



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	FRIDAY, 4 JUNE 2010 COMMENCING AT 11.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Ivan Bulwer, Paul Fuller, David Williams
Officers Present	Sarah MacDonald, Julie Martin, Justin Thorne, Claire Van Heerden

4. Election of Chairman for the Day

RESOLVED:

THAT Councillor Ivan Bulwer be elected Chairman for the day.

5. Minutes

RESOLVED :

THAT the Minutes of the meeting held on [24 May 2010](#) be confirmed.

6. Declarations of Interest

Councillor David Williams declared a personal interest in Minute 7 (b) as he knew the applicant.

Councillor Paul Fuller declared a personal interest Minute 7 (b) as he knew the objector,

7. Reports of the Head of Community Safety Service

(a) A Premises Licence for The Alamo, 2 Castle Street, Ryde, Isle of Wight

The objector withdrew their objection prior to the hearing; therefore the application was dealt with under delegated powers.

(b) **An application for the grant of a Street Trading Consent submitted by Mr Phillip Moore**

Consideration was given to the report of the Head of Community Safety Service, providing details of application for the Grant of Street Trading Consent in accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading.

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.

Public Mr Phillip Moore (Applicant)
Participants: Mr Gary Hall (Objector)

RESOLVED :

THAT the application be adjourned to re-consult on a redefined location although with a shortened consultation period and to be brought back as soon as possible after, with a suggested plan scale of 1:100 to clearly identify those street furniture's that are around and the exact location of where the applicant intends to trade.

The Committee reconvened at Jubilee Stores, The Quay, Newport, Isle of Wight on Wednesday 16 June 2010 when there were present :-

Cllrs Ivan Bulwer (Chairman), Paul Fuller, David Williams

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant, interested parties and/or responsible authorities and having regard to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Street Trading, the applications be determined as detailed below:

Decision Ref 02 (10/11)
Application: An application for the grant of a Street Trading Consent submitted by Mr Phillip Moore
Resolution: Upon receiving the report of the licensing section, oral and written evidence from the applicant and objectors, and having regard to the Isle of Wight Council's Interim Statement of Licensing Policy (Street Trading Consents) adopted in July 2008, the sub committee hereby grant the Street Trading Consent for three months subject to receipt of three colour photographs and proof of

insurance as required by the policy.

Conditions: No street trading shall be permitted on Tuesdays and limited to 12.00 hours to 17.00 hours on a Sunday.

Reasons for Decision: Due to the established market trading in the immediate vicinity and the proximity to the church. Members considered there was potential for congestion on a Tuesday and therefore possible backing up on to the highway causing public safety issues. In addition there were possible nuisance issues on both days and in particular to those persons visiting the church on a Sunday.

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.

All parties were advised there was no direct right of appeal against the decision but if anyone was dissatisfied they did have the right to judicially review the decision.

Details: As per application with the following amendments.

The proposed dates of street trading are for a three month period from the date of the issue of the decision notice.

To start trading from: 10:00 hrs
End of trading: 17:00 hrs

On Monday, Wednesday, Thursday, Friday and Saturday.

Street Trading not be permitted on Tuesday's

Restricted street trading on Sunday 12:00 hours to 17:00 hours only.

The site requested is St Thomas' Square, Newport, Isle of Wight as shown on the revised plan submitted to committee.

Public Participants: Mr Phillip Moore (Applicant)
Miss Catherine Kidd (Interested Party)

Additional Representations: 2 additional representations had been received from the Council's Highways and Transport Section and were circulated to all members prior to the meeting.

An e-mail was received from one of the objector's, Mr Gary Hall, which was read out in full by the Licensing Officer and circulated to all members prior to the meeting.

Comments : While the Members considered the scaled map advising on the location of the proposed stall, they were advised

that there was a fire exit from adjoining premises, which must be kept clear to comply with Fire Regulations. Mr Moore confirmed that the area would remain free from obstruction and members noted the standard conditions that would be attached to the licence.

CHAIRMAN