



# Minutes

Name of meeting	<b>LICENSING (DETERMINATIONS) SUB COMMITTEE</b>
Date and time	<b>MONDAY, 4 JULY 2011 COMMENCING AT 11.00 AM</b>
Venue	<b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Arthur Taylor
Officers Present	Bill Berry, Claire Thomas, Justin Thorne, Claire Van Heerden, Simon Wiggins

---

7. **Declarations of Interest**

There were no declarations received at this stage.

8. **Exclusion of Public and Press**

RESOLVED :

THAT under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting for the following item of business, namely Minute number 9, on the grounds that there was likely to be disclosure of personal information of the applicant and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9. **Confidential Report of the Head of Planning and Regulatory Services**

**Application:** A Personal Licence under Section 117 of the Licensing Act 2003.

**Resolution** THAT this application was withdrawn by the applicant prior to the meeting.

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application to vary a Premises Licence to specify a Designated Premises Supervisor, received in accordance with Section 37 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/or written evidence from the applicant and Police, and having regard to the Guidance issued under Section 37 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the applications be determined as detailed below:

<b>Decision Ref</b>	19 (11/12)
<b>Application:</b>	Application to vary a Premises Licence to specify a Designated Premises Supervisor for Rubys, 42 – 44 High Street, Sandown, Isle of Wight.
<b>Resolution:</b>	THAT the decision to grant variation to the Premises Licence to specify a Designated Premises Supervisor for Rubys, 42 – 44 High Street, Sandown, Isle of Wight be adjourned.
<b>Reasons for Decision:</b>	The Sub Committee concluded that given the nature of the representations, the matter be adjourned to allow the proposed Designated Premises Supervisor to attend. Members further agreed that the reconvened meeting should be arranged as soon as possible and no later than four weeks from the date of the adjournment.
<b>Public Participants:</b>	Applicants Representative Hampshire Constabulary
<b>Additional Representations:</b>	None.
<b>Comments:</b>	Members asked that all parties be advised, any further documentation for consideration by the Sub Committee should be supplied prior to the day of the reconvened hearing.

---

The public and press were readmitted to the meeting for the following item.

## 10. Report of the Head of Planning and Regulatory Services

Prior to the Sub Committee receiving representations from any parties, Cllr Jonathan Bacon declared a personal interest, as he knew one of the objectors who sat with him as a trustee at the Law Centre.

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application for a Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

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 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/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 2011 – 2014, the applications be determined as detailed below:

**Decision Ref:** [20 \(11/12\)](#)

**Application:** A Premises Licence for Rhythmtree Festival, Land at Pound Lane, Calbourne, Isle of Wight

**Resolution** THAT the grant of a Premises Licence for Rhythmtree Festival, Land at Pound Lane, Calbourne, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and the responsible authorities as outlined in the report 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 additional conditions listed below:

- Conditions:**
- (i) The Licence shall cease to have effect on 31 July 2011.
  - (ii) No Licensable activities shall be permitted on the premises unless a steward is present on the junction of Elm Lane and Pound Lane to provide advice to motorists on accessing the site. Resident

passes shall be supplied to residents of Pound Lane prior to the event.

- (iii) No access shall be allowed to the site by members of the public except in strict accordance with the traffic management plan.
- (iv) All publicity of the event shall encourage access to the site via Yarmouth Road.
- (v) The Licence holder shall write to all residents in the vicinity notifying them of a suitable contact number of the Licence holder to report any incidents. A sign shall also be displayed at the entrance to the site giving up to date contact details.
- (vi) A written record shall be made of any complaint regarding the premises, including any public nuisance, taking place there, and of any refusal to sell alcohol to a person suspected to be drunk, or under the age of 18 years, or if a person is ejected from the premises. The written record shall be kept on the premises during licensable activities and any complaints received relating to public nuisance shall be recorded, including the name of the complainant and their contact details if possible. Furthermore, the record shall contain the date and time the complaint was received and the details of the complaint and any action taken by the licence holder or Designated Premises Supervisor following the complaint. Any such written record shall be produced to a police officer or relevant officer of the local authority on reasonable request.
- (vii) The total number authorised to be on the site including the public and staff shall not exceed 1,200 at any one time.
- (viii) No members of the public shall be permitted entry between 23.00 and 11.00 unless they are a valid camp site ticket holder.

Members further asked an informative be issued to the applicants encouraging local engagement with residents including discussion about any private security arrangements required, particularly local businesses.

**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. The additional conditions were required in order to adequately promote

the licensing objectives of public safety arising from traffic to the site; and public nuisance arising from the licensable activities.

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 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:**

Mr Gerald Priddle (Applicant)  
Mr Matt Diffy (On behalf of the applicant)  
Mr Dan Burgess (On behalf of the applicant)

Mr Paul Macaire (Objector)  
Lesley Radcliff (Objector)  
David Symon (Objector)  
Kevin Coghlan (Objector)

**Additional  
Representations:**

Photographs of the surrounding highway were submitted on the day of the hearing by Mr Symon. All parties agreed they were admissible and copies were circulated.

**Comments:**

Members considered concerns from objectors including those relating to noise, safety concerns, highway issues and problems with access.

The Sub Committee sought further details in regard to these issues by questioning the applicants and concluded that the further conditions that had been added would help alleviate many of the concerns and adequately promote the licensing objectives.

The meeting then adjourned and reconvened on Monday, 11 July 2011 in the Committee Room One, County Hall, Newport, Isle of Wight, commencing at 1.00 pm.

Present Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Arthur Taylor

Officers Present Justin Thorne, Claire Van Heerden, Simon Wiggins

**11. Exclusion of Public and Press**

**RESOLVED :**

THAT under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting for the following item of business, namely Minute number 12, on the grounds that there was likely to be disclosure of personal information of the applicant and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**12. Confidential Report of the Head of Planning and Regulatory Services**

**Decision Ref** 19 (11/12)

**Application:** Application to vary a Premises Licence to specify a Designated Premises Supervisor for Rubys, 42 – 44 High Street, Sandown, Isle of Wight.

**Resolution:** THAT the variation to the Premises Licence to specify a Designated Premises Supervisor for Rubys, 42 – 44 High Street, Sandown, Isle of Wight be refused under Section 39 of the Licensing Act as it considers it necessary for the promotion of the crime prevention objective, in accordance with paragraphs 4.28 to 4.30 of the Secretary of State Section 182 guidance.

**Reasons for Decision:** The members believed Ruby's was a difficult premises to manage and that the current Designated Premises Supervisor lacked sufficient knowledge and expertise to properly manage and ensure the crime and disorder objective were adequately promoted.

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 prevention 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.

**Public Participants:**

Applicant  
Premises Manager

Hampshire Constabulary

**Additional  
Representations:**

None.

CHAIRMAN