

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 30 JULY 2007 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM 1, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Julie Martin, Justin Thorne, Claire Van Heerden

35. **Minutes**

RESOLVED :

THAT the Minutes of the meetings held on [21](#) and [29 June 2007](#) be confirmed.

36. **Declarations of Interest**

There were no declarations received at this stage.

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

Consideration was given to Paper B, the report of the Head of Consumer Protection, providing details of an application for a Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

A schedule of any additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of each relevant application. Members noted that a record to this effect would be contained within the minutes.

Details of any proposed additional steps to promote the licensing objectives were set out in the reports of the Head of Consumer Protection, circulated with the agenda.

The Sub Committee followed the agreed procedure, which had been previously circulated to all parties prior to the meeting. After the hearing of each application in turn, the Sub Committee presented the following decisions and the reasons for that decision.

RESOLVED:

THAT upon receiving the reports 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 s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2004 – 2007, the applications be determined as detailed below:

Decision Ref: 6 (07/08)

Application: Application for a Premises Licence for Trinity Theatre, The Grove, Bath Road, Cowes, Isle of Wight

Details:	Provision of Regulated Entertainment	Hours of Licensable Activities
	(a) Plays	N/A
	(b) Films	12:00 - midnight
	(c) Indoor Sporting Events	N/A
	(d) Boxing or Wrestling	N/A
	(e) Live Music	12:00 – 02:30 hours
	(f) Recorded Music	12:00 – 02:30 hours
	(g) Performances of Dance	12:00 – 02:30 hours
	(h) Anything similar to (e) (f) (g) above	12:00 – 02:30 hours
	Provision of Entertainment Facilities	
	(i) making music	12:00 – 02:30 hours
	(j) dancing	12:00 – 02:30 hours
	(k) entertainment similar to (i) & (j) above	N/A
	Late Night Refreshment	23:00 – 02:30 hours
	Supply of Alcohol	12:00 – 02:30 hours
	Other Times Premises Proposed to be Open To The Public	12:00 – 03:00 hours

Public Participants: Mr Robert Hunter (Applicant)
Ms Stephanie Wilmott (Business Partner)

Mr Daniel Cawtheray (Supporter)

Mrs Newlands (Objector)
Ms Helen Hooper (Objector)
Mr Andrew Rockett (Objector)

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, The Protection of Children From Harm, in particular and in accordance with the Isle of Wight Council are Statement of Licensing Policy and to the Guidance issued under s182 of the Licensing Act 2003.

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.

The Sub Committee advised the applicant 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

Resolution: THAT the grant of a Premises Licence Trinity Theatre, The Grove, Bath Road, Cowes, 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:

Conditions: Notwithstanding the above, no licensable activity shall be permitted by this licence until rubbish receptacles have been provided on the premises in positions to the written satisfaction of the Local Licensing Authority.

Films – There will be no ‘adult films’ shown.

The Licence is only valid for the recognised period of Cowes Week plus a maximum of 12 other occasions per year. On those 12 occasions the following shall apply :

- 1) C.C.T.V will be installed covering all entrances and high risk areas to the satisfaction of the local authority. Recorded images will be kept for a minimum of 14 days. These images will be made available to the police on request.
- 2) A minimum of six S.I.A. registered door staff will operate from 21:00 to the end of the event.
- 3) There will be two S.I.A. registered door staff operating at all other times when alcohol is being supplied.
- 4) No person under the age of 18 years will be admitted while alcohol is being supplied.
- 5) The Challenge 21 scheme will be adopted as regards proof of age.
- 6) All staff involved in the supply of alcohol will receive training as regards their responsibilities under the Licensing Act 2003.
- 7) A zero tolerance drug policy will be adopted.
- 8) No alcohol will be allowed to be taken into or off the premises whilst the premises are open to the public.
- 9) The Designated Premises Supervisor will be on site at all events.
- 10) Written risk assessments as detailed in the operating schedule will be available for inspection by the local authority and the police.
- 11) No glass bottles or drinking vessels shall be sold or used at any time licensable activity is taking place on the premises
- 12) The licensee shall maintain a complaints log detailing name, date, time and action taken as a result of a complaint at all times licensable activity is taking place on the premises.
- 13) The complaints log shall be made available to the Local Licensing authority on request.

Notwithstanding the above, the licence only authorises the following licensable activity during additional 12 occasions outside of Cowes Week

- 14) Live music from 2000 hours until 0200 hours.
- 15) Recorded music until 0200 hours.
- 16) No other licensable activity between 0230 hours and 12 midday.
- 17) During these additional 12 occasions no entry or re-entry after 0000 midnight.

Members had noted the potential for public nuisance during the licensable activities and believe these conditions adequately mitigate the impact of these. Some of the conditions are not considered necessary for Cowes Week due to the nature of the week.

Electronic Sound Limiter

Prior to any musical entertainment taking place an electronic sound limiting device shall be installed in the premises to control the level of noise breakout. The details of the device to be installed in the premises shall be submitted to the Licensing Section for approval. Once approved the limiter shall be installed and set up by a competent person. It shall be set at a level agreed with the Licensing Authority. The sound limiter once set shall not be adjusted without prior approval of the Licensing Authority and no musical regulated entertainment shall take place on the premises unless the limiter is used to control the level of sound. Upon completion of the installation a report shall be issued to the Licensing Section certifying the agreed devices set levels and its tamper proof integrity. The limiter shall then thereafter be maintained by a competent person every twelve months. The results of this maintenance shall include a test of its normal operation and certification of the devices tamper proof integrity shall be recorded and forwarded to the Licensing Section within 28 days of the test being carried out. In the event of a malfunction affecting noise output appropriate action shall be taken to ameliorate the effect and the Licensing Section shall be notified immediately.

Any agreed level will be set solely for the purposes of avoiding public nuisance.

Reason: To minimise the risk of public nuisance arising from noise emissions from the premises.

Ventilation

No public entertainment shall take place with the external doors or windows being kept open, so as to provide ventilation. Ventilation shall only be provided by suitable and sufficient mechanical means, so as to avoid the necessity for opening doors and windows etc. (The amount of ventilation provided is also a requirement under Health and Safety Legislation). The mechanical system shall be operated as required and maintained thereafter.

Reason: To minimise the risk of public nuisance arising from noise emissions from the premises.