



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 24 MAY 2010 COMMENCING AT 2.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Paul Fuller
Officers Present	Jonathan Baker, Andrea Bull, John King, Justin Thorne, Graham Orchard, Paul Teague

1. **Minutes**

RESOLVED:

THAT the Minutes of the meetings held on [28 April 2010](#) and [10 May 2010](#) be confirmed.

2. **Declarations of Interest**

Cllr Paul Fuller declared a personal interest in Minute 3 (b) - an application for a Street Trading Consent under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for St James Square, Newport, Isle of Wight - as he knew one of the objectors.

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

(a) 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.

Guidance notes relating to the application received after the printing of the reports were 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 decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and/or 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:	15 (09/10)
Application:	A Premises Licence for St James' Square, Newport, Isle of Wight
Resolution	THAT the grant of a Premises Licence for St James' Square, Newport, Isle of Wight be refused.
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.

Members noted that the application was lacking important information and were therefore not confident the event would adequately promote the licensing objectives.

Members believed that the information required was fundamental to determining its impact on licensing objectives.

The period applied for was very close and Members did not believe the deficiencies could be addressed or that conditions would alleviate the potential harm identified.

In particular, Members did not think that the following objectives would be promoted:

- i. Public Safety – Members were very concerned with the lack of sufficient information to ensure fire safety and in particular inadequate fire exits for both staff and public with no identified safe areas on exiting.
- ii. Crime and Disorder – Due to the lack of control of the perimeter of the site and the measures to control drug enforcement.

- iii. Public Nuisance – The lack of toilets were considered a problem as well as the potential for noise nuisance due to the lack of control for the measure of volume. Lack of detail on litter control was also potentially prejudiced.

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:

Mrs Maggie Cardew (Objector)
Mr Chris Hougham – Newport Town Council (Objector)

Additional Representations:

None Received

Comments

Members advised that without prejudice to any future application, they would not be confident that the particular site was suitable for the proposed licensing activities with the lack of information currently available.

- (b) The report of the Head of Community Safety Service, provided details of applications for the Grant of Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

Application:

A Street Trading Consent Under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for St James Square, Newport, Isle of Wight

Resolution

THAT the applicant withdrew the application due to the outcome of the first item.

CHAIRMAN