



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and time	THURSDAY, 21 JULY 2016 COMMENCING AT 10.00AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Julie Jones-Evans (Chairman), Ray Bloomfield, Daryll Pitcher
Officers Present	Kayleigh Bowers, Amanda Gregory, Sarah MacDonald, Justin Thorne

1. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [29 February 2016](#) be confirmed.

2. [Declarations of Interest](#)

Councillor Julie Jones-Evans declared an interest as she was the local ward member and a member of Newport Parish Council. However, she had not made any comments regarding the application and was not a member of Newport Parish Council's Planning and Licensing Committee which had discussed the application.

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

[An Application for a Street Furniture Permit under Section 115E of the Highways Act 1980 for El Patron, 14 St. Thomas' Square, Newport, Isle of Wight](#)

Prior to hearing the case from the licensing authority, applicant and other parties, a brief adjournment was held in order for the Sub Committee to visit the proposed site for the street furniture permit due to its close proximity.

Upon reconvening, consideration was given to the report of the Head of Planning and Housing Services, providing details of an application for a street furniture permit received in accordance with Section 115E of the Highways Act 1980.

Members were reminded of the objections received, and were advised that they were permitted to attach conditions and restrictions on the highway amenity permission that they considered appropriate in order to promote the

objectives contained within the Permissions for the Placing of Tables, Chairs and Other Objects on the Highway Policy.

The Sub Committee followed the agreed procedure, which had previously been circulated to all parties prior to the meeting. Questions were raised by members regarding the exact size and position of the proposed area in which the street furniture would be placed; the materials proposed to be used; the conditions for other premises in the surrounding area which had street furniture permits, and whether any future applications from market traders would be impacted by existing street furniture permits.

After hearing the application, the Sub Committee presented the following decision and the reasons for that decision.

Application:

A street furniture permit for El Patron, 14 St. Thomas' Square, Newport, Isle of Wight.

Resolution:

THAT the application for a street furniture permit for El Patron, 14 St. Thomas' Square, Newport, Isle of Wight, be granted, with the standard conditions and the conditions attached below.

Conditions:

1. To reduce the area as shown on the plan (attached to and forming part of these minutes) to provide a minimum distance of three metres from the war memorial.
2. No use of any barriers or astro turf is permitted by this permit without the express written consent of the local licensing authority.
3. No street furniture shall be displayed or utilised by the permit holder on the days (or times) in which the markets are due to be present within St. Thomas' Square, Newport.

Reasons for Decision:

The Sub Committee agreed that providing a minimum distance of three metres from the war memorial would respect the setting of the adjacent war memorial and provide sufficient access.

The Sub Committee also agreed that the use of the proposed materials of astro turf and picket fence were not in keeping with the historic setting of St. Thomas' Square and conservation area, and were not supported by the policy objectives. However, members believed that materials similar to those in the surrounding neighbouring establishments would be more in keeping with the area.

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 legitimate policy aims of the council.

Details (or if different from those applied for):

As per application.

Public Participants:

Mr Andrew Taylor (Applicant)

Reverend Kevin Arkell (Objector)

Mr Chris Hougham (Objector)

Mr Iain Thornton (Objector)

CHAIRMAN