



Minutes

Name of meeting	REGULATORY COMMITTEE
Date and time	FRIDAY, 8 MARCH 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, Julie Jones-Evans,
Officers Present	Jon Baker, Ben Gard, Duncan Macdonald, Claire Thomas, Julian Trout, Kevin Winchcombe
Apologies	Susan Scoccia, David Williams

28. [Minutes of the previous meetings](#)

RESOLVED

THAT the minutes to the meetings held on [12](#), [21](#) and [25 February 2013](#), be agreed

29. [Declarations of Interest](#)

Cllr Julie Jones Evans declared a non-pecuniary interest in Minute 31 as she knew the Designated Premises Supervisor (DPS)

Cllr Richard Hollis declared a non-pecuniary interest in Minute 31 as he knew the husband of the DPS, through sitting on Newport Parish Council

30. **Report of Head of Planning and Regulatory Services (Part 1) (Part 2)**

Application for Review of The Premises Licence Under Section 51 of The Licensing Act 2003 for House of Legends, 21-22 High Street, Newport, Isle of Wight ([Recording 1](#) and [2](#))

Members were advised that a review of the Licence had been requested by the applicants on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The applicant provided members with a detailed summary on the activities of in and around the premises in question and highlighted several incidents of drunken behaviour which led to concerns over the maximum amount of customers that should be permitted.

There were also concerns over the poor quality of the door staff used in the past and their apparent failure to correctly use a “clicker” system of monitoring customers accessing the building and maintaining a safe amount of customers within the premises.

The Police requested that a maximum of 175 people be admitted into the venue. This would make it easier for staff to identify and monitor any customers who had become intoxicated. It was also noted that since the Police and DPS’s solicitor had consulted, there had been an improvement in matters, although the Police stated that it was important that such improvements were maintained.

Members were also advised that the roof terrace of the premises was not a licensable area and that it was used for people to smoke. The Police indicated that they would wish this to remain the case as it would limit the amount of people using the outside front of building for such a reason and would also negate the problems of people re-entering the premises after 1.00am.

Environmental Health advised that there had been one complaint received from a member of the public who lived on the opposite side of the road who complained of very loud noise being audible from within their property, even with all doors closed. They had also witnessed public disorder outside House of Legends on several occasions. It was noted however that officers had not been able to visit the complainant and witness the problems first hand.

The representative from the Isle of Wight Fire and Rescue Service advised that figures taken from the last Fire Risk Assessment supplied by House of Legends showed the recommended maximum numbers for the ground floor to be 110. However, it was noted that works carried out to improve the means of escape from the rear of the premises, could increase that number to 262 on the ground floor with 42 allowed on the first floor, which was mainly used for dining.

The DPS’s solicitor assured the Panel that whilst the premises could take in excess of 300 people following works to the rear of the building, they would be prepared to adopt a maximum policy of 200 on the grounds of public safety.

The DPS’s solicitor also requested that whilst there was no issue with customers using plastic / polycarbonate glasses on Fridays and Saturdays, they failed to understand why such measures were requested for Wednesday evenings, which was traditionally as quiet as any other week night. It was therefore requested that this condition be revised to include just Fridays and Saturdays.

On the issue of the original condition 6 of being a member of Pubwatch, members were advised that this was removed as it was deemed a condition which could be taken out of the control of the House of Legends, owing to the possibility of their membership being revoked from the Pubwatch members. However, House of Legends stated that they would still remain a member and would fully endorse the scheme.

RESOLVED:

THAT upon receiving the report of the licensing section, oral and/or written evidence from the applicant, interested parties and responsible authorities, 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 2011 – 2014, the application be determined as detailed below;

Conditions:

Modify the licence to such an extent as members have considered necessary for the promotion of the 4 licensing objectives, namely by removing all conditions in Annex 2 of the current premises licence and attaching the following conditions;

1. The public are not permitted to enter the premises before 0600hrs on any day.
2. The public are not permitted to remain on the premises after 0100hrs Sunday to Thursday and 0230hrs Friday, Saturday, Christmas Eve, New Year's Eve and Sundays on a Bank Holiday weekend.
3. There will be no entertainment of an adult nature.
4. A suitable number of door supervisors shall be employed at any time when live or recorded music is provided at the premises after 2100hrs.
5. Whenever licensable activities are to be carried on after 0030hrs, a suitable number of door supervisors shall be employed after 2100hrs. The number of door supervisors to be engaged on any occasion 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.
6. 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.
7. Where engaged at the premises 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 in a quiet, orderly manner
8. Random door searches will be carried out on entry to the premises in accordance with a written risk assessment in relation to crime and disorder when door supervisors are deployed.
 9. The 'Challenge 21' scheme will be adopted at the point of sale of alcohol and also at the point of entry to the premises when door supervisors are deployed.
 10. CCTV will be installed and maintained to the satisfaction of the local authority and operating when the premises are open for licensable activities. Recorded images will be retained for a minimum period of 30 days and such images will be made available to the police on request.
 11. All staff 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. Staff members shall receive such training on induction, also at intervals not greater than one year apart. A record shall be made of;
 - the date the training or induction was delivered;
 - its content; and
 - the name of the members of staff who received it.
 12. The maximum number of persons permitted on the premises will not exceed 175. Door staff when deployed will keep accurate records of the number of persons present on the premises by the use of 'clicker' type number counting devices.
 13. Alcohol will not be removed from the premises in open containers.
 14. A written drugs policy will be maintained and made available to the police on request.

15. 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.
16. 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 action's 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 such a request.
17. Late Night Refreshment is restricted to hot drinks only.
18. Plastic or polycarbonate glassware only must be used from 2100hrs on Friday and Saturday nights.
19. No customer shall be admitted to the premises after 0100hrs on any occasion.
20. No child under the age of 16 years shall be permitted to remain on the premises after 2100 hours unless the child is dining with a person aged over 18 years. No child under the age of 16 years shall be permitted to remain on the premises after 2300 hours.
21. The designated premises supervisor (DPS), or in his or her absence, a personal licence holder nominated by the DPS, shall be present whenever licensable activities take place on the premises.
22. No regulated entertainment after 2300hrs hereby authorised by this licence shall be permitted unless all doors and windows are kept closed to prevent noise, from live or recorded music, causing a nuisance to neighbours.
23. 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 a 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.

24. There shall be no regulated entertainment or live music entertainment after 2300hrs 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. 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 on 8 March 2013, which will include details of the maintenance, a test of its normal operation and certification of the device's tamper proof integrity. Such records shall be open to inspection by an authorised officer of the licensing authority within 24 hours of request.

* 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".

And amend the hours of regulated entertainment and live music as follows:

Live Music (Inside)
Sunday to Thursday 10:00 to 00:00
Friday and Saturday 10:00 to 01:30

Recorded Music (Inside)
Sunday to Thursday 10:00 to 00:00
Friday and Saturday 10:00 to 01:30

Performances of Dance (Inside)
Sunday to Thursday 10:00 to 00:00
Friday and Saturday 10:00 to 01:30

Anything of a Similar Description (Inside)
Sunday to Thursday 10:00 to 00:00
Friday and Saturday 10:00 to 01:30

Reasons for The reasons were provided in the report to promote the
Decision: Licensing objectives regarding the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, in particular.

In reaching the 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:**

Mrs Alexandra Goldstone – Designated Premises Supervisor (DPS)
Mr Jon Wallsgrove – Solicitor to Mrs Goldstone

PC Gary Fletcher – IW and Hants Police
Sgt Stuart Ross – IW and Hants Police
Inspector Terry Clawson – IW and Hants Police

Informative

The Committee wished for an informative to be noted in which they strongly advised changing the Designated Premises Supervisor in line with the submissions and agreement of the Premises Licence holder and Hampshire Constabulary.

CHAIRMAN