



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	FRIDAY, 3 AUGUST 2012
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman) Jonathan Bacon, George Cameron, John Hobart, Margaret Webster, David Williams
Officers Present	Marie Bartlett, Andrea Bull, Amanda Gregory, Justin Thorne, Iain Thornton, Claire Van Heerden

1. **Minutes**

RESOLVED :

THAT the Minutes of the Licensing and General Purposes Committee meeting held on [18 May 2012](#) be confirmed.

2. **Declarations of Interest**

There were no declarations received at this stage.

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

There was a short adjournment to enable all parties to read additional documents.

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

A schedule of additional representations, received after the printing of the report, was submitted to Members prior to the consideration of the relevant 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 each 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, the licence holder and environmental health 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:

Decision Ref	8 (12/13)
Application:	Application for the Review of a Premises Licence for Liquid Lounge, 74 Union Street, Ryde, Isle of Wight.
Resolution:	<p>THAT in respect of the Premises Licence for Liquid Lounge, 74 Union Street, Ryde, Isle of Wight, the licence be modified to such an extent as members had considered appropriate for the promotion of the licensing objectives.</p> <p>Members had regard to the evidence presented by the police and noted that there had been a number of incidents of crime and disorder that were associated with the premises, members also noted that a number of these incidents were after midnight. Members agreed the proposed conditions, subject to minor amendments would be appropriate to promote the Crime and Disorder and Public Nuisance Objectives. However members thought that these were not adequate to address the concerns that had arisen inside the premises, namely drunkenness. Members accepted the requirements of the police were proportionate and reasonable and therefore agreed the terminal hour should be reduced to 01:00 hours. It accepted the evidence submitted by the police was up to scrutiny and showed on balance that the objectives would not be adequately promoted without the change.</p> <p>Members also considered it appropriate the proposed conditions were amended as follows</p>
Conditions:	<ol style="list-style-type: none">1. The capacity of the premises will be reduced from 200 to 175 (amendment needed to condition 2)2. The permissions in non-standard timings permitting certain forms of regulated entertainment and sale of alcohol to be provided until 03:00 hours on 12 occasions to be removed.3. There shall be no admission or re-admission to the premises after midnight.

4. The smoking area will be closed at midnight
5. There will be a maximum number of 20 customers allowed in the smoking area at any one time.
6. Signs will be displayed at the bar asking people to move away from the bar once they have purchased their drinks.
7. Notices will be displayed at the premises advising customers that it is an offence to purchase alcohol for anybody who is drunk, and advising customers of the effect that drink can have on customers and the risks associated with the consumption of alcohol.
8. All bar staff will go on the *B.I.'s* Award in Responsible Alcohol Retailing, or suitable equivalent, within three months of the Review of the Premises Licence and any new bar staff starting at the premises will attend such a course within three months of them starting work
9. All seating will be removed that is adjacent to the bar to ease congestion
10. A Personal Licence Holder will always be present at the Liquid Lounge from 21:00 hours on a Friday and Saturday night to monitor the behaviour of customers, and to ensure that no customers are being served with alcohol who are intoxicated, and that any customers who are intoxicated are not consuming alcohol within the premises.
11. No alcohol shall be sold for consumption off the premises
12. There shall be no Regulated entertainment after 23:00 hours unless an electronic sound limiting device is used to control the music noise level. The limiter must be set by a competent person to a level which is barely audible* one metre from the façade of the nearest residential premises.
13. The limiter thereafter must be regularly maintained by a competent person and a report produced at no greater than 12 month intervals from the date of the Review of the Premises Licence on the 3, August 2012, which will include details of the maintenance, a test of its normal operation and certification of the devices tamper proof integrity.

Such records shall be open to inspection by an authorised officer of the Licensing Authority within 24 hours of the request

*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 residential premises”.

Amended condition:

To amend condition 15 of the current premises licence to read

15. A minimum of 2 door supervisors shall be employed from 21:00 hours and a minimum of 3 door supervisors shall be employed from 22:00 hours. A minimum of 3 door supervisors shall remain on duty until the premises is closed and customers have dispersed from outside the premises and the very near vicinity.

Reasons for Decision:

For avoidance of doubt members gave no weight to resourcing issues faced by police, or the more general problems faced by Ryde that would be more appropriately raised during cumulative impact or saturation debates.

Members had considered the financial impact of the reduced hour on the applicant but considered that the proper lawful exercise of licensing discretion in this instance was in accordance with their statement Licence Policy, Section 182 guidance and the act and was a lawful interference to the qualified article right of the Human Rights Act

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

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.

Details:

As per application

Public Participants:	<p>P C Gary Fletcher (Hampshire constabulary) P C Joe Finch (Hampshire constabulary) Inspector Shipp (Hampshire Constabulary) PC Taylor (Hampshire Constabulary)</p> <p>Mr Steward Benton (Premises License Holder) Mr Rory Keeling (Premises License Holder) Mr Jonathan Smith (Solicitor)</p>
Additional Representations:	<p>Copies of the proposed conditions and the Premises Licence Holder's comments regarding the additional evidence submitted by the Police were circulated. During the police presentation and with the agreement of all parties two DVD's outside the premises were shown.</p>
Comments:	<p>Members raised concerns regarding the barrier for smokers on the pavement outside the door to the premises, Highways officer explained that any structure on the pavement, would require consent from Highways department.</p> <p>Members were advised that some of the proposed conditions had been implemented and the police had noticed an improvement.</p>

CHAIRMAN