



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>MONDAY, 25 OCTOBER 2010 COMMENCING AT 10.00 AM</b>
Venue	<b>COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, David Williams
Officers Present	Marie Bartlett, Julie Martin, Justin Thorne, Claire Van Heerden

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27. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [4 October 2010](#) be confirmed.

28. [Declarations of Interest](#)

There were no declarations received at this stage.

29. [Exclusion of Public and Press](#)

RESOLVED :

THAT under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting for the following item of business, namely Minute number 30, on the grounds that there was likely to be disclosure of personal information of the applicant and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

30. **Confidential 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 Personal Licence, received in accordance with Section 117 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 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 2008 – 2011, the application be determined as detailed below:

<b>Decision Ref:</b>	09 (10/11)
<b>Application:</b>	A Personal Licence under Section 117 of the Licensing Act 2003.
<b>Resolution</b>	THAT under Section 120 of the Licensing Act 2003 the application for a Personal Licence be refused.
<b>Reasons for Decision:</b>	<p>In accordance with paragraph 4.9 of the Secretary of State s182 guidance, Members were not satisfied that there was compelling circumstances which justified granting the licence as it considered necessary for purposes of the Crime Prevention objective. The period since the unspent offence was not sufficient to prove the applicant no longer had a propensity to offend.</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 necessary for the promotion of the Crime Prevention licensing objective 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>Public Participants:</b>	Applicant Hampshire Constabulary
<b>Informative:</b>	Without prejudice to future applications, members believed that future application may be different where there had been sufficient period lapsed to demonstrate the applicant no longer had a propensity to re-offend. Members were impressed with the support of the applicant's employer.

CHAIRMAN