



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	WEDNESDAY, 5 JANUARY 2011 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Paul Fuller, Arthur Taylor
Officers Present	Andrea Bull, Gareth Davies, John King, Julie Martin, Matthew Northard, Justine Thorne, Claire Van Heerden

31. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [25 October 2010](#) be confirmed subject to the addition of 'applicant's employer' to public participants.

32. [Declarations of Interest](#)

There were no declarations received at this stage.

33. **Reports of the Head of Community Safety Service**

Consideration was given to the reports of the Head of Community Safety Service, providing details of applications made by the Police under Section 87 of the Licensing Act 2003 to review a Club Premises Certificate and under Section 51 of the Licensing Act 2003 to review a Premises Licence.

A schedule of additional representations, received after the printing of the report, was submitted to Members prior to the consideration of each relevant application.

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 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:

- Decision Ref** 10 (10/11) ([Recording 1](#) and [2](#))
- Application:** Application for the Review of a Club Premises Certificate for Shanklin Liberal Club, 8 Landguard Road, Shanklin, Isle of Wight
- Resolution:** THAT in respect of the Club Premises Certificate for Shanklin Liberal Club, 8 Landguard Road, Shanklin, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the Crime and Disorder objective.
- Conditions:** The following additional conditions be added to the licence :
- (i) At least one SIA-registered door supervisor shall be present at the premises on any occasion live or recorded entertainment is provided.
 - (ii) Where engaged at the premises door supervisors shall monitor the conduct of members and guests in all parts of the Club premises, and shall encourage patrons to disperse quietly when they leave.
 - (iii) On any occasion live or recorded entertainment are provided, and at other busy periods, a door supervisor (or another responsible member of staff) shall maintain control of the front door of the premises, in order to monitor persons entering and leaving the premises.
 - (iv) All staff engaged in the sale or supply of alcohol shall receive training or instruction in the responsible sale or supply of alcohol, particularly in relation to the supply of alcohol to persons who are drunk or underage.
 - (v) A written record shall be kept of any such training or instruction provided, and this record shall be produced to a police officer or relevant officer of the local authority on reasonable request.
 - (vi) A 'Challenge 21' policy shall be adopted, so that alcohol shall not be sold or supplied to any person

appearing to be under the age of 21 unless that person produces satisfactory documentary evidence that he or she is over 18.

- (vii) A written record shall be made of any incident occurring on the premises or of any refusal to sell or supply alcohol to a person who is drunk or under the age of 18 years. This record shall be signed and dated by any person making an entry and it shall be produced to a police officer or relevant officer of the local authority on reasonable request.

Reason: Members believed the additional conditions were required to adequately promote the crime and disorder objective. The incident of 30 October 2010 was a very serious one and further measures were needed to ensure that this did not occur again. The principle concerns were controlling 'special functions', temporary memberships and drunkenness. Members believed the additional conditions, together with the measures already in place / proposed by the club would address those concerns.

Existing conditions 4 and 9 to be removed.

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:

Barbara Scotland (Treasurer, Shanklin Liberal Club)
Pauline Dignan (Secretary, Shanklin Liberal Club)
Sergeant Mark Voller (Hampshire Constabulary)
Mrs Claire Van Heerden (Witness)

Additional Representations:

Late information from the secretary of Shanklin Liberal Club was circulated with the agreement of all concerned.

Informative: Members were very concerned with current arrangements with regard temporary membership, they were not entirely convinced that what had been occurring was fully in accordance with the club's membership requirements, those requirements should be in place and applied at all times. Members would be very concerned if this came back for similar reasons resulting from temporary membership.

Decision Ref	11 (10/11) (Recording 1 and 2)
Application:	Application for the Review of a Premises Licence for The Old Comical, 15 St Johns Road, Sandown, Isle of Wight
Resolution:	THAT in respect of the Premises Licence for The Old Comical, 15 St Johns Road, Sandown, 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.
Conditions:	<p>The following additional conditions be added to the licence :</p> <ul style="list-style-type: none">(i) No live or recorded music shall be permitted after 2100 hours unless a suitable number of door supervisors are present at the premises. The number of door supervisors required on any occasion shall be determined by, or on behalf of, the premises licence holder, taking account of such factors as the nature of any event to be provided, the number of customers likely to be present, and of factors likely to increase the risk of crime or disorder.(ii) Whenever live or recorded music is provided, the designated premises supervisor, or in his or her absence, a nominated person who shall be the holder of a personal licence to sell alcohol, shall be present on the premises.(iii) No person under the age of 18 years shall be permitted to remain on the premises after 2200 hours.(iv) 'Challenge 21' policy shall be adopted, so that alcohol shall not be sold to anyone appearing to be under the age of 21 unless he or she produces satisfactory documentary proof that he or she is over the age of 18.(v) A refusals log of customers who are refused service of alcohol to be recorded in a book and made available to the police and licensing officers on request.(vi) Whenever live or recorded music is provided, plastic

or polycarbonate vessels shall be used and no beverage shall be served in a glass vessel.

- (vii) The designated premises supervisor shall, from time to time, ensure that all bar staff receive instruction or training to prevent the sale of alcohol to persons who are drunk or under the age of 18. A written record shall be made of the nature of such instruction or training, and the record shall be signed by each member of staff concerned. This record shall be produced to a police officer or relevant officer of the local authority on reasonable request.

Reason: Members were concerned that the crime and disorder objective was not being adequately promoted. Whilst there had been a recent reduction in the number of incidents members believed both conditions were necessary still to reduce the risk of further violence and disorder both inside and in the immediate vicinity of the premises. Members believed door supervisors would reduce unauthorised entry, assist disperse persons leaving, control patrons internally. The proper supervision of ingress and egress of patrons would also reduce public nuisance arising from sound leakage of doors being left open for prolonged periods causing noise nuisance. The use of polycarbonates reduces risk of glasses being used as weapons. Members noted these measures may incur additional expense but considered they were proportionate to promoting the objectives. Members had regard in particular to section 11 of s182 guidance.

Existing conditions 14, 20, 26, 27, 28 and 29 to be removed.

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:** Matthew Phipps (TLT Solicitor)
Anna Clissold (Punch Taverns)
Wendy Blake (Designated Premises Supervisor)
Helen Blake
Sergeant Mark Voller (Hampshire Constabulary)
Sergeant Julie Cocks (Hampshire Constabulary)

CHAIRMAN