



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	WEDNESDAY, 27 MAY 2009 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer and Mike Cunningham
Officers Present	Amanda Thomas, Claire Thomas, Justin Thorne, Mark Wootton

54. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [11 May 2009](#) be confirmed.

55. **Declarations of Interest**

There were no declarations received at this stage.

56. **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 applications for the Grant of Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

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 reports of the Licensing section, and written evidence from the applicant, interested parties and responsible authorities and having regard to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Street Trading, the applications be determined as detailed below:

Decision Ref	21 (08/09)
Application:	An application for the grant of a Street Trading Consent submitted by Mr Nick Robinson trading as Castles 4 Rascals at Apley Lane, Ryde

Resolution: Upon receiving the report of the licensing section, and oral and written evidence from a representative for Ryde Rowing Club, and written evidence from the applicant, and having regard to the Isle of Wight Council's Interim Statement of Licensing Policy (Street Trading Consents) adopted in July 2008, the sub committee hereby reject the Street Trading Consent in accordance with the application.

Reasons for Decision: Members considered that there was insufficient detail upon which to grant the application. Members highlighted a potential conflict with neighbouring beach huts and the Rowing Club in terms of the noise emitted by the generator and fan. Members were also unsure of the articles for sale in particular "bottle caps". Members further required details of the control of customers to ensure that children were protected from harm. Members also wished further information on the hours of operation and setting up time. The lack of these details meant Members were unable to determine the application would not cause a potential noise nuisance or risk to public safety. Members considered that conditions could not overcome their concerns.

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 consider this decision is proportionate and necessary.

All parties were advised there was no direct right of appeal against the decision but if anyone was dissatisfied they did have the right to judicially review the decision.

Details: As per application.

Public Participants: Mr Draper on behalf of Ryde Rowing Club

Additional Representations: None.

- (b) The sub-committee was advised that the application for a Premises Licence under Section 17 of the Licensing Act 2003 for the Bestival, Downend, Newport had been withdrawn following further discussions and agreement between the applicant and Hampshire Constabulary as to the level of resources required and associated costs for providing security during the event.