



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	MONDAY, 6 AUGUST 2012
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman) Jonathan Bacon, Margaret Webster,
Officers Present	Jon Baker, Amanda Gregory, Matthew Northard, Claire Thomas, Justin Thorne,

15. **[Declarations of Interest](#)**

There were no declarations received at this stage.

16. **Urgent Business**

There was no urgent business

17. **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.

A schedule of additional representations, received after the printing of the reports, was submitted to Members prior to the consideration of the application.

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 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: [09 \(12/13\)](#)

Application: A Premises Licence for Wight Grill, 144 High Street, Newport, Isle of Wight

Resolution THAT the grant of a Premises Licence for Wight Grill, 144 High 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 also subject to the mandatory conditions specified in the Licensing Act 2003, but modified to such an extent as the Sub Committee have considered appropriate for the promotion of the four licensing objectives, namely by requiring the following conditions listed below:

Conditions: Members had regard to all representations and did accept the Police representations as reasonable and proportionate and believed they were up to scrutiny.

The fundamental problems were the type of trade, in the particular location, which was near to late night venues as well as clients which were likely to attend after midnight was accepted.

Members were concerned that allowing the premises to operate even in accordance with the application as modified would not adequately promote the licensing objectives, in particular the prevention of Crime and Disorder and Public Safety.

It was considered by Members that the type of activity in this location, which is an identified Police hot spot, would not promote the prevention of the Crime and Disorder objective.

Members also considered a lot of the clients likely to frequent the premises after midnight would probably be intoxicated and believed that this would delay the dispersal from the hot spot and undermine the licensing objectives.

Members also considered that a highways safety issue may also arise as a result of operating beyond midnight.

The licensable activity was therefore restricted by members to midnight and opening hours to 00.30 on each day.

Members also approved the conditions proposed and agreed with the Police and the Applicant,:

- I. Staff shall take all practicable steps to challenge drunken or disorderly behaviour by customers and shall encourage customers to disperse in a quiet, orderly manner.
- II. A CCTV system shall be installed so as to provide coverage of the front entrance and all internal areas in which customers order, wait for or consume food and drink. The CCTV system shall operate to the satisfaction of the Isle of Wight Police Licensing unit.
- III. CCTV footage shall be retained for a period of at least 28 days and shall be produced to a police officer or responsible officer of the local authority on reasonable request.
- IV. A member of staff capable of operating the CCTV system (and of making footage available to police and the local authority) shall be present on the premises, or otherwise readily available, at any time the premises is open later than 2300 hours.
- V. Within 60 days of the date of the decision a plan showing the number and position of Litter Bins as well as a method of securing the bins in a position to be provided to the Local Licencing Authority along within the assurance that bins would be emptied frequently by members of staff.

A clear notice requesting customers to leave the premises quietly shall be placed at the front door.

And the condition proposed by Environmental Health which had been accepted by the applicant:

- VI. Any litter arising from the premises and from customers in the immediate vicinity, including that on any adjoining footpath or street will be collected and removed as frequently as necessary and in any case at the end of each trading day.

**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.

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

**Public
Participants:**

Sgt Mark Voller - Hampshire Constabulary
PC Joe Finch - Hampshire Constabulary
Mr John Hounslow - Solicitor representing applicant
Mr Abdullah Sahinkaya - Applicant
Mr Bazaram Sahinkaya - Applicant

Comments:

It was clarified that the sale and provision of hot food and drinks must cease at midnight, although the sale of cold food and drinks could continue until the close of business at 00.30 each day.

CHAIRMAN