



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 8 DECEMBER 2008 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Ivan Bulwer, George Cameron, Mike Cunningham
Officers Present	Sarah MacDonald, Julie Martin, Justin Thorne, Kevin Winchcombe

24. Election of Chairman

RESOLVED

THAT Cllr Ivan Bulwer be elected Chairman for the day.

25. Minutes

RESOLVED :

THAT the Minutes of the meeting held on [6 October 2008](#) be confirmed.

26. Declarations of Interest

There were no declarations received at this stage.

27. 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 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, 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 2008 – 2011, the applications be determined as detailed below:

Decision Ref:	10 (08/09)
Application:	A Premises Licence for Octopus' Garden Café, 63 High Street, Cowes, Isle of Wight
Resolution	THAT the grant of a Premises Licence for Octopus' Garden Café, 63 High Street, Cowes, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and also subject to the mandatory conditions specified in the Licensing Act 2003, but also to restrict the sale of alcohol to on sales only as volunteered by the applicant at the committee hearing.
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>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.</p> <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 from the date of notification.</p>
Details :	As per application, with the exception that the Music and Dance element be withdrawn.
Public Participants:	Mr Chris Sanders (Applicant) Ms Penelope Jolliffe (Applicant)
Additional Representations:	None
Comments:	It was noted that during the hearing the applicant volunteered to restrict the sale of alcohol to on sales only.

CHAIRMAN