 from the date of notification.
- Details :** As per application
- Public Participants:** Mr Stephen Reynolds (Applicant and Designated Premises Supervisor)
- PC A Cleightonhills (Hampshire Constabulary)
- Mr Mathew Northard (Environmental Health Officer)
- Comments:** An e mail from Mr and Mrs Prigmore was read out.

CHAIRMAN