



Minutes

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| Name of meeting | LICENSING (DETERMINATIONS) SUB COMMITTEE |
| Date and time | MONDAY, 30 JANUARY 2012 COMMENCING AT 2.00 PM |
| Venue | COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT |
| Present | Cllrs Susan Scoccia (Chairman), Margaret Webster, David Williams |
| Officers Present | Sarah MacDonald, Justin Thorne, Simon Wiggins, Kevin Winchcombe |

61. [Minutes](#)

RESOLVED :

THAT the Minutes of the meetings held on [12](#) and [19 January 2012](#) be confirmed.

62. [Declarations of Interest](#)

There were no declarations received at this stage.

63. [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 an application made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

Details of any proposed additional steps to promote the licensing objectives were set out in the report circulated with the agenda.

Prior to the Sub Committee receiving representations in regard to the application, the Admiral Taverns representative requested a short adjournment for further discussions to be held between the license holder and Police.

RESOLVED:

The Sub Committee resolved to adjourn the meeting for a maximum of one hour.

[Upon Reconvening](#) 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 decisions and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant 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:

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| Decision Ref | 36 (11/12) |
| Application: | Application for the Review of a Premises Licence for the Star Inn, 40 High Street, Ryde, Isle of Wight. |
| Resolution: | THAT in respect of the Premises Licence for the Star Inn, 40 High Street, Ryde, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives and to address the causes of concern identified by the Police, namely by requiring the following additional conditions to be added to the licence : |
| Conditions: | <ol style="list-style-type: none">1. A CCTV system shall be installed and maintained to the satisfaction of the police and local authority. The system shall provide coverage of all internal areas where licensable activities are taking place. CCTV footage shall be retained for a period of at least 30 days and shall be produced to a police officer or responsible officer of the local authority on reasonable request.2. A sufficient number of staff shall be trained so as to be competent in the operation of the CCTV system and to provide footage to an officer requesting it.3. The Designated Premises Supervisor (DPS) shall decide whether it is appropriate for door supervisors to be present on any occasion live or recorded music* is to be provided after 20.00 hrs. A written record shall be made of each decision and the grounds for it. This record shall be produced to a police officer or relevant officer of the local authority on reasonable request.4. In determining whether, and how many, door supervisors shall be present, and the functions they may be required to perform, the DPS shall have regard to such factors as the nature and duration of the licensable activities taking place, the number and age-profile of customers likely to be present and any known risks likely to impact on the |

promotion of the licensing objectives. The DPS shall also take account of any reasonable representation made by a police officer.

5. "Challenge 21" policy shall be observed by all staff engaged in the sale of alcohol. Alcohol shall not be sold to any person appearing to be under the age of 21 years unless that person produces satisfactory documentary proof that he or she is aged over 18 years.
6. Posters to the effect that the "Challenge 21" policy is in place shall be displayed prominently at the bar service area.
7. All staff including the DPS and Tenant engaged in the sale of alcohol shall from time to time receive training or instruction in the responsible sale of alcohol, in particular the prevention of sale to persons who are either drunk or aged under 18 years. A written record shall be kept of the delivery of such training. This record shall be produced to a police officer or responsible officer of the local authority on reasonable request.
8. The DPS shall cause a written record to be made of every incident of violence or disorder taking place on or any complaint about, the premises and of every refusal by staff to sell alcohol to a person appearing to be either drunk or under the age of 18 years. This record shall be produced to a police officer or responsible officer of the local authority on reasonable request.
9. Customer toilets and any external areas shall be checked by staff on a regular basis for the purpose of deterring the use of illegal drugs and a written record shall be maintained of the date, time and the name of the persons undertaking the check and shall be made available to the police or local licensing authority on reasonable request.
10. Posters conveying a clear anti-drugs message will be displayed in the premises.
11. No customer shall be permitted to remove from the premises any alcoholic beverage in an open container, except for the consumption in an external area provided for that purpose.

12. After 23.00 hrs on any day no customer shall be permitted to remove from the premises any alcoholic beverage in an open container or be permitted to consume alcohol in any external area of the premises.
13. Signage requesting customers leave quietly shall be displayed prominently at every public exit.

It was also noted that the conditions listed in Annex 2 and 3 of the current Premises Licence were to be removed.

* This did not include background music, which was not subject to regulation under the Licensing Act.

Reasons for Decision: 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.

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 the 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: Sergeant Mark Voller (Hampshire Constabulary)
 PC Martin Rogers (Hampshire Constabulary)

Philip Cansdale (Tenant)
 Stephanie Wood (Designated Premises Supervisor)
 Gerard Macken (Admiral Taverns)
 Sandra Graham (Admiral Taverns Representative)

Additional Representations: During the police presentation and with the agreement of all parties, a summary sheet highlighting the nature of the incidents at the premises over the previous six months was circulated.

Comments: The Sub Committee noted that the application for the review of the Star Inn had been requested by the police, following reports of a number of incidents associated with crime and disorder, public safety and public nuisance from drunken customers. The police referred to the incident summary sheet which had been circulated and

raised a number of concerns in connection with the manner in which those incidents had been dealt with by staff employed at the premises. Those concerns included customers who were intoxicated and continued to be served alcohol, lack of adherence to the "Pubwatch" ban list and the inability of the DPS to take decisive action to prevent drunken and hostile exchanges between customers, which on occasions had led to incidents of assault.

Whilst the police were concerned with the disproportionate number of incidents, they were mindful that the DPS had only recently undertaken the role and believed that rather than removal, they and the staff would benefit from further training and accepting the advice offered by both the police and licensing authority.

The Admiral Taverns Representative asked the Sub Committee to consider that both the tenant and DPS interpretation of the incidents differed to those of the police. She proceeded to explain that staff at the premises had adopted a softer approach when incidents arose to try and peacefully resolve the issue and that had been interpreted as inaction by the police.

CHAIRMAN