

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Monday 8 October 2012, at the Town Hall, Royal Leamington Spa at 10.00 am.

PANEL MEMBERS: Councillors Brookes, Mrs Higgins and Wilkinson.

Councillor Wilkinson substituted for Councillor Davies.

ALSO PRESENT: David Davies (Licensing Services Manager), Lesley Dury (Committee Services Officer) and Max Howarth (Council's Solicitor).

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Mrs Higgins be appointed as Chair for the hearing.

The Chair introduced herself, other members of the Panel and Officers, and asked the other parties to introduce themselves.

Craig Manton introduced himself as the applicant. He was the General Manager and Licensee at the cinema and the interested parties present were Lisa Parry, the previous General Manager up until 5 October 2012 and Susan Deeley, a local resident.

2. DECLARATIONS OF INTEREST

Councillor Mrs Higgins declared a personal interest as she was a keen film buff and often visited the Apollo Cinema.

3. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE ISSUED UNDER THE LICENSING ACT 2003 FOR APOLLO CINEMA, PORTLAND PLACE, ROYAL LEAMINGTON SPA

The Council's Solicitor ran through the procedure which the hearing would follow.

A report from Community Protection was submitted which sought a decision to vary a premise licence for Apollo Cinema by Apollo Cinemas Ltd.

The Licensing Services Manager outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a variation of the premises licence should be approved.

The report referred to those matters to which the Panel had to give consideration, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

LICENSING PANEL HEARING MINUTES (Continued)

Apollo Cinemas Ltd currently held a premise licence as follows:

	Alcohol	Films	Recorded Music	Live Music	Late Night Refreshment	Opening Hours
MON	10:00-23:00	09:00-00:30	09:00-23:00	None	23:00-00:30	09:00-01:00
TUES	10:00-23:00	09:00-00:30	09:00-23:00	None	23:00-00:30	09:00-01:00
WED	10:00-23:00	09:00-00:30	09:00-23:00	None	23:00-00:30	09:00-01:00
THUR	10:00-23:00	09:00-00:30	09:00-23:00	None	23:00-00:30	09:00-01:00
FRI	10:00-23:00	09:00-01:00	09:00-01:00	None	23:00-01:00	09:00-01:00
SAT	10:00-23:00	09:00-01:00	09:00-01:00	None	23:00-01:00	09:00-01:00
SUN	12:00-22:30	09:00-00:30	10.00-23:00	None	23:00-00:30	09:00-01:00

It had sought to vary the licence as follows:

	Alcohol	Films	Recorded Music	Live Music	Late Night Refreshment	Opening Hours
MON	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
TUES	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
WED	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
THUR	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
FRI	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
SAT	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30
SUN	09:00-00:30	09:00-02:00	09:00-02:00	09:00-02:00	23:00-02:00	08:30-02:30

All of the above extended by an additional hour on the day that British summertime commenced; and from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

An operating schedule had also been submitted with the variation application which would form part of any premises licence issued.

However, following representations from Environmental Health, a condition had been agreed, should the variation be granted, which meant that the extended hours could only operate on no more than twelve days in any calendar year. Also Environmental Health and the Licensing Department at Warwick District Council had to be notified in writing no less than five days prior to any proposed extension of opening hours.

Representations had been received from two individuals and these were attached at appendices 2 and 3 to the report. Both individuals were nearby residents and had concerns that the proposed extension to the hours would lead to an increase in noise and disruption.

The application was presented jointly by Craig Manton, who was the incumbent manager of the cinema, and Lisa Parry, who was the previous manager. The Panel agreed that Lisa Parry could help Craig Manton introduce the application as Mr Manton had taken over the management of the Apollo Cinema very recently and Ms Parry would have more knowledge about the cinema, having been its manager up until 5 October 2012. They presented the application for a variation on the premises licence and outlined the reasons for the variation.

Mr Manton explained that the licensing hours were to be extended until 2.00 am and sale of alcohol would be permitted in the auditorium. The reason for this was to allow the cinema to show films at midnight. He pointed out that the Apollo was the only cinema in its chain of cinemas that could not open until 3.00 am, but they were only asking for an extension to 2 am. Ms Parry pointed out that in the previous year, the cinema had

LICENSING PANEL HEARING MINUTES (Continued)

applied for 15 temporary event licenses, all of which were granted. There had been no incidents reported as far as she knew.

Councillor Wilkinson asked the Applicant to explain why it was necessary to bring alcohol into the cinema and Ms Parry explained that there was customer demand for this. They were trying to create a "theatre atmosphere". The "Challenge 25" policy was in operation, people were seated, and there had been no issues in the past.

Ms Deeley stated that she was very concerned that if permission was given for the sale of alcohol in the auditorium, then there might be instances where unaccompanied children were sitting next to adults who were drinking alcohol. Ms Parry explained that the auditorium would be policed by staff. The Apollo in Royal Leamington Spa was the only cinema in the chain that did not sell alcohol in the auditorium. She assured everyone present that people who were drunk would not be served and that regular checks were made to ensure that people were behaving properly. Staff used special optical goggles that enabled them to see in the dark.

The Chairman then asked Ms Deeley to make her representation. Ms Deeley explained that she knew that the Apollo Cinema was a valuable resource to the community but she was prepared to withdraw her objection over the opening hours because the representations from Environmental Health had resulted in a condition being agreed whereby the extended hours could only operate up to 12 days in any calendar year. However, she still believed that car parking was an issue because past a certain hour, people could only park on the street.

The Council's Solicitor pointed out that the issue of parking was not a material consideration that could be taken into account, but Ms Deeley explained that it was the noise created by the people when returning to their cars that was the issue. The Council's Solicitor confirmed that this was a material consideration and Ms Deeley asked for a condition to be agreed over noise and nuisance.

Ms Deeley also reiterated her concern that alcohol would be taken into the cinema theatre, especially when unaccompanied children were present. She requested that it was made explicit that glasses could be taken into the theatre as she felt that currently it was implicit.

The Chairman invited people to ask Ms Deeley questions, but this offer was declined by both the Panel and the Applicant. The Chairman then asked the Applicant to make a short closing speech.

Ms Parry informed the Panel that she was having discussions with the Council's Parking Services staff about the issue of parking although it seemed unlikely that St Peter's Car Park would be kept open later. She pointed out that the concerns over alcohol in the cinema should not prove an issue as the price of the drinks were high. She stated that the cheapest alcoholic drink was priced at £4.05, and alcohol could only be sold to people with a valid cinema ticket. She reminded the Panel that on the 15 occasions that the cinema had held a temporary event licence, there had not been any trouble. She felt that the premium prices charged for drink would discourage drunken behaviour.

LICENSING PANEL HEARING MINUTES (Continued)

The Chairman asked everyone with the exception of the Panel Members, the Council's Solicitor and the Committee Officer, to leave the room to enable the Panel to deliberate and reach its decision.

The Panel considered the application. The Panel had regard to:

1. the report from Licensing Services;
2. the application and representations made by the Applicant;
3. the representations made by the residents;
4. the Council's Statement of Licensing Policy which included the special policy regarding cumulative impact; and
5. the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

Having listened to the representations made by the Applicant, the Panel was satisfied that the Applicant had demonstrated that the variation of the licence would not add significantly to the cumulative impact in light of the licensing objectives. In coming to this conclusion, the Panel noted that there had been no objections from the Police or from the responsible authority for the protection of children from harm. The Panel also noted that Environmental Health had withdrawn its objection on the basis that the extended hours were limited to no more than 12 days in any calendar year. The Panel had heard from the Applicant that the sale of alcohol, whilst extended to the auditoria would only be sold to persons who had purchased a cinema ticket and had also heard that the alcohol was priced at a premium cost. In view of this, it was the Panel's view that the variation of the licence would not add significantly to the cumulative impact.

The Panel had heard from the residents regarding their concerns on adults drinking alcohol in auditoria where there may be unaccompanied children, but noted the Applicant's comments that the cinema had had 15 temporary event notices, and had not received any complaints. The Panel also noted that there had been no objection from the responsible authority for the protection of children from harm.

The Panel had also heard from the residents regarding on-street parking and the potential for public nuisance from persons leaving the cinema. The Panel noted, however, that Environmental Health had withdrawn its objection on the basis that the condition agreed with the Applicant was sufficient to deal with such concerns. The Panel therefore resolved to vary the licence in accordance with the report.

RESOLVED to grant the variation of the licence for extended hours on no more that 12 days in any calendar year.

All parties were invited back in to the room so they could be informed of the decision, which was read out by the Council's Solicitor. They were reminded that all parties had the right to appeal the Panel's decision to the Magistrates Court within 21 days of formal notice of the decision. It would be made explicit in the licence that the drinking of alcohol was permitted in the auditoria.

(The meeting finished at 10.50 am)