



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>MONDAY, 24 OCTOBER 2011 COMMENCING AT 2.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Susan Scoccia (Chairman), Arthur Taylor, Ian Ward
Officers Present	Bill Berry, Ben Gard, Julie Martin, Claire Thomas

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43. [Minutes](#)

RESOLVED :

- (i) THAT the Minutes of the meetings held on [22](#) and [23 September 2011](#) be confirmed.
- (ii) THAT the Minutes of the meeting held on [21 September 2011](#) be confirmed subject to the following amendments:

Line 5 of Minute 35 (ii) should read 'limiter' not limited.

First line of Minute 35 (xx) should read 'Annex 2' not Annex 28.

Line 2 of paragraph 2 under the Details Sections should read 'showed an' not show and an.

44. [Amendment to decision in Minute 37 of the meeting held on 22 September 2011.](#)

Members were advised that due to a typing error by Environmental Health, it had been necessary to amend the decision in Minute 37 of the Licensing (Determinations) Sub Committee held on 22 September 2011, in relation to the WOW Fest, land at Shanklin Road, Whitely Bank, Isle of Wight.

Condition 65 was amended to read :

Between the hours of 2345 hrs and 0230 hrs on Friday, Saturday and 2300 hrs to 0200 hrs on Sunday of the music event, music noise level from within the festival will not exceed 45 dB (A) Leq 15 min, and in the 63hz and 125hz octave bands, the music noise level shall not exceed 55 dB Leq 15 min at locations to be agreed in writing between the licence holder and the licensing authority.

This was done in accordance with Section 33 of Licences and Licensing – The Licensing Act 2003 (Hearings) Regulations 2005, so as to ensure clarity on that particular condition.

**RESOLVED :**

THAT the amendment to the decision in Minute 37 be noted.

**45. Declarations of Interest**

There were no declarations received at this stage.

**46. 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 Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

A schedule of additional representations, received after the printing of the reports, 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 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 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 applications be determined as detailed below:

**Decision Ref:** [30 \(11/12\)](#)

**Application:** A Premises Licence for Isle of Wight Burger Co, 44 Upper St James Street, Newport, Isle of Wight

**Resolution** THAT the grant of a Premises Licence for Isle of Wight Burger Co, 44 Upper St James Street, Newport, Isle of Wight be approved, in accordance with the revised 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 and subject to those conditions agreed with the responsible authorities namely those on pages B - 10 and B - 13 of the report, 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 listed below:

- Conditions:**
- (i) CCTV will be installed, maintained and operated to the satisfaction of the Local Authority at all times when the premises are open for licensable activity and for at least 30 minutes thereafter. Recorded images will be retained for a minimum period of 30 days. Such images will be made available to the police on request.
  - (ii) The court yard shown on the plan attached to the licence must not be used for drinking, eating or smoking between the hours of 20:00 hours and 23:30 hours until the licence holder has submitted information in writing and had that agreed by Environmental Health detailing the measures that will be implemented at the premises to ensure nuisance is not caused and Environmental Health are satisfied that these measures are sufficient so as to prevent nuisance.
  - (iii) The court yard shown on the plan attached to the licence must not be used for drinking, eating or smoking between the hours of 23:30 and 12:00 the following day.

**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 revised application.

**Public  
Participants:**

Mr Keith Ballingall (Applicant)

Mr Brian Oxford (On behalf of the applicant)

Wendy Cook (On behalf of the applicant)

PC Gary Fletcher (Hampshire Constabulary)

Councillor Richard Hollis (On behalf of Councillor Dawn Cousins)

CHAIRMAN