



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	MONDAY 27 FEBRUARY 2023 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs J Bacon, P Fuller and I Ward
Also Present	Andrea Bull, Ben Gard, Regan Matthews and Kevin Winchcombe,

19. **Apologies and Changes in Membership (if any)**

Due to the recent resignation of Cllr Pitcher from the Committee, Cllr Ward attended as the third member of the Sub-Committee and Cllr Bacon was elected Chairman for the day.

20. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 30 January 2023 be approved.

21. **Declarations of Interest**

There were no Declarations of Interest.

22. **Urgent Business**

There was no Urgent Business.

23. **Report of the Director of Neighbourhoods**

24. **Application for a Premises Licence for Betty's Door, 5 Clarence Road, East Cowes, Isle of Wight**

The Senior Licensing Officer summarised the application and explained that there had been five representations received relating to one or more of the four licensing objectives. The concerns raised were the potential for crime and disorder and obstruction from people congregating outside the premises, and the potential for

noise nuisance from customers. The applicant had responded to each of the objections.

Environmental Health had raised no adverse comment. Conditions had been agreed with the police which would be added to the licence if granted.

The applicant presented their case and explained that to maximise their income during a difficult time they wished to be able to sell a small quantity of alcohol until 4pm only, and until 8.30pm during a few special events. They further explained that with no cellar facility, alcohol would be wine, spirits and bottled beer only, to be sold alongside food. The clientele was mainly middle age/retired persons and there would be no drinking or smoking outside the premises, although in the future they may apply for a small table outside to enable people to sit outside on warmer days.

The applicant had managed a local pub/restaurant for seven years and was currently the manager of another nearby pub with his partner where they were well respected by local residents. Both had held personal licences for 10 years.

Two of the objectors were present and expanded on their representations. The Town Council were not satisfied at the responses which had been provided by the applicant and still had concerns over the extended hours applied for. Conditions were requested regarding external seating and the restriction of alcohol to inside the premises and assurance as to the enforcement of any licence conditions. Another neighbour was concerned over noise from the premises and smells from cooking, and what the future would hold regarding the potential rental of the upstairs flat.

Advice was given that any planning restrictions were not relevant to the application, and that anything contained in the lease or relating to poor sound insulation were private matter between the landlord and tenants and would not prevent the licence from being granted.

Clarification was given that enforcement would be carried out by Licensing Officers and Environmental health Officers would deal with any complaints of noise. Objectors were also reminded of the facility to call for review of the licence at any time.

The Sub Committee were reminded that the application must be considered on its own merits and that their decision must be evidence based. The recommendation was for the licence to be granted subject to the conditions proposed in the application and those agreed with the police.

The Sub Committee retired to private session to consider their decision, and upon reconvening it was

RESOLVED:

To grant the licence 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 members have considered appropriate for the promotion of the four licensing objectives, namely by requiring the following conditions:

- i) The conditions agreed with the police contained in Appendix 2 of the report,
- ii) A condition which shall ensure that customers will not be permitted to take containers of alcohol from the premises, and
- iii) A condition which shall provide that the supply of alcohol under this licence shall only be permitted when supplied with an order of food.

The conditions were applied for the following reasons:

As per the reason given in the report in order to promote the licensing objectives and in particular the prevention of public nuisance and prevention of crime and disorder, such conditions being in accordance with the Section 182 guidance and the council's statement of licensing policy.

In reaching the above decision the sub-committee had regard to the Human Rights Act 1998, in particular Article 1 of the first protocol, and Articles 8 and 6. The sub-committee considered that the decision was proportionate and appropriate for the promotion of the four licensing objectives under the Licensing Act 2003.

The Sub-Committee had noted the concerns of the Town Council and local residents and advised that any future issues be reported to the Licensing Team and/or Environmental Health.

It was noted that there was a right of appeal against the decision within 21 days of notification.

CHAIRMAN