



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	MONDAY 6 NOVEMBER 2023 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs I Ward (Chairman) D Andre, J Bacon and I Ward
Also Present	For the applicant: Lucy Whittington, Costas Constantinou and Sophie Brown, represented by Edward Elton of 12 College Place Chambers, Southampton. For the objectors: Ms H Proles and Mr K Ratcliff. Ben Gard, Kevin Winchcombe, Andrea Bull and Regan Matthews
Apologies	Cllr M Beston

19. **Election of Chairman for the day**

Cllr Ward as Vice Chairman took the Chair.

20. **Apologies and Changes to Membership (if any)**

An apology was received from Cllr M Beston.

21. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 18 August 2023 be approved.

22. **Declarations of Interest**

There were no declarations of interest.

23. **Urgent Business**

There were no items of Urgent Business.

24. **Report of the Strategic Director of Community Services**

25. **Application for a Premises Licence for the Bay Cafe, Madeira Road, Totland, IW**

The Licensing Officer presented the report and summarised the application.

The Committee noted that conditions proposed by the police had been agreed by the applicant, and that no other Responsible Authority had made representations.

The applicant explained the reasons for the application and the fact that they were not seeking anything above that which had been granted for the premises under previous ownership. The applicant also outlined the steps which they had taken and were proposing to take to address concerns raised by the objectors relating to parking and traffic issues, and litter and anti-social behaviour as a result of off-sales. These included the installation of a comprehensive CCTV system, a proposed shuttle service, and regular litter sweeps of the outside area.

In response to questions from the Committee, the applicant confirmed that they would be seeking to use biodegradable vessels for consumption off the premises as far as possible.

The Committee noted that the area was covered by a Public Spaces Protection Order which gave the police powers to confiscate alcohol if its consumption was causing anti-social behaviour.

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

RESOLVED:

THAT upon receiving the report of the licensing section, oral and 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, the sub-committee hereby:

Grants 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 and those conditions agreed with the police at Appendix 2 to the report, but modified to such an extent as members have considered appropriate for the promotion of the four licensing objectives, namely by requiring an amendment to condition 7 of those conditions agreed with the police on page 48 of the report, so as to read:

"7. No person will be permitted to take or remove alcoholic or other drinks from the premises in glass containers. All drinks must be transferred to biodegradable and/or recyclable vessels before being removed from the premises."

Reason:

The variation is made as per reasons given within the same report in order to promote the licensing objectives the prevention of crime and disorder and the prevention of public nuisance and in accordance with the Isle of Wight Council's Statement of Licensing Policy and the S.182 Guidance.

In reaching the above 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 to be proportionate and appropriate for the promotion of the four licensing objectives under the Licensing Act 2003.

CHAIRMAN