



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	TUESDAY, 24 AUGUST 2010 COMMENCING AT 1.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, David Williams
Officers Present	Jonathan Baker, Andrea Bull, Justin Thorne

20. Minutes

It was noted that on page 2, paragraph 4 of the Reasons of Decision that the word not should be removed from the second sentence.

RESOLVED:

THAT, subject to the above, the Minutes of the meeting held on [9 August 2010](#) be confirmed.

21. Declarations of Interest

There were no declarations received at this stage.

22. 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 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.

It was noted that the report should be amended on paragraph 47, page B8 to state that under s18 of the Licensing Act 2003, and not Section 35.

It was also noted that on page B23, the closing time for Monday and Thursday should state 1700hrs.

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 s18 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: 07 (10/11)

Application: A Premises Licence for Unit 1, Dinglers Farm, Yarmouth Road, Shalfleet, Newport, Isle of Wight, PO30 4LZ

Resolution THAT the grant of a Premises Licence for Unit 1, Dinglers Farm, Yarmouth Road, Shalfleet, Newport, Isle of Wight, PO30 4LZ be approved, in accordance with the 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 those agreed by the Police named in the report and 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. A complaints book shall be kept at the premises at all times the premises are open to the public. Records of all complaints made concerning any matter related to the supply of alcohol being rented to members of the public, including date, time, name and address of the complainant, nature of complaint and action taken after complaint including when it was taken. The book shall be open for inspection by the police and licensing officers on request and the book shall be retained for a period of one year.
 - ii. No licensable activities shall be authorised on Sundays.
 - iii. No advertising shall be placed at the entrance to the premises advertising the premises open to the public

All conditions have been requested to mitigate possible public nuisance on the interested party by members of the public visiting the site.

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.

**Public
Participants:**

Mr S Minshull – Applicant
Mr B Oxford – Applicants Agent

**Additional
Representations:
Comments:**

Mr S Taylor – Objector
Mr Paul Airey – Objectors Agent
An aerial map of the location of the application was circulated to members prior to the meeting.
Members wished to place on record that they sympathised with the problems set out by the objector but had to concentrate on licensing issues. Members were mindful of the review mechanism and that complaints would be monitored.

It was finally noted that Members hoped that the applicant would make adequate arrangements for visitors and should provide a designated visitor space.

CHAIRMAN.....