



Minutes

Name of meeting	LICENSING SUB COMMITTEE
Date and Time	MONDAY 21 SEPTEMBER 2020 COMMENCING AT 10.00 AM
Venue	VIRTUAL (MS TEAMS)
Present	Cllrs C Chapman (Chairman), M Beston and J Howe
Officers Present	Marie Bartlett, Ben Gard, Matthew Northard, Claire Thomas, Kevin Winchcombe

1. **Minutes**

RESOLVED:

That the minutes of the meeting held on 1 June 2020 be confirmed.

2. **Declarations of Interest**

There were no declarations received at this stage.

3. **Urgent Business**

There was no urgent business.

4. **Report of the Director of Neighbourhoods**

The Committee adjourned to allow time to read additional information that had been provided by the applicant.

Consideration was given to the report of the Director of Neighbourhoods, providing details of an application for a Premises Licence for Harbour House, Esplanade, Ryde, Isle of Wight, received in accordance with Section 17 of the Licensing Act 2003.

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 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 2014 - 2019, the application be determined as detailed below:

Resolution:

THAT the application be **granted**, 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 proportionate for the promotion of the 4 licensing objectives, namely by requiring the following:

- i. An amendment to the operating schedule to include the following finishing times:

Activity	Days of Week	Finish
Recorded Music (Indoors)	Thursday to Saturday	23:30hrs
Late Night Refreshment	Thursday to Saturday	23:30hrs
Sale of Alcohol (supplied for consumption both on and off the premises)	Thursday to Saturday	23:30hrs (off sales until 23:00hrs)

- ii. The removal of the non-standard timings for New Year's Eve and New Year's Day
- i. The inclusion of the conditions submitted on behalf of the applicant but varied as follows:
 - The deletion of conditions 5 – 9 and replacement with the following:-
 - (5) Litter bins will be placed outside the premises in positions agreed in writing with the licensing authority and will be maintained and emptied regularly and in any case not less than once per trading day, to prevent accumulations in the street or litter being blown away from the premises.
 - (6) The premises shall have adopt and at all times shall comply with an operational dispersals policy which shall be submitted to and agreed

in writing with the local Licensing Authority

- (7) At least two SIA registered door supervisors shall be present from 21:00hrs on Thursday, Friday and Saturday and shall remain on the premises until the time of closure. Such door supervisors shall remain outside the premises until the last customer has left the premises. The number of door supervisors in addition to two, to be engaged shall be determined by the licence holder, taking into account such factors as the nature and duration of licensable activities proposed, the number, age and character of persons likely to attend, and any known risks to impact on the promotion of the licensing objectives. The licence holder shall make a written record of the number of door supervisors to be engaged and the factors taken into account by the licence holder. Any such record shall be produced to a police officer or authorised officer of the local authority on reasonable request.
- (8) Door supervisors shall wear clothing or other identification in accordance with that which has been agreed with the licensing authority in writing so that they can be easily and clearly identifiable to the public and on CCTV.

The replacement of condition 11 with the following: -

- (11) The premises shall only provide regulated entertainment from the external area between the Thursday immediately before the Early May Bank Holiday weekend to the Late Summer Bank Holiday Weekend at the end of August

The deletion of condition 1.

The inclusion of the following additional conditions: -

- No beverages are permitted to be removed from the premises after 23:00hrs.
- Persons are not permitted to remain on the premises after 00:00hrs.
- The outside area shown on the plan accompanying the application shall be exclusively used for smokers after 23:00hrs. No consumption of alcohol or other refreshments shall be allowed in this outside area of the premises after 23:00hrs.
- No licensable activities are permitted under this licence unless a Noise Management Plan (NMP) 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. The NMP shall include as a minimum, written details of the following information:

- a. The hours of operation
 - b. Any imposed planning/licensing conditions controlling noise/disturbance
 - c. Who will be responsible for noise control and who makes decisions regarding action to be taken
 - d. Physical and managerial noise control processes and procedures and how non-compliance will be addressed
 - e. Details of any community liaison
 - f. How complaints will be processed (i.e. how they will be recorded, investigated and actioned)
 - g. Details of how/when the NMP will be reviewed on a regular basis
 - h. Policy/Procedure in relation to the dispersal of customers
 - i. Number of people permitted in the outside area of the premises and any restrictions regarding the use of this area
- The number of people permitted in the outside area shall be limited in accordance with an assessment carried out by the licence holder and approved with the Licensing Authority.
 - A copy of all public nuisance complaints received shall be recorded in a log book containing the time of complaint, date, complainant's name and address (where provided) along with the action taken by the responsible person to deal with the complaint including the date and time of the actions completion. The log book shall at all times be available for inspection by an authorised officer of the licensing authority and in any event within 24 hours of a request.
 - Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents by leaving the premises and the area quietly.
 - Prominent, clear and legible notices will be displayed with regard to the correct disposal of litter.
 - The outdoor seating area shall be clearly defined by barrier system. The purpose of this system is to prevent easy access or egress to or from the area by anywhere other than designated entry/exit points. The barrier must be sufficiently robust to accomplish the task.
 - A CCTV system shall be installed, maintained and must be in operation at all times that the premises are open to the public. Recorded images must:
 - o be of sufficient clarity to allow personal identification.
 - o display the correct time and date of the recording which shall be checked regularly for accuracy, taking account of GMT and BST.
 - o provide coverage of:

- every public entrance and exit.
 - every area where alcohol is sold or displayed for sale, and
 - any other location deemed appropriate by the Police or Licensing Authority.
 - o be retained for a period of at least 31 days
 - o be produced for a police officer or responsible officer of the local authority to review on request and
 - o be exported to removable media (e.g. CD/DVD/USB device) if requested by a police officer or responsible officer of the local authority.
- A member of staff capable of operating the CCTV system shall be present at all times the premises are open to the public and have access to the system to enable images to be reviewed and/or produced upon request.
 - No person will be permitted to take or remove alcoholic or other drinks from the premises in open glass containers.
 - All persons engaged in the sale of alcohol shall receive training or instruction to prevent the sale to anyone who is drunk or apparently under the age of 18 years. Such training will also include the details of the Premises Licence as well as its conditions. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of;-
 - o the date the training or instruction was delivered,
 - o its content, and
 - o the names of the members of staff who received it.

The record shall be produced to a police officer or an authorised officer from the local authority on reasonable request.

- A written record shall be made of every incident of crime and disorder on reasonable request.
- A written record shall be made of every refusal to sell alcohol to a person who is drunk or apparently aged under 18 years. Each entry shall be signed and dated by the person making it. The record shall be checked and counter signed by the DPS on at least a weekly basis and shall be produced to a police officer or authorised officer of the local authority on reasonable request.
- The "Challenge 25" scheme will be adopted at the point of the sale of alcohol.

Reasons for Decision:

Having considered the representations the Sub Committee consider that the amendments and conditions are proportionate for the promotion of the licensing objectives and in particular the Promotion of Crime and Disorder and the Prevention of Public Nuisance as per the submissions from

responsible authorities and objectors

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 and in accordance with the Section 182 Guidance and the Council's Statement of Licensing Policy.

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.

Public Participants:

Mr Duncan Craig – On behalf of the Applicant

Leigh Hyatt – Applicant

Karl Harding – Designated Premises Supervisor

Bronwyn Hamilton Brown – Objector

P C Jason Pearce – Hampshire Constabulary

CHAIRMAN