

# Minutes

|                  |  |
|------------------|--|
| Name of meeting  | <b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>                |
| Date and time    | <b>FRIDAY, 30 MAY 2008 COMMENCING AT 11.30 AM</b>              |
| Venue            | <b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b> |
| Present          | Cllrs Ivan Bulwer, Mike Cunningham                             |
| Officers Present | Julie Martin, Justin Thorne, Claire Van Heerden                |
| Apologies        | Cllr George Cameron  |

6. **Minutes**

RESOLVED :

THAT the Minutes of the meetings held on [26 March](#), [7](#), [14](#), [22](#) and [30 April 2008](#) be confirmed.

7. **Declarations of Interest**

There were no declarations received at this stage.

8. **Report of the Head of Consumer Protection**

Consideration was given to the report of the Head of Consumer Protection, providing details of an application made by Environmental Health 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.

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 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 the Licence Holder, 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 application be determined as detailed below:

|                              |   |
|------------------------------|---|
| <b>Decision Ref</b>          | 03 (08/09)  |
| <b>Application:</b>          | Application for the Review of a Premises Licence for Joe's, Café Bar and Restaurant, 22 – 24 Union Street, Ryde, Isle of Wight  |
| <b>Resolution:</b>           | THAT in respect of the Premises Licence for Joe's, Café Bar and Restaurant, 22 – 24 Union 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, namely by requiring the following additional conditions to be added to the licence :  |
| <b>Conditions:</b>           | <ul style="list-style-type: none"> <li>(i) As per conditions (i) – (iv) on pages B2 – B3 of the report.</li> <li>(ii) That Section 177 of the Licensing Act 2003 shall not apply to the premises licence.</li> <li>(iii) A complaints log to be maintained at the premises recording any complaints received, date, time and remedial action taken. Such log shall be available for inspection to the Local Licensing Authority or the Environmental Health Department upon request and no later than 24 hours after the request.</li> </ul>  |
| <b>Reasons for Decision:</b> | <ul style="list-style-type: none"> <li>(i) The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Nuisance in accordance with paragraphs 8.13 – 8.19 of the Isle of Wight Council's Statement of Licensing Policy and Sections 3 and 11 of the 182 Guidance.</li> <li>(ii) In order to allow the restriction/imposition of condition in relation to small premise.</li> <li>(iii) In order to ensure that interested parties are able to pass concerns and the Local Licensing authority may review action taken, then enabling the promotion of the reduction of Public Nuisance.</li> </ul> <p>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</p> |

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**

Mr Mathew Northard (Environmental Health)

**Participants:**

Mr Peter Linacre (Glasshouse)

Mr Jonny Gilmartin (Designated Premises Supervisor)

Mr Chris Simms (Turnbull, solicitors)

Mr and Mrs Meyer (Interested Parties.)

**Comments:**

The meeting was advised of an amendment to report, the options listed on page B – 7 should read as follows, not those as printed in the report :

- (i) To modify the conditions to the premises licence, including adding new conditions or any alteration or omission of an existing condition.
- (ii) To exclude any licensable activity from the scope of the licence.
- (iii) To suspend the Designated Premises Supervisor.
- (iv) To suspend the licence for a period not exceeding three months.
- (v) To revoke the licence

There was also an error on page B – 2, reading November 2008, which should read November 2007.

The committee was advised that Exclude the activity for Regulated Entertainment until such time as the works had been signed off and agreed and undertaken, subject to the appeal time period which would not start for 21 days.

---

CHAIRMAN