



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	MONDAY, 8 FEBRUARY 2016 COMMENCING AT 10.00AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Julie Jones-Evans (Chairman), John Howe, Daryll Pitcher
Officers Present	Kayleigh Bowers, Sarah MacDonald, Claire Thomas, Justin Thorne

13. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on Monday, [25 January 2016](#) be confirmed.

14. **Declarations of Interest**

Cllr Jones-Evans declared a personal interest in minute number 15 (a) as David Williams was a former colleague and member of the Isle of Wight Council.

15. **Report of the Head of Planning and Housing Services**

(a) [An Application for a Premises Licence under Section 17 of the Licensing Act 2003 for Shanklin and Sandown Golf Club, The Fairway, Lake, Isle of Wight](#)

Prior to commencement of the meeting, a brief adjournment was held to await the arrival of Councillor Daryll Pitcher.

Consideration was given to the report of the Head of Planning and Housing Services, providing details of an application for a Premises Licence received in accordance with section 17 of the Licensing Act 2003.

Additional comments, received from two objectors after the printing of the report, were circulated to Members prior to consideration of the application. Further 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.

Application:

A Premises Licence for Shanklin and Sandown Golf Club, The Fairway, Lake, Isle of Wight.

Resolution:

THAT the application for a Premises Licence for Shanklin and Sandown Golf Club, The Fairway, Lake, Isle of Wight be granted in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule, the mandatory conditions specified in the Licensing Act 2003, and also those published at page B – 43 of the report (attached to and forming part of these minutes).

Conditions:

As per the conditions agreed with the police at page B – 43 of the committee report dated 8 February 2016.

Reasons for Decision:

Members considered the objectors' concerns but were satisfied that the licensing objectives were to be adequately promoted. Members had regard to the successful operation of the premises under the club premises certificate since its amendment in 2015 and noted that no complaints had been received.

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 appropriate 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 (or if different from those applied for):

As per application.

Public Participants:

Mark Taskas (Applicant)

Sarah Hammond (Shanklin and Sandown Golf Club Secretary)

David Williams (Chair of the Shanklin and Sandown Golf Club Committee)

Informative:

Although outside the powers to condition under the Licensing Act 2003, Members agreed that they would like to see a sign erected near the exit of the car park advising patrons that the area was a quiet lane with a 20 mph speed limit.

(b) [An Application for a Hackney Carriage Vehicle Licence for a Ford C-Max Belonging to Mr Roger Coombes](#)

Consideration was given to the report of the Head of Planning and Housing Services, providing details of an application for a Hackney Carriage Vehicle Licence received in accordance with the Town Police Clauses Act 1847.

Members were advised that the hackney carriage and private hire licensing policy stated that all new hackney carriage vehicles be wheelchair accessible, and that a wheelchair accessible vehicle (WAV) could only be replaced with another WAV which was a significant improvement on the previous vehicle.

Members were advised that to grant a new licence or to grant a licence by way of a replacement vehicle would be a deviation from Council policy. However, it was noted that each application for a hackney carriage/private hire vehicle licence should be considered on its own merits.

Prior to hearing the applicant's case, members adjourned to view the applicant's vehicle in order to assist in making their decision. The Sub Committee then 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.

Application:

A Hackney Carriage Vehicle Licence for a Ford C-Max Belonging to Mr Roger Coombes.

Resolution:

THAT the application for a Hackney Carriage Vehicle Licence for a Ford C-Max belonging to Mr Roger Coombes be granted in accordance with the application.

Reasons for Decision:

Members saw good reason to depart from the adopted policy requirement for a new licence to be a wheelchair accessible vehicle (WAV). It was the council's view that the policy requirement for a WAV was to promote and ensure safe, comfortable and convenient functioning of the taxi fleet and that this was a sound and good policy requirement. However, members heard from the applicant that the new vehicle proposed was better suited to the customer base.

Members considered that option 2 (on page C – 4 of the report, attached to and forming part of these minutes) was not a suitable alternative as it would remove a functioning WAV from circulation. Members considered that the alternative provision of a swivel seat would provide a more suitable, accessible hackney carriage for a certain proportion of the client base.

This application was considered upon its own merits, including having heard that the applicant had a contract with St. Mary's Hospital in Newport and that

these customers in particular had a need for this type of vehicle.

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 believed that this was a reasonable and proportional discharge of its discretion under the above Act.

All parties were advised that any person aggrieved by the conditions attached to the grant may appeal to the Magistrates Court.

Details (or if different from those applied for):

As per application.

Public Participants:

Roger Coombes (Applicant)

Informative:

Members agreed that a review of policy be considered and it be recommended as per paragraph 36 of the report (attached to and forming part of these minutes).

CHAIRMAN