

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 26 JULY 2010 COMMENCING AT 11.00 AM
Venue	COMMITTEER OOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Arthur Taylor
Officers Present	Laura Gaudion, Julie Martin, Claire Van Heerden

Prior to the commencement of the meeting, a member of the public, Mr Robert Izzard, raised a point of order relating to the legality of the meeting. Mr Izzard was escorted from the meeting under Regulation 25 of the Licensing Act 2003, Hearing Regulations 2005, the authority may require the person attending a hearing who in their opinion is behaving in a disruptive manner to leave the meeting.

14. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [12 July 2010](#) be confirmed.

15. **Declarations of Interest**

There were no declarations received at this stage.

16. **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 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 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 2008 – 2011, the applications be determined as detailed below:

Decision Ref: 05 (10/11)

Application: A Premises Licence for Land at Isle of Wight Airport, Scotchells Brook Lane, Lake, Isle of Wight

Resolution THAT the grant of a Premises Licence for Land at Isle of Wight Airport, Scotchells Brook Lane, Lake, Isle of Wight be refused.

Reasons for Decision: The committee had considered in detail all representations made and had sought to give appropriate weight to promoting the Licensing Objectives, those representations, guidance and the licensing policy statement. The committee was not satisfied that the proposed location lent itself to the proposals advanced in the application and had given consideration to whether imposing further conditions would address and promote the Licensing Objectives. To this end the committee identified in excess of 60 potential conditions. The committee believed that in relation to concerns regarding noise nuisance, and to a limited extent the Protection of Children from Harm conditions could be attached to promote the Licensing Objectives. The committee was not satisfied, based on the information contained within the application and provided by the applicant during the hearing that sufficient conditions could be imposed to promote the Licensing Objectives in relation to the Prevention of Crime and Disorder and Public Safety and for this reason the application was rejected.

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 application.

**Public
Participants:**

June Davison (On behalf of Newchurch Parish Council)

Ms Rosemaire Martin (Objector)

Mr Mike Haslin (Objector)

Mr Roy Adams (Objector)

**Additional
Representations:**

Two additional late representations were received and circulated to all parties at the start of the hearing. The applicant indicated she was happy to accept the late representations as part of the evidence.

CHAIRMAN