



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	TUESDAY, 12 FEBRUARY 2013 COMMENCING AT 10.40 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman), Reg Barry, Paul Fuller, Julie Jones-Evans, Susan Scoccia, Margaret Webster
Officers Present	Marie Bartlett, Amanda Gregory, Sarah MacDonald, Claire Thomas, Justin Thorne, Kevin Winchcombe, Charlotte Whitewood
Apologies	Cllrs Jonathan Bacon, George Cameron, Vanessa Churchman, John Hobart, Arthur Taylor, David Williams

Due to discussions with all parties the meeting commenced at 10.40am.

18. **Declarations of Interest**

Cllr Reg Barry declared a personal interest in minute 19 as he knew the Licence Holder. He was not present during the discussion or voting thereon.

Cllr Paul Fuller declared a personal interest in minute 19 as the Licence Holder was an acquaintance and friend. He was not present during the discussion or voting thereon.

19. **Report of the Head of Planning and Regulatory Services**

[Application for the review of a premises Licence for Stag Inn, 45 Sandown Road, Lake, Isle of Wight.](#)

The Licence holder's legal advisor questioned the jurisdiction of members considering the review, following the decision of the Regulatory Committee made on Monday, 14 January 2013, which referred the matter to another properly convened Licensing Committee. Members were advised by their legal representative that the council was under an obligation to make a decision, and members had received legal advice in respect of determining the application.

The licensing officer gave a brief outline of the review application. She summarised a letter which had been submitted by a supporter of the review, and an incident report which had been made available to the Regulatory

Committee at the previous hearing, which members agreed to accept as it contained a summary of incidents already contained within the application. Although the licence holder's legal advisor challenged the requirement for the document to be included. Members agreed to accept the incident report and allowed a 10 minute break for discussions to take place between the licence holder and his legal advisor regarding the document. Following discussions and legal advice members agreed to disregard Appendix H to the report.

The applicant advised members why the review had become necessary following a number of incidents relating to the Stag Inn. There were particular concerns relating to the management of the premises. However, following meetings with the Licence holder during 2012, some attempts had been made to make changes and co-operate with the police, although those efforts seemed to have fallen short and not been followed through to the end. Concerns were raised regarding the level of commitment, by the Stag Inn, to the Sandown Pubwatch scheme, as customers banned by the scheme, were being allowed to drink on the premises. The applicant had requested a short suspension of the licence to allow for staff training and requested that they fully engage as a member of Pubwatch

The Responsible Authorities told the Committee that Environmental Health had not received any complaints relating to noise nuisance since December 2010. Conditions suggested by the Licensing Authority had been submitted and were contained within the report. The Licensing Authority did not support suspension of the licence unless it was felt the Licence holder could not comply with the conditions within the 21 day period following the issue of the decision.

Members noted that the conditions within the report had been agreed between all parties, and it was explained that work had been undertaken to comply with those conditions. An upgraded CCTV system had been installed throughout the premises and three invoices relating to the upgraded CCTV system, which included maintenance, were circulated to members. Four members of staff had received training, with the intention of their obtaining a personal licence in the future.

In line with the Council's Constitution Procedure Rule 22, as the meeting was likely to exceed three hours, members agreed by majority to extend the meeting for one hour.

All parties were given the opportunity to sum up.

20. Exclusion of Public and Press.

RESOLVED:

THAT in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations the licensing authority excluded the public from part of the hearing to receive legal advice as it considered that the public interest in so doing outweighed the public interest in that part of the hearing taking place in public.

Upon reconvening it was:

RESOLVED:

THAT upon receiving the report of the Licensing Section, oral and written evidence from the applicant, other interested 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 application be determined as detailed below:

Resolution: THAT in respect of the Premises Licence for Stag Inn, 45 Sandown Road, Lake, Isle of Wight, the licence to be modified to such an extent as members had considered appropriate for the promotion of the four licensing objectives, by requiring the conditions as agreed to be added as below:

- Conditions:**
1. The designated premises supervisor (DPS), or in his or her absence, a personal licence holder nominated by the DPS, shall be present on the premises after 19:00 hours on every day and on any other occasion when live or recorded music is being provided.
 2. A CCTV system shall be maintained to the satisfaction of the police and the Local Authority. The system shall provide coverage of:
 - Every public entrance;
 - Bar counters; and
 - All internal and external areas to which the public have access (except toilets).

The CCTV system shall operate at all times whilst the premises are open for licensable activities and for at least 30 minutes thereafter. Recorded images shall be retained for a period of at least 14 days and shall be produced to a police officer or an authorised officer of the Local Authority on reasonable request.

3. No regulated entertainment shall take place inside the premises unless all external doors and windows are fully closed.
4. After 1900 hours on any day, children under the age of 16 years:
 - Shall not remain in any part of the licensed premises
5. At least one licensed door supervisor shall be present at any time when a performance of live or recorded music is being provided and shall remain on the premises until the time of closure.
6. The number of door supervisors to be engaged on any other

occasion shall be determined by the licence holder. He must take into account such factors as the nature and duration of licensable activities proposed, the number, age and character of person likely to attend, and any known risks to impact on promotion of the licensing objectives. The licence holder shall make a written record of the number of door supervisors to be engaged and the factors taken into account by the licence holder. Any such record shall be produced to a police officer or responsible officer of the Local Authority on reasonable request.

7. Where engaged at the premises door supervisors shall take all practicable steps to:
 - Prevent any person who appears drunk, or who is drinking or openly carrying alcohol, from entering or remaining on the premises;
 - Challenge any drunken or antisocial behaviour by customers;
 - Encourage customers on leaving to do so in a quiet, orderly manner.
8. All staff engaged in the sale of alcohol shall receive training or instruction to prevent the 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 date the training or instruction was delivered;
 - Its content; and
 - The names of the members of staff who received it.

The record shall be produced to a police officer or an authorised officer from the Local Authority on reasonable request.

9. No person will be permitted to take or remove alcohol in an open container beyond the boundary of the premises.
10. After 20:00 hours no customer shall be permitted to take any alcohol in an open container onto the terraced area at the front of the premises.
11. A written record shall be made of every incident of crime or disorder taking place on the premises, to include any action taken by staff. Every entry in the record shall be signed and dated by the person making it. This record shall be produced to a police officer or an authorised officer of the Local Authority on reasonable request.

12. 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 checked and counter signed by the DPS on at least a weekly basis and shall be produced to a police officer and authorised officer of the Local Authority on reasonable request.

13. Clear signage shall be displayed at every public exit requesting customers to leave in a quiet orderly manner.

14. Clear signage shall be displayed at points of sale to indicate an age verification policy (e.g. 'Challenge 21') is in place.

All existing conditions on Annex 2 of the licence are removed.

Members expected staff to be trained and have personal licences at the earliest opportunity.

All staff must be aware of the risks to the licensing objectives and if training was required it should be undertaken as soon as possible. Members believed that the DPS in particular should undertake further training.

If there was further incidents then, without prejudice to future decisions, members would have no hesitation in considering suspension or revocation. However at this instance, on balance, members did not consider it was proportionate as they believed the conditions would address the licensing problems that had been identified.

**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 committee considered the 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.

Informative:

Members expect the Stag Inn to apply the principle of Pubwatch irrespective of whether persons were banned prior to your membership and would strongly advise compliance in full in future with Pubwatch banned persons.

**Public
Participants:**

Mr Jerome Wilcox – acting on behalf of Premises Licence
Holder
Mr Gerard White – Licence Holder and Designated Premises
Supervisor

Sergeant Mark Voller – Hampshire Constabulary

**Additional
Representations:**

Copies of the police incident report and a letter from a supporter
of the review had been circulated prior to the hearing.

CHAIRMAN