



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>THURSDAY, 24 MAY 2012 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Richard Hollis (Chairman), Paul Fuller, Margaret Webster
Officers Present	Marie Bartlett, Andrea Bull, Justin Thorne, Kevin Winchcombe

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1. [Minutes](#)

**RESOLVED :**

THAT the Minutes of the meeting held on [14 May 2012](#) be confirmed.

2. [Declarations of Interest](#)

There were no declarations received at this stage.

3. **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 each relevant 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:

<b>Decision Ref:</b>	<a href="#">01 (12/13)</a>
<b>Application:</b>	A Premises Licence for Devson Ltd, 125 – 126 High Street, Ryde, Isle of Wight
<b>Resolution</b>	THAT the grant of a Premises Licence for Devson Ltd, 125-126 High Street, Ryde, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and the conditions agreed with the police and also subject to the mandatory conditions specified in the Licensing Act 2003.
<b>Reasons for <a href="#">Decision:</a></b>	<p>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.</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 their decision to be proportionate and appropriate 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>	Mr Deven Thakrar (Applicant) Mrs Sona Thaker (Applicant)  Mr Brian Harris (Supporter)  Sergeant Mark Voller (Hampshire Constabulary)
<b>Additional Representations:</b>	A further letter of objection was received and circulated to all parties.

**Decision Ref:** 02 (12/13) ([Recording 1](#) & [2](#))

**Application:** A Premises Licence for Tudor Smith Estates Limited, 1<sup>st</sup> floor, 24 Holyrood Street, Newport, Isle of Wight

The meeting then adjourned and reconvened on Tuesday, 29 May 2012 in the Council Chamber, County Hall, Newport, Isle of Wight, commencing at 1.30 pm

**Present** Cllrs Richard Hollis (Chairman), Paul Fuller, Margaret Webster

**Officers Present** Marie Bartlett, Andrea Bull, Duncan Macdonald, Justin Thorne, Julian Trout, Kevin Winchcombe

**Resolution:** THAT the grant of a Premises Licence for the sale of alcohol for Tudor Smith Estates Limited, 1<sup>st</sup> floor, 24 Holyrood 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 those agreed with the police and also subject to the mandatory conditions specified in the Licensing Act 2003, and including the following condition that members believe as appropriate for the promotion of public nuisance objective:

**Conditions:** No patron or member of staff, except in the case of emergency, or staff accessing the rubbish store, shall be permitted to use the outside rear courtyard or access the building via the courtyard

**Reason:** To ensure that public nuisance objection is adequately monitored.

**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 appropriate 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 William Smith (Building Owner)  
Mr Stephen Wyatt (Manager)  
Mr Martin Potter (Owner)

Sergeant Mark Voller (Hampshire Constabulary)

Mr Chris Hougham (On behalf of Newport Parish Council)

Mrs Alison Law (Objector)

Cllr Julie Jones-Evans ( Local Councillor)

**Additional  
Representations:**

The objector provided a print out from the Read's website which was circulated with the agreement of all parties.

**Comments:**

Members raised concern regarding the mezzanine floor directly above the kitchen and the fire escape route for both residents, who have a right of access through the courtyard, and patrons of the restaurant. The Fire Safety and Enforcement Manager advised the Committee that the application had been through Building Control and therefore fire safety were satisfied.

Concerns were raised regarding the amount of noise generated from the use of the building. The Environmental Health officer advised that suitable insulation had been installed and he believed that any noise generated would not cause problems to local residents.

CHAIRMAN