



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	THURSDAY, 13 DECEMBER 2012 COMMENCING AT 9.30 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman) Paul Fuller, Margaret Webster,
Officers Present	Marie Bartlett, Ben Gard, Amanda Gregory, Sarah Macdonald

28. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [5 November 2012](#) be confirmed.

29. [Declarations of Interest](#)

There were no declarations received at this stage.

30. **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, interested parties 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:** [13 \(12/13\)](#)
- Application:** A Premises Licence for McDonalds, 93-94 Upper St James Street, Newport, Isle of Wight
- Resolution** THAT the grant of a Premises Licence for McDonalds, 93-94 Upper St James 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 as suggested on pages B-29 - B-30 of the report, but Condition 2 varied as follows:
- Conditions:** Condition 2:
- At least one door supervisor licensed by the Security industry Authority under the private security industry Act 2001 shall be present every Friday and Saturday between 2300 hours and 2400 hours (midnight), or until the closure of the premises (if earlier).
- Informative:** The Sub Committee strongly recommend door staff are considered between 2200 – 2300 hours and an on-going risk assessment was conducted on a regular basis for busy periods and the late nights.
- 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 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:**

Mr Taj Ouddin – Legal representative on behalf of
Macdonalds
Mr Steve Smith - Area Manager Macdonalds

Sergeant Mark Voller – Hampshire Constabulary

**Additional
Representations:**

An incident report was supplied by the police and circulated prior to the meeting.

CHAIRMAN



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	THURSDAY, 13 DECEMBER 2012 COMMENCING AT 12.30PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman) George Cameron, Paul Fuller
Officers Present	Marie Bartlett, Andrea Bull, Ben Gard, Kevin Winchcombe, Claire Whitchurch

32. [Declarations of Interest](#)

Councillor Paul Fuller declared a personal interest in minute 33 as he knew the applicants and objectors as his role as a Cowes Town Councillor.

Councillor Richard Hollis declared a personal interest in minute 33 as he knew the applicants and objectors.

33. **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.

Details of any proposed additional steps to promote the licensing objectives were set out in the report circulated with the agenda.

During the debate Councillor Paul Fuller declared an interest in minute 33 as he sat on the local action group as Cowes Town Council.

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, interested parties 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:	14 (12/13)
Application:	A Premises Licence for Berties, 46-47 High Street, Cowes Isle of Wight
Resolution	THAT the grant of a Premises Licence for Berties, 46-47 High Street, Cowes 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 necessary for the promotion of the four licensing objectives, namely by requiring the following conditions as suggested conditions on pages A-29 to A-33 of the report but modified by the licensing authority so as to avoid duplication of conditions.
Reasons for Decision:	<p>The reasons were provided in the report to promote the Licensing objectives regarding the Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and The Protection of Children From Harm, in particular.</p> <p>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 necessary for the promotion of the four licensing objectives under the Licensing Act 2003.</p> <p>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.</p>
Details	As per application
Public Participants:	Mr Mark Parker – Applicant Miss Abbie Stiles – Applicant Mr white – on behalf of Mr Westover Mr Westover – Objector Sergeant Mark Voller – Hampshire Constabulary

CHAIRMAN