

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Wednesday 10 July 2013, at the Town Hall, Royal Leamington Spa at 2.00 pm.

PANEL MEMBERS: Councillors Gill, Mrs. Knight and Wilkinson.

ALSO PRESENT: Peter Dixon (Committee Services Officer), Emma Dudgeon (Licensing Enforcement Officer) and John Gregory (Council's Solicitor).

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Wilkinson be appointed as Chair for the hearing.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

A report from Health and Community Protection was submitted which sought a decision on an application by Vue Cinema for a variation of the licence for the premises at Portland Place, Leamington Spa.

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

Mr Craig Manton (the Designated Premises Supervisor of the cinema) was in attendance, accompanied by Mr Kam Dosanjh (Director of Operations for Vue Cinemas). Mrs Susan Deeley attended to object to the application.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement Officer 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 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.

The report from Community Protection summarised the licensing history of the premises. The cinema had held a premises licence since the Licensing Act's commencement in 2005, and prior to that had 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.

LICENSING PANEL HEARING MINUTES (Continued)

Since 2005, three variations to the licence had been applied for and granted. The fourth variation being considered by this Panel was submitted in May 2013.

An operating schedule had been submitted with the variation application, which would 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

LICENSING PANEL HEARING MINUTES (Continued)

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.

The Council's Licensing Policy Statement provided that the Authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its individual merits.

Mr Dosanjh presented the application. He explained that Vue Cinemas managed 81 cinema premises nationwide and had acquired the Portland Place premises about a year ago. The organisation had tested longer opening hours at Portland Place over a four week period in late 2012. One of the weeks in that period saw the largest ever attendance in the premises' entire history, that attendance being very significantly higher than any previously recorded, with over 15,000 people coming to the cinema and a significant increase in market share for the premises.

Vue Cinemas wished to invest £400,000 in this cinema and to have longer opening hours in order to give the cinema more flexibility and keep customers in Leamington. Longer opening hours would allow the cinema to host shows and events that it could not do currently, to offer a greater number of showings of popular films and to stagger attendance and exit times. When Skyfall was shown at the cinema in late 2012, the premises had to turn away a significant number of people. Vue Cinemas wanted to avoid this in future and was keen to get the cinema upgraded prior to two significant film seasons in 2014 and 2015.

Mr Manton explained that during the four week test period, no incidents had occurred, no noise pollution had been caused that the cinema was aware of and there had been no reported incidents, despite this period including the busiest week in the cinema's history.

Mr Dosanjh stated that the cinema did not admit under 18s after 10:30 pm except when there were event movies to which customers were invited to attend in costume.

With regard to car parking, Mr Manton expressed a desire to work with the Council in order to see if St Peters Car Park could be opened beyond midnight. He also highlighted the fact that there were 40 spaces at Bedford Street Car Park. In response, the Panel pointed out that keeping St Peters open later would incur a cost to the Council and that money was already tight.

The Panel requested clarification of the cinema's approach to the sale of alcohol. Mr Manton explained that alcoholic drinks were only for sale to persons who had purchased cinema tickets and that tickets were signed every time a drink was sold, in order to limit the number of drinks to a maximum of 2 per customer. This process was already in place and no

LICENSING PANEL HEARING MINUTES (Continued)

problems had ever arisen. The applicants confirmed that they intended not to sell alcohol after midnight, despite the application giving them the right to sell it until 3am. They also confirmed that, should the Panel decide to place a limit on this – for example, specifying that the retail area should close 20 minutes after commencement of the last film – they would be happy to abide by such a limit.

In response to a question from the Panel, Mr Dosanjh stated that the cinema attempted to meet the prevention of public nuisance objective by having signage located throughout the building and internal CCTV. The Council's own CCTV was operational outside. Further steps could be taken to enhance advertising about behaviour through the use of electronic media and the cinema's website. The cinema did not employ door staff as this did not fit in with the cinema's demographic. However, staff were always on hand should problems arise.

Mr Manton added that he lived close to the cinema and had only ever been disturbed by pubgoers, not by the cinema's customers.

Mrs Deeley presented her objection to the application. She had been a Leamington resident for over 10 years and saw the cinema as a valuable resource. However she was concerned at the possible disturbance that late opening could cause for the cinema's neighbours. She felt that, despite residential areas close to the town centre being a part of Leamington's character, residents nevertheless had the right to a good quality of life without considerable disturbance.

Mrs Deeley recognised that the cinema wanted to be more flexible and was not intending to open late all the time, but rather just to accommodate blockbusters and special events. In light of this, she suggested that the cinema's application should be more in line with what they actually wished to do, rather than a blanket proposal which effectively allowed them to open late all year round.

Mrs Deeley's other concerns related to the number of drinks issued to customers and admittance of under 18s late at night. She accepted that a mechanism was in place to ensure no more than 2 drinks were issued to any customer, but suggested that this should be formalised by making it a condition of the licence. She also suggested that the licence should formalise the non-admittance of anybody under the age of 18 after 10.30pm. As things stood, there was the potential for creating significant public nuisance.

Mr Dosanjh asked Mrs Deeley whether she had noticed any particular problems when the cinema had been open late during its test period. Mrs Deeley responded that she had not, as she had not been aware when the test period was.

Mr Dosanjh and Mr Manton summed up their application, reminding the Panel of their desire to make the cinema more flexible and to keep customers in Leamington, that they had met with the Police and Environmental Health to address any concerns and that there had been no problems during the successful test period.

LICENSING PANEL HEARING MINUTES (Continued)

The Chair asked all parties other than the Panel, the Council's Solicitor, the Committee Services Officer, and the Solicitor's work experience and trainee to leave the room at 2.40 pm, to enable the Panel to deliberate and reach its decision.

RESOLVED to grant the variation to the premises licence as follows:

The Panel has considered the representations made by the applicant and Mrs Deeley. The Panel has also considered the report from Licensing Services and has had regard to the Council's Statement of Licensing Policy.

The Panel sympathises with Mrs Deeley's concerns in relation to the potential for noise nuisance in the early hours of the morning. However, it notes that there has been no objection from the Environmental Health Department and has heard no evidence of any particular incidents of nuisance caused by patrons of the cinema during the operation of its current licence.

The Panel considered the fact that the licence was in the Cumulative Impact Zone, but has decided that the applicant has satisfied the Panel that extended hours for the cinema will not adversely impact on the four licensing objectives.

The Panel has therefore decided to grant the licence, subject to the imposition of one condition. This condition will prevent the admission of under 18s to the premises after 10.30pm.

This condition is being imposed in order to promote the licensing objective of the protection of children from harm. The Panel considers that there is a danger in children being permitted in areas where alcohol is being sold and consumed late at night and into the early hours of the morning.

All parties were invited back into the room so they could be informed of the decision, which was read out by the Council's Solicitor. They were reminded of their right to appeal the Panel's decision to the Magistrates Court within 21 days of formal notice of the decision.

4. MINUTES

The minutes of the Licensing Panel hearings held between 19 April 2012 and 13 December 2012 were taken as read and signed by the Chair as a correct record.

(The meeting finished at 3.10 pm)