

 Licensing Panel 10 July 2013		Agenda Item No.
Title	Application for a variation of the premises licence issued under the Licensing Act 2003 for Vue Cinema (Formerly Apollo Cinema), Portland Place, Leamington Spa	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113. Emma.Dudgeon@warwickdc.gov.uk	
Service Area	Health and Community Protection	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	20.6.2013	Richard Hall
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	25.6.2013	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?	Yes	

1. **SUMMARY**

- 1.1 The holder of a premises licence issued under the Licensing Act 2003 (the Act) may apply for a variation of that licence.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider all the relevant information contained in this report and consider a variation application for the Vue Cinema (Formerly Apollo Cinema) by the premises licence holder, Apollo Cinemas Ltd.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Licensing Act a premises that sells alcohol and provides regulated entertainment and late night refreshment requires a premises licence.
- 3.2 Apollo Cinemas Ltd have held a premises licence issued under the Act at Vue Cinema, Portland Place, Leamington Spa since the Act's commencement in 2005. Prior to this date the cinema held a Justices Licence permitting the sale of alcohol as well as a licence issued under the Cinema act 1985 permitting the showing of films.
- 3.3 Since the granting of the premises licence in 2005, three variations to the licence have been applied for and granted, resulting in the current premises licence.
- 3.4 Apollo Cinemas Ltd have submitted a further variation to their current premises licence. It was received on the 14th May 2013. Page 2 of the variation application shows a summary of the requested changes and the reasons for them. The page is attached as **Appendix 1**
- 3.5 For clarification, the current premises hours and the hours applied for are laid out in a table which is attached as **Appendix 2**
- 3.6 An operating schedule has been submitted with the variation application which will form part of any premises licence issued:

Prevention of Crime and Disorder

Alcohol shall only be sold to persons who have purchased, or had purchased on their behalf a ticket entitling them to admission to a film showing at the premises or to persons attending a pre-booked event and may be consumed in the auditoria or in the theatres.

Each auditoria must be visited by a member of staff during film showings to monitor screens and the behaviour of customers. These staff must be issued with night vision goggles or equivalent.

Save for pre-booked functions alcohol sold in the auditoria will be sold only in plastic bottles or glasses.

The sale of alcohol must cease at 0030 or until 30 minutes before the end of the last film whichever is the earlier.

The premises must use their best endeavours to ensure that no patrons leave the premises with any alcohol products purchased in the premises.

The Designated Premises Supervisor must undertake regular risk assessments to identify any occasions that SIA registered door supervisors should be deployed on the premises.

The premises must agree a policy with Warwickshire Police for the seizure and handling of fraudulent or false documentation used for ID purposes.

The Premises must maintain a Refusals and Incident Register which shall be made available to the authorities upon request.

CCTV cameras must cover front entrance and bar and be used at all times that licensable activities are taking place.

Head and facial recognition coverage.

Recordable and retained for a minimum of 31 days.

At least one member of staff must be on duty at all times who can operate, access and download the images on request of the Police or Local Authority.

Images must record in real time to a minimum of 12 frames per second.

The system must be signed off by Warwickshire Police Architectural Liaison Officer.

Public Safety

The occupancy capacity of the premises must be identified by way of risk assessment.

All staff must receive training in emergency evacuation procedures.

The Protection of Children from Harm

The premises must operate a proof of age scheme and Challenge 25 policy. Notices setting out this policy must be displayed within the premises.

All staff involved in the sale of alcohol must be properly trained (as per the premise licence holders own training programme) and retrained every 6 months. Records for such training must be made available to an authorised officer on request.

- 3.7 A representation has been received and is attached as **Appendix 3**. There were no other representations received.
- 3.8. A letter sent from Mr Manton, the Manager of Vue Cinema Leamington Spa, to Mrs Deeley who made a representation, is attached as **Appendix 4**.
- 3.9 These premises are contained within the Council's Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.
- 3.10 IMPORTANT NOTE: From the 1st October 2012, the Live Music Act 2012 came into force. This means that the provision of facilities for making music and dancing are no longer licensable activities, so they have not been included in this report.

ALSO: Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 200 people; or when unamplified live music is taking place to any number people, all licensing conditions applicable to the control of live music on premises licences are deemed not to be in operation. This applies only to live music NOT recorded music.

3.11 A map of the area is attached as **Appendix 5**.

3.12 When considering the application the panel must give appropriate weight to:-

- a) The variation applications received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (**Appendix 6**).
- d) The Licensing Objectives, which are the promotion of:-
 - The prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm

3.13 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and review applications and will seek to attach appropriate and proportionate conditions to licences in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.

3.14 Details of the procedure adopted by the Licensing Committee for Panel Hearings has been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

4. ALTERNATIVE OPTION CONSIDERED

4.1 No alternatives may be considered.

5. BUDGETARY FRAMEWORK

5.1 This report has no budgetary considerations for the Council.

6. POLICY FRAMEWORK

6.1 None

7. BACKGROUND

7.1 None.