



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	THURSDAY, 20 SEPTEMBER 2012
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman) Paul Fuller, Julie Jones-Evans,
Officers Present	Jon Baker, Maisy Green, Amanda Gregory, Claire Thomas, Justin Thorne, Charlotte Whitewood

18. [Minutes](#)

RESOLVED:

THAT the Minutes of the meeting held on [26 July 2012](#) and [6 August 2012](#) be confirmed.

19. [Declarations of Interest](#)

There were no declarations received

20. [Urgent Business](#)

There was no urgent business

21. **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 an application for a Variation of a Club Premises Certificate, received in accordance with Section 84 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, interested parties and/or responsible authorities and having regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the applications be determined as detailed below:

**Decision Ref
Application:**

10 (12/13). [Recording 1](#) and [2](#)
Application to vary a club premises certificate under Section 84 of the Licensing Act 2003 for the Porter Club, 77B Sandown Road, Lake, Isle of Wight, PO36 9LE

Resolution:

THAT the grant for a Variation of the Club Premises Certificate for the Porter Club, 77B Sandown Road, Lake, 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 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:

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 s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011-2014, the sub-committee hereby:

Grant the licence in accordance with the application including the removal of the two redundant conditions 15 & 18, 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 modified to such an extent as members have considered appropriate for the promotion of the 4 licensing objectives, namely by requiring the following conditions be added or amended:

Conditions:

1. No regulated entertainment authorised by this certificate shall be permitted after 2200 hrs unless all external doors and windows are fully closed.
2. No person will be permitted to take or remove alcoholic or other drinks from the building or from the premises served in open containers.
3. A record of all public nuisance complaints

received be recorded in a log book containing the time of complaint as well as the date and complainants name and address (where provided) along with the action taken by the responsible person to deal with the complaint including the date and time of the actions completion. The log book shall at all times be available for inspection by an authorised officer of the licensing authority and in any event within 24 hours of a request. The Log Book shall at all times be made available for inspection by an authorised officer of the Licensing Authority and in any event within 24 hours of request.

The conditions were to promote the public nuisance objectives

Reasons for Decision: The reasons were provided in the report to promote the Licensing objectives Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance 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: Mrs Joyce Simpson – Applicant
Miss Morrissey –Solicitor representing applicant
Mr & Mrs B Clark – Objectors
Miss Janet Walker – Objector
Sergeant Mark Voller – Hampshire Constabulary

Additional Representations: Mr and Mrs Clark and Miss Janet Walker submitted late representations to the committee; applicant and all officers attending the meeting which was agreed by all parties.

Comments: It was noted that the ramp was within the licensed premises, however it was agreed that all club customers were not permitted to take drinks anywhere outside the building including the ramp and the condition was amended as per above to reflect this.

It was further clarified that the closing of the car park

gates would be the responsibility of the Porter Club and Asia Fusion.

With regard to drinks served in open containers, this would include bottles that had been opened.

CHAIRMAN