



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	TUESDAY, 11 FEBRUARY 2013 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Richard Hollis (Chairman), Jonathan Bacon, Reg Barry, George Cameron, Paul Fuller, John Hobart, Julie Jones-Evans, Susan Scoccia, Arthur Taylor, Margaret Webster
Also Present (non voting)	Cllr David Pugh
Officers Present	Maisy Green, Amanda Gregory, Duncan Macdonald, Claire Thomas, Justin Thorne, Simon Wiggins, Kevin Winchcombe

15. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [14 January 2013](#) be confirmed.

16. [Declarations of Interest](#)

There were no declarations received at this stage.

17. **Report of the Head of Regulatory Services**

[Application for the Review of the Premises Licence for Holliers Hotel, Church Road, Shanklin, Isle of Wight.](#)

Members were advised that a review of the Licence had been requested by the police following a serious incident in and around the premises in the late hours of 31 November and 1 December 2012. Members were informed that the current licence had been in place since 2005 and following the application, the police and other responsible authorities had recommended the removal of the attached conditions and sufficient replacements.

Sergeant Voller of the Hampshire Constabulary provided members with a detailed summary of the evening, including serious incidents of crime and disorder over a prolonged period, whilst highlighting that this was an isolated incident in regard to the premises and that some details were uncorroborated.

Police questioned the hours on the current licence and suggested the following modifications to provide better clarity; the licensed hours of sale of alcohol shall be; Monday-Thursday 10:00hrs to 01:00hrs, Friday and Saturday 10:00hrs to 02:00hrs, Sunday 12:00hrs to 00:30hrs. Bank Holiday Sundays (except Easter Sunday) 12:00hrs to 01:00hrs. On Sundays, Christmas Day and Good Friday supply of alcohol is not permitted before 12:00hrs. 24hrs to hotel residents. Non Standard timings; New Year's Eve: From the end of licensed hours to the start of licensed hours on New Year's Day.

The Designated Premises Supervisor (DPS) and Licence Holder stated that the premises had under his ownership altered its business model and ran primarily as a coaching inn rather than an evening entertainment venue. They reiterated the importance of the premises within a tourist area and highlighted that additional events had been organised a small number of times to support the business out of season.

The Environmental Health officer informed the members that they had received 17 complaints of noise disturbance since 2006, with complaints relating to noise emanating from both inside the premises and through the provision of entertainment outside the premises.

Prior to addressing the committee, the Local Member, Councillor David Pugh, declared a personal interest in so far that he was a user of the premises and knew associates who frequented the premises. He spoke in support of the DPS, stating it was situated within an area with similar outlets and any decision would need to be proportionate.

Members sought clarification in regard to CCTV provision, door staff numbers including the positioning thereof, staff training and the operation of noise limiters, having heard the concerns of the police and environmental health. Additionally members considered the differing views in regard to operating numbers for the various rooms within the premises and concluded that these were sufficiently covered by fire regulations. Members were further advised of the distance to the nearest residential property and the recent discussions held between the DPS and police following the failure of a test purchase for alcohol.

RESOLVED:

- i) THAT the conditions under annex 2 of the existing premises licence be removed.
- ii) THAT revised conditions be attached to the Premises Licence.

Resolution: THAT in respect of the Premises Licence for Holliers Hotel, Church Road, Shanklin, Isle of Wight, the licence to be modified to such an extent as members had considered necessary for the promotion of the four licensing objectives, namely by requiring the following conditions to be added to the licence :

Conditions:

- 1) No member of the public (other than hotel residents) shall remain on the premises later than 30 minutes after the latest time for licensable activities under this licence.
- 2) On Friday and Saturday after 21:00 hours the designated premises supervisor, or in his or her absence, a nominated personal licence holder, shall be present when the premises is open for the sale of alcohol to non-residents.
- 3) A CCTV system shall be maintained to the satisfaction of police and the local authority. The system shall provide coverage of the main front entrance and lobby, the wine bar, public bar and lounge/dining room and all main areas to which customers have access at the material time (excluding toilets and areas reserved exclusively for the use of hotel residents). CCTV footage shall be retained for at least 30 days and shall be produced to a police officer or authorised officer of the local authority on reasonable request.
- 4) Clear signage shall be displayed at the main entrance and within the premises to advise customers that a CCTV system is in operation.
- 5) The number of door supervisors to be engaged on any occasion shall be determined by the licence holder. He must take into account such factors as the nature and duration licensable activities proposed, the number, age and character of persons likely to attend, and any known risks to impact on 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 responsible officer of the local authority on reasonable request.
- 6) Where engaged, door supervisors shall take all practicable steps to:
 - Prevent any person who appears drunk, or who is drinking or openly carrying alcohol, from entering or remaining on the premises.
 - Challenge any drunken or antisocial behaviour by customers.

- Encourage customers on leaving to do so safely and in a quiet, orderly manner.
- 7) Where engaged, door supervisors shall remain until all customers (except hotel residents) have left the premises.
 - 8) No customer (except any hotel resident) shall be admitted to the premises after 24:00 hours (midnight) on any day.
 - 9) No customer aged under 18 years shall be admitted to the premises after 21:00 hours. This condition does not apply in respect of hotel residents or the date of any carnival procession taking place in Shanklin.
 - 10) No customer shall be permitted to take into the street any alcohol in an open container.
 - 11) No customer shall be permitted to bring any alcoholic drink onto the premises.
 - 12) All staff engaged in the sale of alcohol including waiting staff, shall receive training or instruction regarding the prevention of sale to anyone who is drunk or apparently under the age of 18 years. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of the delivery of training or instruction, and this record shall be produced to a police officer or authorised officer of the local authority on reasonable request.
 - 13) 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 produced to a police officer or authorised officer of the local authority on reasonable request.
 - 14) A written record shall be made of every of every incident of violence or disorder taking place on the premises. Each entry shall be signed and dated by the person making it. The record shall be produced to a police officer or authorised officer of the local authority on reasonable request.
 - 15) Clear signage (posters) shall be displayed in the premises to alert customers and staff to the age-

verification policy in place for the sale of alcohol.

- 16) 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.
- 17) The licence holder shall give at least 7 days notice to police of any planned event involving live or recorded music which is intended to attract persons under the age of 18 years to the premises. This condition shall not apply to events provided exclusively for hotel residents.
- 18) Where any entertainment of an adult nature is provided:
 - No person under the age of 18 years shall be present;
 - Adequate steps shall be taken to prevent any person from viewing the performance from outside the room or area where it is taking place;
 - A sufficient number of door supervisors shall be present;
 - All practicable steps shall be taken to ensure the safety of each performer prior to, during and after the performance.
- 19) When regulated entertainment is taking place, regular assessments of the noise coming from the premises will be conducted and steps will be taken to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of those assessments in a log book and shall include the date and time of the checks, the person making them and the results including any remedial action.
- 20) There shall be no regulated entertainment after 22:00 hours unless an electronic sound limiting device is used to control the music noise level. The limiter must be set by a competent person to a level which is barely audible* one metre from the façade of the nearest residential premises.

*Barely audible is defined as “at a level that, whilst it may be audible (heard) is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of any residential premises”.

- 21) The limiter thereafter must be regularly maintained by a competent person and a report produced at no greater than 12 month intervals from the date of the review of the premises licence 11 February 2013, which will include details of the maintenance, a test of its normal operation and certification of the devices tamper proof integrity. Such records shall be open to inspection by an authorised officer of the Licensing Authority within 24 hours of the request.
- 22) A copy of all public nuisance complaints received shall be recorded in log book containing the time of the complaint, date, complainant's name and address (where provided) along with 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 Local Licensing Authority and in any event within 24 hours of a request.
- 23) No amplified music shall be permitted outside the building on the premises.

**Reasons for
Decision:**

The reasons were provided in the report to promote the Licensing objectives regarding the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children From Harm, in particular.

In reaching the above decision the committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The committee considered the decision to be proportionate and necessary for the promotion of the four licensing objectives under the Licensing Act 2003.

All parties were advised that they had a right of appeal to the Magistrates' Court if they were dissatisfied with the decision, and that any such appeal had to be made within 21 days from the date of notification.

**Public
Participants:**

Sergeant Voller – Applicant

Mr Stephen Leach – DPS and Licence Holder
Mrs Dawn Leach – Support to DPS/Licence Holder
Cllr David Pugh – Local member