



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	WEDNESDAY 29 SEPTEMBER 2021 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs D Pitcher (Chairman), D Adams and S Hastings
Officers Present	Jodie Gibson, Claire Thomas and Kevin Winchcombe

9. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 26 August 2021 be confirmed.

10. **Declarations of Interest**

There were no declarations made at this stage.

11. **Urgent Business**

There was no urgent business.

12. **Report of the Director of Neighbourhoods**

Consideration was given to the report of the Director of Neighbourhoods, providing details of an application for a Premises Licence for The Boat, received in accordance with Section 17 of the Licensing Act 2003.

A schedule of additional representations, received after the printing of the report, was submitted to Members prior to the consideration of the/each 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 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/or written evidence from the applicant, responsible authorities and other persons 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 2019 - 2024, the application be determined as detailed below:

Resolution:

That the application for a premises licence for The Boat be granted in accordance with the application subject (only) to those conditions proposed by the applicant set out in the report dated 29 September 2021 and also subject to the mandatory conditions specified in the Licensing Act 2003.

Reasons for Decision:

As per reasons given within same report in order to promote the Licensing objectives and in accordance with the Isle of Wight Council's Statement of Licensing Policy and the s182 guidance.

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 this decision was 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:

Mr Matthew Phipps (Solicitor on behalf of applicant)

Mr Johnny Lakin (Co-founder of The Boat on behalf of the applicant)

Mr Matthew Price (General Manager of the Boat on behalf of the applicant)

Additional Representations:

Comments by the applicant's solicitor (attached to and forming part of these minutes) had been provided and circulated to all parties prior to the meeting.

CHAIRMAN

The Boat – premises licence application 29 September 2021

Dear Claire

I have now been sent the committee agenda for the application listed 10.00 am on 29 August. I have acknowledged safe receipt to your colleagues.

I will be attending with Matthew Price the proposed designated premises supervisor. I anticipate I am likely to be accompanied by one of the directors of the business, just awaiting confirmation as to who might be able to attend. From the papers that are in front of me I can see the single objection is from Sonia Scarrott on page 59. It seems to me that it may be helpful for me to provide a response to the solitary representation. Perhaps this could be included in the licensing committee papers.

Obviously I am conscious that one could not and should not distribute too much material, too late, but I trust this email response addressing the points of concern might be constructive.

It appears to us that the only element of the representation that attends to the licensing objectives, and therefore the only part of the representation that is relevant is the following sentence:

- *Also about 500 yards from the esplanade is Princess Court, a residential complex for those aged 55 and over and I am sure the people there would not want a nightclub blaring out music into the night and drinking alcohol there.*

I will address that sentence, but it appears correct that the earlier references to how the representor became aware of the application, the ownership of Venture Quays, the historic gifting of Venture Quays by Mr Sheldon, Ms Scarrott's heritage on the Isle of Wight, her concern about this being a money making plan and her enquiry as to what happened to the lorry park, are not matters that are in any way concerned with the licensing objectives.

Dealing with the concern about noise nuisance arising from the nightclub operation "blaring out music into the night and drinking alcohol there" we make the following observations.

- The hours premises are permitted to open to the public are set out clearly on the application. These are 11.00 am until 12.00 am. It would, respectfully, be an unusual nightclub that closed its doors and had all customers removed from the premises by 12.00 am.
- The layout and design of the premises is set out on the plans that accompany the application. On the lower deck there is effectively provision for two tables of eight. On the main deck there is provision for eleven tables and on the upper deck provision for seven tables. It should be clear to all that a significant proportion of the customers will be seated, the layout and design of the boat suits that manner of operation.
- The issue of noise nuisance is attended to within the licensing conditions. Prior to the submission of the application we engaged with the licensing authority and the responsible authorities which included the police and the environmental health officer. There is now an obligation to have a noise management plan in order to help control and supervise noise. The specific condition reads
- *no licensable activities are permitted under this licence unless a noise management plan has been submitted to and agreed in writing with the local licensing authority and once approved the plan (and any subsequent approved version of the plan) is adhered to at all times. Any changes of circumstances in relation to noise output from the premises and its control must be reflected in the noise management plan and a written request for an amendment must be submitted to the local licensing authority for further approval. The noise management plan shall be reviewed at any time upon request from the local licensing authority and resubmitted for approval.*
- That (draft) noise management plan has been produced by a reputable acoustician and provided to the environmental health service.

- There are additional conditions within the operating schedule that merit consideration, these include:
- *Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.*
- *The premises shall ensure the safe onward journey of customers from the establishment to an alternative location (whether that be a vessel or returning customers to land) during this time. The premises shall advise customers to respect the needs of other uses of the sea, including those living abroad and any neighbouring vessels, by leaving the area quietly.*
- Whilst it is anticipated that in poor weather (only) there is likely to be service from the dock, our view is that this is likely to be by exception rather than the norm. With the boat drawing 3.5 feet it can tuck far closer to the shore than traditional vessels of this size. These trading days will likely be dictated by the MCA who will provide direction regarding safety and weather.
- The great portion of the seating will be on the two open decks and whilst we will look to protect against inclement weather, it is reasonable to presume that whilst customers may be able to be serviced in poor weather days, these will likely want to be inside. If trading in poor weather days, it is likely that most trade would be on the bottom deck and inside the cabin. That is protected and insulated. We believe that would protect against any concerns about customer noise as the premises would be operating essentially as a restaurant.
- Neither the numbers of customers nor the hours of operation appear to likely to undermine the licensing objectives.
- No guests will be joining us or leaving us from this location (East Cowes).

Obviously as the boat is still under construction there will need to be further dialogue with the various officers but respectfully it is difficult to fairly conclude that with such an engaged dialogue with the officers that noise nuisance, could fairly be said to be likely in all the circumstances.