

Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 6 AUGUST 2007 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM 1, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, George Cameron
Officers Present	Julie Martin, Justin Thorne, Claire Van Heerden

38. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [30 July 2007](#) be confirmed.

39. **Declarations of Interest**

Cllr Susan Scoccia declared a personal interest in Minute 40 - Hong Kong Express, Holyrood Street, Newport – as she knew the solicitor acting on behalf of the applicant.

40. **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 Variation of a Premises Licence, received in accordance with Section 34 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/or written evidence from the applicant, interested parties and/or responsible authorities and having regard to the Guidance issued under Section 34 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2004 – 2007, the applications be determined as detailed below:

Decision Ref	7 (07/08)
Application:	Application for a variation of a Premises Licence for Red Catering Limited, Trading as Hong Kong Express, Holyrood Street, Newport, Isle of Wight.
Resolution:	THAT the grant of a Variation of a Premises Licence for Red Catering Limited, Trading as Hong Kong Express, Holyrood Street, Newport, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and at the hearing 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 conditions listed below:
Conditions:	<p>The conditions proposed by the applicant in addition to the agreed conditions in the report and those below as agreed by members to be necessary for the promotion of the prevention of public nuisance are</p> <ul style="list-style-type: none"> (i) No licensable activity shall be permitted by this licence after 12:00 am on Friday and Saturday unless a minimum of one registered SIA Door Staff is employed and present on the premises. (ii) Regulated entertainment shall cease at 02:00 hours except with the written authority of the Local Authority on no more than twelve occasions per calendar year, with a minimum of 24 hours notice.
Reasons for Decision:	<p>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.</p> <p>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.</p>

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.

Details:

As per report.

Late Night Refreshments until 04:00 hours

Supply of Alcohol until 03:30 hours

Premises to close at 04:00 hours

Challenge 21 Scheme to be adopted as regards to under age sales.

Removal of the existing condition regarding 'drinking up time'

CCTV to operate and record whilst the premises is open for licensable activities. Recordings to be retained for no less than 14 days. Recorded images to be made available to the police on request.

**Public
Participants:**

Mr Colin Clark (Solicitor on behalf of the applicant)

Mr Paul Moreton (Director of Red Catering Ltd)

Mr James Hang (DPS)

CHAIRMAN