



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	MONDAY, 19 NOVEMBER 2012 COMMENCING AT 10.00AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman), Jonathan Bacon, Paul Fuller, Julie Jones-Evans, Margaret Webster, David Williams
Officers Present	Marie Bartlett, Andrea Bull, Amanda Gregory, Laura Gaudion, Julie Martin
Responsible Authorities	Superintendent Paul Brooks (Hampshire Constabulary), Mark Deacon (Fire), Keith Morey (NHS), Matthew Northard (Environmental Health), Iain Thornton (Highways), Kevin Winchcombe (Licensing Authority)
Apologies	Reg Barry, George Cameron, Vanessa Churchman, John Hobart, Susan Scoccia, Arthur Taylor, Jerry White

4. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [3 August 2012](#) be confirmed.

5. [Declarations of Interest](#)

Councillor Margaret Webster declared a personal interest in minute 7, as she knew Jeff Armitage, Managing Director of GKN.

Councillor Julie Jones-Evans declared a personal interest in minute 7, as she was a member of Newport Parish Council.

Councillor Jonathan Bacon declared a personal interest in minute 7 as he attended the Isle of Wight Festival.

Councillor Richard Hollis declared a personal interest in minute 7 as he knew a supporter of the review.

6. **Suspension of Procedure Rule 22**

Given the nature of the matter, consideration was given to suspending Procedure Rule 22, which limited the length of meeting, to allow the meeting to extend beyond 3 hours.

RESOLVED:

THAT Procedure Rule 22 be suspended to allow the business to be completed.

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

Application for the Review of a Premises Licence for Isle of Wight Festival, Seaclose, Fairlee Road, Newport, Isle of Wight

Prior to the commencement of the meeting late evidence was circulated with the agreement of all parties, the meeting was adjourned for 10 minutes to enable members to read that.

The legal advisor from Solo drew members' attention to a letter which had been included within the late evidence. He believed that the allegation within that letter was wholly unfounded which could constitute an abuse of the licensing process and that the application was frivolous and vexatious.

Members adjourned the meeting to enable them to obtain advice from their legal advisor as to whether to proceed with the hearing. Upon reconvening the chairman advised the committee believed the review was not vexatious and would continue.

The Regulatory Services Manager gave a presentation outlining the history of the site. She highlighted the licensing objectives members should have regard to, and advised which matters did not fall under the licensing objectives.

The applicants advised members why they believed it necessary to undertake a review following the traffic disruption caused during the Isle of Wight Festival in June 2012. Members were given an overview of weather patterns prior to the event. Concerns were raised with regard to the lack of contingency planning by all parties involved. The applicants requested that the licence be revoked, or modified for a period of 12 months and to allow for public representation a new application should be submitted every five years. They also felt the traffic management plan should be made a public document.

The Responsible Authorities believed the current licence was fit for purpose and did not believe there was any need for the review. The revised Traffic Management Plan had been produced after consultation with the responsible authorities. Both Highways and the Police advised of the benefits of holding cars in compounds away from the site in order to ease congestion. Ambulance and fire services indicated they had reached emergency calls within their response times during the Festival period.

It was noted that in future a separate fleet of buses would be used for the school run. There was some concerns in relation to the taxi rank in Quay Street.

A representative of Newport Parish Council told the committee of the outcome of a recent survey they had undertaken with regard to the IW Festival. It was highlighted that a number of people within the area supported the event, although the felt that the traffic chaos caused could have been avoided. The Parish Council and Local Member did not support revoking the current licence, although the Parish Council felt a reduction to the attendance numbers would be more beneficial.

[The meeting then adjourned and reconvened on Tuesday, 20 November 2012](#) in the Council Chamber, County Hall, Newport, Isle of Wight, commencing at 10.00 am.

Present	Cllrs Richard Hollis (Chairman), Jonathan Bacon, Paul Fuller, Julie Jones-Evans, Margaret Webster, David Williams
Officers Present	Marie Bartlett, Andrea Bull, Amanda Gregory, Laura Gaudion, Julie Martin
Responsible Authorities	Superintendent Paul Brooks (Hampshire Constabulary), Mark Deacon (Fire), Keith Morey (NHS), Matthew Northard (Environmental Health), Iain Thornton (Highways), Kevin Winchcombe (Licensing Authority)
Apologies	Reg Barry, George Cameron, Vanessa Churchman, John Hobart, Susan Scoccia, Arthur Taylor, Jerry White

The licence holders advised members that the entrance into the car park was the main point of failure at this year's event. Various businesses had been contacted by Solo seeking to arrange contingency parking at various sites with the intention of diverting festival traffic off the roads. A robust traffic Management Plan has now been prepared allowing for additional entrances into the car parks, with all traffic from the ferries being directed to designated car parks. Talks had been undertaken with ferry companies to discuss how they may be able to assist by holding ferries and cars being stacked in Southampton and Portsmouth if the need arose

Members were told that planning applications would be submitted in relation to car parking.

Members noted the lack of communication to people queuing in their cars, and were advised that the Police and the Festival organisers would do everything to ensure a breakdown in communication would not happen again.

8. Exclusion of Public and Press.

RESOLVED:

THAT under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely minute 9 on the grounds that there was likely to be disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act, because it “related to financial or business affairs of any particular person” and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Upon reconvening it was:

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant 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 Isle of Wight Festival, Seaclose, Fairlee Road, Newport, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the following additional conditions to be added to the licence :

Conditions: (i) The Licence Holder shall with effect from 2013, and subject to conditions 7 and 8, of the licence publish a public facing document based on the ESOP to ensure that local residents, local councils and Island residents are kept informed. The public facing document shall be produced not later than 56 days before the start of each Isle of Wight Festival Event.

Reason: The committee believe that the review arose in part as a result of perceived issues and a lack of information. The committee believe that in imposing this additional condition all 4 licensing objectives are being promoted. The imposition of the condition is in accordance with the Guidance issued pursuant to Section 182 of the Licensing Act 2003, specifically paragraph 11.21

(ii) The Licence Holder shall with effect from 2013, and subject to conditions 7 and 8 of the licence, ensure that the Traffic Management Plan is published not later than 14 days prior to the start of the Isle of Wight Festival Event

Reason: The committee believe that the review arose in part as a result of perceived issues and a lack of information. The committee believe that in imposing this additional condition all 4 licensing objectives are being promoted. The imposition of the condition is in accordance with the Guidance issued pursuant to Section 182 of the Licensing Act 2003, specifically paragraph 11.21

**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 above decision the 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.

Public Participants:

Sarah McCarthy-Fry – Applicant
Jeff Armitage – Applicant
Daniel Middleton – Applicant
Amelia Angus – Applicant

Mr John Holsburt – Support to Licence Holder
Mrs Mary Lewis – Support to Applicant
Mr Chris Hougham – on behalf of Newport Parish Council
Cllr Dawn Cousins – Local member

David Clifton Solicitor on behalf of Solo
John Giddings – Solo
Caroline Giddings – solo
Dave Steele – Solo
Alan Law – solo

CHAIRMAN