



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>MONDAY, 23 FEBRUARY 2009 COMMENCING AT 10.30 AM</b>
Venue	<b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Susan Scoccia (Chairman), Mike Cunningham, David Whittaker
Officers Present	Laura Gaudion, Sarah Macdonald, Simon Wiggins

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**37. Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [9 February 2009](#) be confirmed.

**38. Declarations of Interest**

There were no declarations received at this stage.

**39. Report 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 made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

A schedule of additional representations, received after the printing of the report, was submitted to Members prior to the consideration of the 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 the application, the Sub Committee presented the following decisions and the reasons for that decision.

RESOLVED:

THAT upon receiving and considering the report of the Licensing section, oral and written evidence from the applicant, interested parties and written evidence from the Environmental Health Department, a responsible authority and having regard to the Guidance issued under s182 of the Licensing Act 2003 together

with the Isle of Wight Council's Statement of Licensing Policy 2008 – 2011, the application be determined as detailed below:

<b>Decision Ref:</b>	14 (08/09)
<b>Application:</b>	Application for the Review of a Premises Licence for Victoria Tavern, Clarence Road. East Cowes, Isle of Wight
<b>Resolution:</b>	<p>THAT in respect of the Premises Licence for Victoria Tavern, Clarence Road, East Cowes, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the inclusion of the following conditions to be added to the licence :</p> <ol style="list-style-type: none"><li>i. Live music including karaoke shall only be permitted on Fridays between the hours of 9pm and 11pm.</li><li>ii. The supply of alcohol shall be permitted only until Midnight between Monday and Saturday and 11pm on Sunday.</li><li>iii. The rear patio area of the premises shall be used as a smoking area only. The tables and chairs shall be removed and no refreshments shall be permitted in the patio area.</li></ol>
<b>Reasons for Decision:</b>	<p>The reasons were provided in the report to promote the Licensing objectives regarding the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance in accordance with paragraph 6.5 of the Isle of Wight Councils Statement of Licensing Policy and section 11 of the s182 guidance.</p> <p>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 the decision to be proportionate and necessary for the promotion of the four licensing objectives under the Licensing Act 2003.</p> <p>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.</p>
<b>Details:</b>	As per application
<b>Public Participants:</b>	<p>Police Constable Cleightonhills, Hampshire Constabulary (Applicant) Mr Nigel Phillips (Supporter)</p> <p>Mr and Mrs Meadows (Licensees) Mr Stuart Frame (Solicitor on behalf of the Licensee)</p>
<b>Additional Representations:</b>	Late representations had been received in support of the Licensees and were circulated to the applicants and members of the committee. It was agreed by all parties that the late representations could be considered in conjunction with other representations received.
<b>Comments:</b>	It was clarified at the request of the Sub Committee that the supply

of live music had not been withdrawn by the Isle of Wight Council Licensing Section following receipt of representations made on the basis that such a withdrawal had already occurred.

It was noted that the premises was situated in close proximity to both residential and industrial properties and the business had been run by the current licensees since March 2005.

The Sub Committee noted that the Licensee had made a number of structural improvements to the premises including soundproofing, installation of double glazing, self closing doors to minimise noise and installation of CCTV of both the interior of the property and the patio area.

The Licensees advised the Sub Committee they had voluntarily ceased the provision of live music over the Christmas period 2008 and this had resulted in a loss of income. Live music was again provided from Friday 16 January 2009 and the licensee had increased the number of SIA registered door staff, the police had not been called to attend the premises since the recommencement of live music.

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CHAIRMAN