



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	FRIDAY, 23 SEPTEMBER 2011 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Colin Richards, Ian Ward, David Williams
Officers Present	Marie Bartlett, Andrea Bull, Gareth Davies, Justin Thorne

40. [Election of Chair for the day](#)

RESOLVED:

THAT Councillor David Williams be elected Chairman for the day

41. **Declarations of Interest**

There were no declarations received at this stage.

42 **Report of the Head of Planning and Regulatory Services**

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application for a Variation of a Premises Licence, received in accordance with Section 34 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 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, interested parties and responsible authorities and having regard to the Guidance issued under Section 34 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the applications be determined as detailed below:

Decision Ref	29 (11/12)
Application:	<u>Application for a Variation of the Premises Licence for Joe's Café Bar and Restaurant, 24 Union Street, Ryde, Isle of Wight.</u>
Resolution:	THAT the grant for a Variation of the Premises Licence for Joe's Café Bar and Restaurant, 24 Union Street, Ryde, Isle of Wight be refused.
Reasons for <u>Decision</u>:	<p>The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Public Nuisance</p> <p>Members believed an acoustician's report was required and that remedial works should then be put in to reduce the possibility of public nuisance to others. It appeared work had already been done and members believed that a resolution could be found that was proportionate to the possible nuisance.</p> <p>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.</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>
Informative:	Members noted that the premises were set within Union Street and the setting was one that might expect more noise. Members trusted a satisfactory report would be viewed in that context together with the noise management plan. If the details could not be agreed then the matter may be brought back before them.
Public Participants:	<p>Mr Whitby Smith – Applicant</p> <p>Mr Lee – Applicant</p> <p>Mrs Meyer – Objector</p>

**Additional
Representations:**

A sound and music policy was circulated by the applicant

A map showing residential properties within 100m of the premises was circulated by Environmental Health

All parties agreed to the introduction of those documents.

CHAIRMAN