

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 5 SEPTEMBER 2011 COMMENCING AT 2.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Jonathan Bacon, Colin Richards, Arthur Taylor
Officers Present	Marie Bartlett, Ben Gard, Tricia Stillman, Iain Thornton, Claire Van Heerden

31. [Election of Chair for the day](#)

RESOLVED:

THAT Councillor Jonathan Bacon be elected Chairman for the day.

32. **Declarations of Interest**

There were no declarations received at this stage.

33. **Report of the Head of Planning and Regulatory Services**

Consideration was given to the report of the Head of Planning and Regulatory Services, 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.

RESOLVED:

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

Decision Ref	26 (11/12)
Application:	An application for the grant of a Street Trading Consent submitted by Mr Tony Arthur, Trading as 'Shakalicious' at various locations on the Isle of Wight.
Resolution:	<p>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 Statement of Licensing Policy (Street Trading Consents) adopted in July 2008, the sub committee hereby:</p> <ul style="list-style-type: none"> (i) Refuse the application in respect of Ryde Pavillion, North Walk and the pedestrian area to the rear of LA Bowl car park, Ryde. Yaverland car park. Spa car park, Esplanade car park and Hope Road car park, all Shanklin. (ii) Grant the street trading consent in accordance with the application, in respect of St James Square and St Thomas Square, Newport (iii) Grant the street trading consent in respect of Sandham Park, Esplanade, Sandown but modified to such an extent as members have considered necessarily, namely by requiring the following condition:
Conditions:	The Holder of the street trading consent must trade only in the position at the entrance to Sandham Gardens to the left of the canoe lake, as agreed with the land owner and shown in the approximate position marked 'x' on the attached plan.
Reasons for Decision:	<p>The reasons were provided in the report to promote the Licensing objective regarding public safety.</p> <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.</p> <p>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.</p>
Details:	<p>As per application.</p> <p>The proposed hours of trading are:</p> <p>Between 10:00 hours and 20:00 hours daily.</p> <p>The site requested is various locations on the Isle of Wight</p>

Public Participants: Mrs Arthur (Applicant)
Mr Brown (Applicant)

Additional Representations: An email from Newport Parish Council was circulated with the agreement of all concerned.

CHAIRMAN