



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	WEDNESDAY, 3 OCTOBER 2012 COMMENCING AT 10.00AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman), Arthur Taylor, David Williams
Officers Present	Jon Baker, Amanda Gregory, Claire Thomas, Justin Thorne, Charlotte Whitewood

22. [Minutes](#)

RESOLVED:

THAT the Minutes of the meeting held on [20 September 2012](#) be confirmed.

23. [Declarations of Interest](#)

Cllr Williams declared a personal interest in Minute 25, as he knew two of the residents who had submitted representations.

24. [Urgent Business](#)

There was no urgent business to consider.

25. **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 Premises Licence, received in accordance with Section 17 of the Licensing Act 2003.

An additional map of the area in question surrounding the premises, received after the printing of the reports, was submitted to Members during the consideration of the application and it was agreed by all parties that it could be used to assist in the decision making process.

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, other persons 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 applications be determined as detailed below:

Decision Ref: [11 \(12/13\)](#)

Application: A Premises Licence Under Section 17 of The Licensing Act 2003 for Ventnor Rugby Club, Whitwell Road, Ventnor, Isle of Wight, PO38 1LP

Resolution THAT the grant of a Premises Licence for Ventnor Rugby Club, Whitwell Road, Ventnor, Isle of Wight, be granted, 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, and those agreed with Environmental Health and the Police, save amended to now read as follows:

Conditions: **Police**

1. Live or recorded music shall not take place in any outdoor area, including a marquee, on more than 6 calendar days in a calendar year.
2. The licence holder shall maintain a record of the occasions live or recorded music take place outdoors. This record shall be produced to a police officer or Local Authority on reasonable request.
3. On New Year's Eve the latest hour for licensable activities shall be 0100 hours.
4. The Isle of Wight Police Licensing Unit and Local Authority shall be notified at least 3 days in advance of any occasion the premises will be open outside standard licensed hours for the showing of a televised international sporting event.
5. The premises shall retain the character of a club and a membership scheme entailing a code of conduct for members, shall be operated on the premises
6. No application to hire the premises (or any part of it)

shall be accepted unless it is made in writing.

7. The premises (or any part of it) shall not be hired for licensable activities by any person aged under 21 years.
8. The licence holder shall make a written record of the name, address and age of any person hiring the premises.
9. Where the premises is to be used for any special event (including birthday parties, stag or hen parties or similar occasions), or where any outdoor area is to be used for live or recorded music, the licence holder shall decide in advance:
 - Whether there is a need for door supervisors to be present, and,
 - If so, the number of door supervisors required, and
 - The hours and nature of their deployment.
 - The above decisions shall be recorded in writing and shall be produced
 - To a police officer and local authority on reasonable request.
10. All staff engaged in the sale of alcohol shall receive training or instruction regarding the prevention of sale to anyone who is drunk or apparently under the age of 18 years. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of the delivery of training or instruction, and this record shall be produced to a police officer and local authority on reasonable request.
11. A written record shall be made of every refusal to sell alcohol to a person who is drunk or apparently aged under 18 years. Each entry shall be signed and dated by the person making it. The record shall be produced to a police officer and local authority on reasonable request.
12. Clear signage shall be displayed at points of sale to indicate a 'Challenge 21' policy is in place.
13. Customers shall not be permitted to consume alcohol in any outdoor area after 2400 hours (midnight).
14. Where any entertainment of an adult nature is provided-

- No person under the age of 18 years shall be present;
- All practicable steps shall be taken to prevent the entertainment being viewed by anyone outside the premises;
- A sufficient number of door supervisors shall be present;
- All practicable steps shall be taken to ensure the safety of each performer prior to, during and after the performance.

Environmental Health

1. After 2300hrs on any day, until the cessation of licensable activities for that day, amplified music noise from the premises shall be barely audible and discernible at any residential premises (or at any other point determined by the Licensing Authority).

(Barely audible is defined as at a level that, whilst it may be audible (heard), is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of any neighbouring noise sensitive premises).

2. When regulated entertainment is taking place after 23:00 hours, regular assessments of the noise coming from the premises will be conducted and steps will be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book and shall include the date and time of the checks, the person making them and the results including any remedial action.
3. Regulated entertainment is only permitted in a marquee or any outside area on the premises between the hours of 11:00 and 23:00.
4. The disposal of bottles and other potentially noisy waste disposal activities will not take place outside the premises between 2300hrs and 0700hrs

Reasons for Decision:

The reasons were provided in the report to promote the Licensing Objectives regarding the Prevention of Crime and Disorder, Public Safety and The Prevention of Public Nuisance, in particular.

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 appropriate

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

Local Member

Cllr Susan Scoccia

**Public
Participants:**

Mr Stuart Babington – Applicant
Mr Warren Riches – Applicant

Ms Ruby Lawrence – Objector
Mr Brian Harrison – Objector

Informative

The Committee advised that staff should remind patrons to leave the premises quietly at the end of the evening / night.

The committee further advised that Ventnor Rugby Club should be encouraged to reopen communication lines with residents, including providing contact names and numbers for appropriate members/points of contact at the club.

Comments:

It was noted that previous incidents which resulted in complaints being recorded by the police were not attributed to Ventnor Rigby Club but to that of Ventnor Football Club who were a completely separate entity.

During the submission of oral representations, Ms Lawrence, an objector, played to members a recording of what was purported to be music emanating from the Rugby Club, which could be heard from inside Ms Robson's home.

It was agreed by all parties that this could be played, although members were advised to be mindful of the amount of weight given to the evidence due to the fact there was no confirmation as to where exactly it was recorded, on what date and under which circumstances.

CHAIRMAN