



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 6 OCTOBER 2008 COMMENCING AT 2.30 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), George Cameron, Mike Cunningham
Officers Present	Mat Drake, Julie Martin, Claire Van Heerden

21. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [8 September 2008](#) be confirmed.

22. **Declarations of Interest**

There were no declarations received at this stage.

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

Consideration was given to 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.

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 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 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 2008 – 2011, the applications be determined as detailed below:

Decision Ref:	09 (08/09)
Application:	A variation of the Premises Licence for McColls, The White Rabbit, 47 – 48 Union Street, Ryde, Isle of Wight
Resolution	THAT the variation of the Premises Licence for McColls, The White Rabbit, 47 – 48 Union Street, Ryde, Isle of Wight be refused.
Reasons for Decision:	<p>The Committee heard evidence from the Police that the area of Ryde Town Centre had high levels of alcohol related crime and disorder and that crime and disorder was especially prevalent late at night on weekends.</p> <p>The Committee felt that granting the application would lead to further alcohol being purchased at the most difficult times and would exacerbate the existing problems to an unacceptable degree.</p> <p>The Committee was aware that there were several licensed premises with later closing times nearby, but those premises catered for people drinking on the premises in a supervised environment.</p> <p>The Committee heard that there had been 24 police contacts in the last 12 months. However the police were clear that they did not blame the management for these incidents and this fact did not contribute to the refusal in any way.</p> <p>The overriding concern of the Committee was the increased availability of alcohol late at night that could only be drunk off the premises leading to Crime and Disorder from members of the public in drink</p> <p>The Committee balanced the applicants desire to trade against the need to address crime and disorder and felt that there were no conditions that could safely be attached that would achieve the objectives and the refusal of the application was both necessary and proportionate to promote the licensing objective of crime and disorder.</p> <p>The Committee recognised the positive work done by the management and police to address the licensing objectives particularly in relation to eliminating the sale of alcohol to minors.</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. The Sub Committee considered their decision to be proportionate and necessary</p>

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: Peter Atkins (Store Manager)
Michelle Tyson (Regional Manager)
Graham Clough (Area Manager)
David Crank (Solicitor acting on behalf of Martin McColl Ltd)

Sergeant Goodier (Hampshire Constabulary)
PC Cleightonhills (Hampshire Constabulary)

Additional Representations: The police referred to 24 incidents of crime and disorder that had taken place within the previous 12 months.

Comments: The Committee was advised that if the police case was to be primarily centred around Crime and Disorder, 24 occurrences within a given time period may or may not be serious, but if the police were going to rely on those incidents then the committee would need to know what the allegations or incidents were in order to form a view on the relevance to the application before them.

The committee was informed of procedural difficulties and were advised they should decide the application on the basis of such evidence before them. If the police were seeking to say that all or some of the 24 incidents being alluded to should affect the decision, they should be clear how.

The applicant had not had notice and therefore had been unable to consider the ramifications of any such evidence that may be put before the committee.

A short adjournment was held to enable the applicant to consider the incidents.

The meeting reconvened and the applicant confirmed he had no objections to the police informing the committee about the nature of the incidents.

CHAIRMAN