



# Minutes

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date and Time	<b>FRIDAY 19 MAY 2023 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs G Peace, I Ward and J Bacon
Also Present	Ben Gard, Kevin Winchcombe, Andrea Bull, Regan Matthews and Daniel Power

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

2. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 28 April 2023 be approved.

3. **Declarations of Interest**

There were no declarations received at this stage.

4. **Urgent Business**

There were no items of Urgent Business.

5. **Report of the Director of Neighbourhoods**

6. **Application for Variation of the Premises Licence at The Garden, 48 High Street, Cowes, IW**

The Licensing Officer presented the report and summarised the application. There had been a number of representations both in objection and in support of the application. Due to noise complaints received. The applicant advised that they had done some work to reduce the music level in the garden and they also asked people to vacate the garden area at approx. 9.45 - 9.50pm to ensure the garden is empty by 10pm.

The Environmental Health Officer advised that complaints had been received regarding the premises, noise assessments had been undertaken and relevant conditions had been recommended.

The objectors attended to outline their objections to the application, advising that they had noticed a reduction in noise during the last few weeks.

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:

1. Grant the variation in accordance with the application, subject those conditions identified in the operating schedule and also subject to the mandatory conditions specified in the Licensing Act 2003 but modify the licence to such an extent as members have considered appropriate for the promotion of the 4 licensing objectives, namely by requiring the application of and amendment to the proposed conditions on page 42 of the report as follows: -
  - (1) The use of the external area referred to as the 'garden area' hereby permitted and marked [and at this point the committee ask the licensing authority to insert correct marking] on the accompanying plan, shall be open to customers between the hours of 0900 until 2200 on each day only.
  - (2) The use of the external area referred to as the 'upper garden area' hereby permitted and marked [and at this point the committee ask the licensing authority to insert correct marking] on the accompanying plan, shall be open to customers between the hours of 0900 until 2200 on each day only.
  - (3) The service of food and drink intended for consumption on the outside parts of the premises is to occur only to patrons seated at tables.
  - (4) Condition 4 shall remain unchanged and shall apply to the licence.

**reason:**

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

In reaching the above decision the sub-committee have 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 consider this decision is proportionate and appropriate for the promotion of the 4 licensing objectives under the Licensing Act 2003.

There is a right of appeal to the Magistrates Court if anyone is dissatisfied with this decision and any appeal must be made within 21 days of the date of notification.

**ADVISORY:** The sub-committee note the concerns raised today by the objectors, and also those raised by Environmental Health. Whilst the Sub-Committee cannot provide for an automatic review of this licence after the summer period, if the licensable activities on the premises are undertaken in a manner which is different from that described by the applicant today and harm is caused to the licensing objectives as a result of the revised licence, without prejudice to any decision it might make on such a review, the sub-committee strongly urge objectors or Environmental Health to apply for a review in accordance with the statutory provisions.

CHAIRMAN