

Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	MONDAY 13 NOVEMBER 2023 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs D Andre, J Bacon and C Mosdell
Also Present	Andrea Bull, Ben Gard, Kevin Winchcombe and Mark Wootton
Apologies	Cllrs J Jones-Evans

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

Cllr Bacon was nominated and duly seconded.

RESOLVED:

THAT Cllr Bacon was elected Chairman

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

An apology was received from Cllr Julie Jones-Evans (Committee Member), and was replaced by Cllr Mosdell.

28. **Declarations of Interest**

There were no declarations of interest.

29. **Urgent Business**

There were no items of Urgent Business.

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

31. **Application for a variation to a premises licence under section 34 of the Licensing Act 2003 for Ephesus Pizza Grill, 137 High Street, Newport, Isle of Wight, PO30 1TY**

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. Children's Services requested a Safeguarding Policy to be completed but the applicant had not yet responded.

Environmental Health raised concerns around the application and following further advice from the police, recommended the licence should be extended to 2.30am.

The applicant confirmed a Safeguarding Policy would be provided and staff trained to know what do if they have concerns seeing children on or around the premises late at night. Security would also be employed to address anti-social behaviour on the premises.

The applicant confirmed they did not have an alcohol licence and would only be providing food.

The objectors advised the Committee of the concerns they had regarding the application.

The Committee noted the trading times of other establishments in the area.

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:

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 4 licensing objectives, namely by requiring the following conditions:

- i) That the hours or the provision of late-night refreshment shall be amended as follows:-
 - Friday – 2300-0230 hrs
 - Saturday – 2300-0230 hrs
 - New Year's Eve into New Year's Day – 2300-0230 hrs
- ii) The inclusion of those conditions agreed with the police at appendix 4 of the Report per the reasons given within the same report but modified as follows:-
 - Condition 1 – The public are not permitted to remain on the premises after 0030 hrs on Monday to Friday or 0300 hrs Saturday and Sunday and New Years Day.

- iii) The inclusion of a condition as follows:-
- No licensable activity hereby approved shall be permitted until a policy for the protection of children been submitted to and approved in writing by the Licensing Authority which shall as a minimum include:-
 - The safeguarding of children;
 - The training of staff in respect of children in the event of children attending the premises alone or in circumstances where concern may arise; and,
 - A procedure for escalation of safeguarding concerns.

Reason:

The conditions were attached as per reasons given within same report in order to promote the Licensing objectives protection of children from harm, the prevention of crime and disorder, and the prevention of public nuisance and in accordance with the Isle of Wight Councils Statement of Licensing Policy and the section 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 was proportionate and appropriate for the promotion of the 4 licensing objectives under the Licensing Act 2003.

There was 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.

CHAIRMAN