



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	MONDAY, 9 FEBRUARY 2009 COMMENCING AT 10.00 AM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, Mike Cunningham
Officers Present	Julie Martin, Emma Templeman, Justin Thorne, Claire Van Heerden

34. Declarations of Interest

There were no declarations received at this stage.

35. Report of the Head of Community Safety Service

Consideration was given to the report of the Head of Community Safety Service, 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 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 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 2008 – 2011, the applications be determined as detailed below:

Decision Ref	13 (08/09)
Application:	Application for a Variation of the Premises Licence for the Old Comical, 15 St Johns Road, Sandown, Isle of Wight.

Resolution:

THAT the grant for a Variation of the Premises Licence for the Old Comical, 15 St Johns Road, Sandown, 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, to include the agreed conditions below and those of paragraphs 2, 3 and 4 on pages A50 – A51 of the report.

Members considered the representations from the interested parties but believe the agreed conditions satisfactorily promote the licensing objectives.

Conditions:

Agreed conditions with the Police :

- There will be no entry to the premises after 01:00
- A generic written risk assessment will be in place to cover the need for SIA registered door staff when live entertainment is taking place.
- CCTV shall be installed and maintained to the satisfaction of the local authority and will operate when the premises are open for licensable activities. Recorded images will be retained for a minimum of 30 days. Such recordings will be made available to the police on request.
- When regulated entertainment takes place on the premises, regular head counts will take place to ensure compliance with capacity on the premises.

The police do not object to the removal of all conditions under Annex 3 of the present licence.

Non standard timings to read :

Every Sunday and Monday for each May Bank Holiday, Spring/Whitsun and every August Bank Holiday weekend, the Thursday, Sunday and Monday of Easter weekend the timings applicable to Friday and Saturday will apply. Should Christmas Eve and Boxing Day fall on any other day than Friday and Saturday those timings will apply.

Any reference to other days in the application should be omitted.

The police now accept that these premises have grandfather rights for all night on New Year's Eve into New Year's Day but consider this should be included on the licence so there is no misunderstanding in the future.

The licensable activity requested in paragraph K on the application should be clearly stated on the licence that it is for Karaoke only.

Agreed conditions with Environmental Health :

Environmental Health is prepared to withdraw their recommendation to impose a condition requiring a sound limiter, provided that such condition is replaced by others, as follows :

- The Licence Holder shall set the amplification of equipment used for musical entertainment such that it will not result in public nuisance. This is to be assessed by listening at a number of locations around the premises, and in particular at points agreed by the Licensing authority.
- Once the level has been set, the Licence Holder shall measure the sound produced by the entertainment at the agreed points. The results of those readings shall be recorded.
- At least once during each entertainment session, the Licence Holder shall measure the sound at the agreed points, and shall ensure that the level attributable to musical entertainments does not exceed the level recorded for the purposes of Condition 2 above.

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.

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.

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: Helen Blake (co-owner)

David Edwards (co-partner)

Anna Barry (Punch Taverns)

Additional Representations: None.

Comments: Members noted there was an error in paragraph 13, page A -3, stating that the application had been received on 17 December 2009, it should read 2008.

A copy of the agreed conditions was circulated to all parties.

Members raised the fact that a resolution to certain issues had been left a bit late. They believed that if it had been better organised then there would not have been the need to hold the hearing.

CHAIRMAN