



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	FRIDAY, 29 MAY 2009 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Julie Martin, Sarah MacDonald, Mr Matthew Northard, Justin Thorne

57. Minutes

RESOLVED :

THAT the Minute of the meeting held on [19 May 2009](#) be confirmed.

58. Declarations of Interest

There were no declarations received at this stage.

59. 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 Variation of a Premises Licence, received in accordance with Section 34 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 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/or written evidence from the applicant, interested parties and/or responsible authorities and having regard to the Guidance issued under Section 34 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	22 (08/09)
Application:	Application for a Variation of the Premises Licence for 'Forresters', Forresters Hall, High Street, Yarmouth, Isle of Wight.
Resolution:	<p>THAT the grant for a Variation of the Premises Licence for 'Forresters', Forresters Hall, High Street, Yarmouth, Isle of Wight 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, but 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:</p>
Conditions:	<ul style="list-style-type: none"> (i) As per suggested conditions on page B 28 and B 29 of the report and those conditions agreed with the Police on page B 2. (ii) No alcohol shall be sold between 23:00 hours and 10:00 hours unless to patrons that are taking table service and being ancillary to a meal. (iii) No licensable activity shall be permitted between 22:00 hours and 08:00 hours unless all windows and doors are closed. <p>Reason: In order to reduce the potential for noise disturbance and therefore to promote the public nuisance objective.</p>
Reasons for Decision:	<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>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.</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>

Details: As per application.

Public Participants: Mr Wade Brand (Applicant)

Mr Tom Brown (Objector)

Mrs Sylvia Mense (Objector)

Additional Representations: A marked plan of the area was circulated to the committee and the applicant.

CHAIRMAN