

Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	FRIDAY, 21 AUGUST 2015 COMMENCING AT 10.00AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Julie Jones-Evans (Chairman), Ray Bloomfield, Colin Richards
Officers Present	Kayleigh Bowers, Amanda Gregory, Sarah MacDonald, Justin Thorne, Kevin Winchcombe

4. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [13 July 2015](#) be confirmed.

5. [Declarations of Interest](#)

There were no declarations received at this stage.

6. [Report of the Deputy Managing Director](#)

Consideration was given to the report of the Deputy Managing Director, providing details of an application made by the Police under Section 51 of the Licensing Act 2003 to review a Premises Licence.

A document containing maps, additional representations and information from the licence holder received after the printing of the report was submitted to Members prior to the consideration of the application.

With the agreement of all parties, a copy of suggested changes to the Beachside Club licence conditions was circulated during the hearing, the meeting was briefly adjourned to allow all parties an opportunity to read the information.

Details of any proposed 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, other persons and the licence holder 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 2014 - 2019, members noted the following decision:

Application:

Application for a review of the premises licence under Section 51 of the Licensing Act 2003 for The Beachside Club, Fort Warden Road, Totland Bay, Isle of Wight.

Resolution:

THAT in respect of the Premises Licence for The Beachside Club, Fort Warden Road, Totland Bay, Isle of Wight, the licence be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives; namely, the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm.

Having had all the evidence, members were concerned that the licensing objectives were not being adequately promoted and part of this failure was a direct result of the Designated Premises Supervisor (DPS).

Members believed that the DPS had shown a history of a lack of engagement which had resulted in meaningful change. The DPS has shown a lack of understanding of his responsibilities under the Licensing Act 2003. This had resulted in a failure to promote the licensing objectives. Members considered that there had been a failure to comply with the licensing conditions previously attached. On that basis, members agreed that the DPS should be removed.

Members however also considered that the conditions themselves were no longer fit for purpose and required amendments to adequately promote the licensing objectives.

Members therefore agreed with the recommendation set out in the document (attached to and forming part of these minutes) which was circulated during the hearing, including the proposed conditions restricting the licensing hours of selling alcohol to 23:00 hours and closing the premises at 23:30 hours. Save that condition 5 relating to the admission of children be deleted, and condition 16 be amended to 22:00 hours.

Members made this decision on the basis of the evidence and options available to them on the day of the hearing. Members stated that they encourage the licence holder to give serious consideration to whether the original intention of maintaining a club style was still fit for purpose. However, members strongly advised that this would require proper meaningful engagement with responsible authorities to construct an appropriate licence with appropriate conditions to adequately promote the licensing objectives.

Conditions:

Changes to existing licensable activities

Sale of alcohol changed to 10:00 – 23:00 (or whatever earlier hours the Committee deem appropriate)

Live music – remove

Recorded music – remove

Performances of Dance - remove

Late night refreshment – remove

Opening hours changed to 10:00 – 23:30 (or whatever hours the Committee deem appropriate – opening hours to be 30 minutes after the end of the sale of alcohol)

Changes to existing conditions

1. Alcohol shall not be sold or supplied otherwise than to:
 - (a) members of the club elected not less than 48 hrs after nomination
 - (b) managers, staff, artists and entertainers employed at
 - (c) bona fide guests of persons included in (a) & (b)
 - (d) visitors on the occasion only of inter club sporting events to be signed in by a member of staff (amended wording)
 - (e) persons attending a bona fide private function organised by an existing member of the club to a maximum of 30 guests. A guest list to be provided to the DPS 48 hours in advance in order for the list to be scrutinised (amended wording)
2. The premises are not to be open to the general public.
3. No adult entertainment is authorised by this licence (amended wording)
4. No person under the age of 18 shall be permitted to enter or re-enter or remain on the licensed premises unless under the supervision of an adult (amended wording)

Additional conditions to be added

6. All applications for membership of the premises must be vetted by the DPS for suitability. A record must be kept including details of the reasons for refusal or acceptance for membership and this must be made available to an authorised officer on request.

7. The membership scheme shall require a log of all members to be kept and membership cards to be issued.
8. No person under the age of 18 years shall be permitted to become a member unless as part of a family group membership, or if they are part of a recognised, active sports team which represents the club and are over 14 years of age.
9. No person under the age of 18 is permitted to sign in guests.
10. No licensable activities are permitted under this licence until an Acceptable Behaviour Policy has been submitted and approved in writing by the Police and the Licensing Authority. Once approved, the licence holder must ensure that all members sign the approved documentation to demonstrate their agreement to act appropriately. The policy must be adhered to at all times including any action that must be carried out for failing to comply. These requirements shall apply to any subsequent approved version of the policy.
11. Members are permitted to sign in a maximum of 2 guests per week. The licence holder must ensure that the name, address and date of birth of each guest is recorded in the guest book, along with the name of the member signing them in.
12. The guest book is to be kept by the bar and the signing in of each guest is to be supervised by a member of staff.
13. The Challenge 21 scheme will be adopted at the point(s) of sale of alcohol
14. Posters to the effect that a 'Challenge 21' policy is in place shall be displayed prominently in the premises.
15. No person shall be permitted to remove from the building any beverage in an open container unless they are going to use the outdoor seating area.
16. The outdoor seating area is not to be used by patrons after 22:00 hours.
17. No person will be permitted to take or remove alcoholic or other drinks from the premises in glass containers.
18. All persons 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. Such training will also include the details of the Premises Licence as well as its conditions. 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

19. A written record shall be made of every incident of crime and 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.
20. 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 or authorised officer of the local authority on reasonable request.
21. A CCTV system shall be installed and maintained to the satisfaction of police and the licensing authority. The system shall operate at all times the premises are open to the public and shall provide coverage of every public entrance or exit and every area where alcohol is sold or displayed for sale. Recorded images shall be of sufficient clarity to allow personal identification, and shall display the correct time and date of the recording. A member of staff capable of operating the CCTV system shall be present at all times the premises are open to the public. The system shall be capable of exporting recorded images to removable media (eg CD/DVD) and be capable of the replaying of footage for review. CCTV footage shall be retained for a period of at least 30 days and be produced to a police officer or responsible officer of the local authority on reasonable request.
22. A notice requesting customers respect neighbours and keep noise to a minimum shall be displayed prominently at any public exit from the building.

Reasons for Decision:

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 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:

Mr Hopkins – Licence Holder

Comments:

Members were advised that a review of the Premises Licence had been requested by the Police as they believed that the licensing objectives of the prevention of public nuisance, the protection of children from harm and the prevention of crime and disorder were not being met.

Members noted that the Licensing Authority and Police had offered plenty of opportunities for discussion and assistance to help the Licence Holder and DPS to uphold and promote the licensing objectives, but believed that the concerns raised had not been appropriately or adequately addressed.

The sub committee sought clarification regarding the demographic of the area, its occupancy, and the land covered by the premises licence. Members also sought details regarding the operation and procedure relating to the current membership arrangements at the Beachside Club. The sub committee was advised that membership was available to people staying within the immediate vicinity of the Beachside Club in the holiday units, and to people who were signed in by another member. Any member of the public could become a member if they were proposed, seconded and agreed by the relevant committee.

Members understood the need for the review and that there was no doubt that the licensing objectives were not being upheld. They agreed with concerns regarding the current DPS, and noted that it was unfortunate that the DPS was unable to attend the meeting to answer any questions.

CHAIRMAN