

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	FRIDAY, 3 JUNE 2011 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Paul Fuller, Arthur Taylor
Officers Present	Sarah MacDonald, Julie Martin, Justin Thorne

1. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [17 May 2011](#) be confirmed.

2. [Declarations of Interest](#)

There were no declarations received at this stage.

3. [Report of the Head of Planning and Regulatory Services](#)

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of the Police objection to a Temporary Event Notice for 87 and 161 Fairlee Road, Newport, Isle of Wight, for two mobile food trailers, submitted in accordance with Section 100(1) of the Licensing Act 2003.

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 2011 – 2014 the application be determined as detailed below:

Decision Ref [17 \(11/12\)](#)

Application: Police objection to a Temporary Event Notice submitted by Mr Abdul Miah, Trafalgar Road, Newport, Isle of Wight, for two mobile food trailers to be located at 87 and 161 Fairlee Road, Newport, Isle of Wight.

Resolution: THAT a Counter Notice be issued under Section 105(2) (b) of the Licensing Act 2003 to the premises holder Mr Abdul Miah, Trafalgar Road, Newport, Isle of Wight refusing permission for the mobile food trailers at the place and times specified in the Temporary Event Notice.

Reasons for Decision: The Sub Committee were not satisfied that the applicant had any measures in place to adequately contain large crowds. Members believed that it would cause public to remain static in the vicinity which was contradictory to the police dispersal strategy. It would in addition set a precedent for the area which would increase the problem. On this basis it was considered necessary to issue a counter notice.

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 and disorder objective under the Licensing Act 2003.

The applicant was advised that there was a right of appeal to the magistrates' court, however no such appeal could be made within 5 clear working days of the event.

Public Participants: Mr Abdul Miah (Applicant)
PC Gary Fletcher (Police Licensing - Hampshire Constabulary)
Sergeant Mark Voller (Police Licensing - Hampshire Constabulary)

CHAIRMAN