



# Minutes

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date and time	<b>THURSDAY, 22 NOVEMBER 2018 AT 10.00AM</b>
Venue	<b>CONFERENCE ROOM 5, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Charles Chapman (Chairman), Michael Beston, John Howe
Officers Present	Alan Barnes, PC Paul Bradley, Andrea Bull, Ben Gard, Megan Tuckwell, Kevin Winchcombe

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7. [Minutes](#)

RESOLVED:

THAT the Minutes of the meeting held on 8 October 2018 be confirmed.

8. [Declarations of Interest](#)

There were no declarations received at this stage.

9. [Report of the Interim Director of Neighbourhoods](#)

Consideration was given to the report of the Interim Director of Neighbourhoods, providing details of the application for the Grant of four Temporary Event Notices for 30 Union Street, Ryde, Isle of Wight submitted in accordance with Section 100(1) of the Licensing Act 2003.

The committee adjourned before all parties had presented their case to consider late representations submitted by the applicant and the licensing officer.

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 the application be determined as detailed below:

**Application:**

An application for the grant of four Temporary Event Notices submitted by Mr Ryan Burr for 30 Union Street, Ryde, Isle of Wight, PO33 2DT.

### **Resolution:**

THAT upon receiving the report of the licensing section, oral and written evidence from the applicant and responsible authority, 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of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy, AND on the applicant having withdrawn their temporary events notice for the period Friday 23 November 2018 from 1800 hours until 1759 hours on Thursday 29 November 2018 the sub-committee hereby: Authorise the Issue of a counter notice under s105(2)b of the act for all remaining temporary event notices as it considers it appropriate to do so for the promotion of the licensing objectives.

### **Reasons for Decision:**

The Sub Committee believe that the absence of a Fire Risk Assessment that satisfies the Proper Officer of the Fire and Rescue Service, and also the absence of the ability for this authority to attach conditions to the temporary events notice results in the likelihood of harm caused against the licensing objectives, as represented to them by all of the responsible authorities. On that basis the Sub Committee conclude that the event would undermine the licensing objectives and should not take place. In accordance with paragraph 7.28 of the statutory guidance issued under section 182 of the Licensing Act 2003 they are obliged to authorise a counter notice.

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 necessary 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 must make any appeal within 21 days of the date of notification of the decision (but no appeal may be received if within 5 working days before the event.

### **Public Participants:**

Mr Ryan Burr (Applicant)

Mr Jack Blumenthal

Mr Adam Towner

### **Additional Representations:**

The applicant and the licensing officer submitted additional representations, the meeting was adjourned until all parties had received and read the document.

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CHAIRMAN