



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	THURSDAY, 21 FEBRUARY 2013, COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman), Reg Barry, George Cameron, Paul Fuller, Susan Scoccia, David Williams
Officers Present	Marie Bartlett, Laura Gaudion, Maisy Green, Amanda Gregory, James Lucy, Sarah MacDonald, Claire Whitchurch, Kevin Winchcombe
Apologies	Cllrs Jonathan Bacon, Vanessa Churchman, John Hobart, Julie Jones-Evans, Arthur Taylor, Margret Webster

21. [Declarations of Interest](#)

Councillor Paul Fuller declared a non-pecuniary interest in minute 22 as he worked at the establishment many years ago.

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

[Application for the review of a premises Licence for Wight Rock Bar, The Colonnade, Lind Street, Ryde, Isle of Wight](#)

Members were advised that a review of the Licence had been requested by a local resident on the grounds of noise nuisance and public safety. The Licensing Officer informed members that the current licence had been in place since 2005.

The applicant provided members with a detailed summary of problems that were being experienced. It was stated that noise was apparent in the home, usually between the hours of 8.30 pm and 11.00 pm, and on occasion until 2.00 am. The applicant had reconfigured the layout within their property to block out some of the noise. Members were advised that the applicants had known about the licenced premises when they purchased their property. The applicant confirmed that they had previously felt they had no right to complain about the noise as the Isle of Wight Council had indicated that they had done all they could in 2005.

The responsible authorities advised members that they were in support of the proposed conditions made by Environmental Health, and reminded members that the Live Music Act 2012 was currently in place. Members noted that a

condition could be added, to carry out a sound test prior to any live music.

Environmental Health indicated one other local resident had made a complaint regarding the premises. An officer had attended the property twice and deemed that there could be a noise nuisance although no further action was taken as the applicant and the Licence Holder had agreed to compromise. The Fire Officer had no further concerns as the Licence Holder had carried out all necessary work.

Members heard from a local resident who lodged at the applicant's property since 2011, she explained that she had made complaints to the applicant regarding the noise. A customer of Wight Rock advised members that when entering or leaving the premises he couldn't hear the live music being played.

The Licence Holder stated that the premises were used primarily as a Live Music venue and they had no intention of becoming a nuisance to neighbouring properties. Members were informed that live music very rarely ran past 11.00 pm. It was made clear that efforts had been made to try and contain the noise within the premises. A noise limiter was already in place although the Licence Holder felt some input from Environmental Health would be useful to set it to an appropriate level. Temporary Event Notices had been applied for and agreed to extend operating hours until 2.00 am for recorded music.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant, Licence Holder, interested parties and the Isle of Wight Councils Environmental Health Department and Isle of Wight Fire and Rescue Service as 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 Wight Rock Bar, The Colonnade, Lind Street, Ryde, 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. During the provision of live and/or recorded music the noise, including any DJ announcements shall be contained within the premises, or be at a limit which will be barely audible within the neighbouring or adjoining residential premises.
 - ii. The licence holder shall undertake a formal sound check prior to the provision of live and/or recorded music to assess the action taken to limit the noise from the premises to a barely audible level within

neighbouring or adjoining residential premises. The formal sound check shall be carried out with the assistance and to the satisfaction of the Isle of Wight Council's Environmental Health Department.

- iii. A copy of all public nuisance complaints received shall be recorded in a log book containing the time of the complaint, date of the complaint, the complainants name and address (where provided) along with the action taken by the licence holder to deal with the complaint including the date and time of actions completed. 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

**Reasons for
Decision:**

In reaching its decision the Committee has sought to establish the cause of the concern raised and determine the most appropriate course of action to promote the licensing objectives in accordance with the national guidance issued under S182 of the Licensing Act 2003.

The Committee considered that the amendment proposed to the licence was appropriate and had considered the impact of the proposed amendment. The Committee was satisfied that the changes would achieve the outcome intended and lead to a reduction in noise audible from the applicant's property.

In reaching the 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:**

Helene Allen (supporter)

Roger Deakin (objector)

**Additional
Representations:**

Late evidence submitted by the applicant and the Premises Licence Holder was circulated to all parties prior to the hearing.

CHAIRMAN