

APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CINEWORLD

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer - Licensing Officer Ex 01895 27409 (7409)
Papers with report	Appendix 1 - Officers Recommendation Appendix 2 - Application Form Appendix 3 - Representations Appendix 4 - Site Plan Appendix 5 - Cineworld Statement
Ward name	South Ruislip

1.0 SUMMARY

To determine an application for a new premises licence in respect of Cineworld, Old Dairy, South Ruislip, HA4 0HF. Representations have been received from **three** interested parties.

2.0 RECOMMENDATION

That the Licensing Sub-Committee grant the licence, subject to conditions as set out in Appendix 1.

3.0 APPLICATION

The new premises licence application has been made by Cineworld Cinemas Ltd. The application is for a premises licence to be issued for a multi screen cinema. The cinema will exhibit a wide variety of films for paying customers.

There will be a concession stand that will sell a modest selection of alcohol to patrons. The concession stand will also sell tickets and light snacks.

The applicant may wish to operate the site for special screenings at all times of the day including after midnight. This will be most likely on occasions when highly anticipated films are released.

The premises may wish to support movie events with various types of entertainment such as Live Music and Performance of Dance.

3.1 Type of application applied for

New Premises Licence application and plan please see **Appendix 2**.

3.2 Description of the premises

The site is one of 96 theatres that Cineworld operate across the UK. The facility comprises 11 auditoriums. The maximum number of seats for the site is 1745.

The site will have a Starbucks Coffee shop located on the ground floor.

PART I - MEMBERS, PUBLIC AND PRESS

At cinema level will be a foyer area. The foyer area will include a concession stand for patrons to purchase tickets, light snacks and drinks. There will be a modest selection of alcoholic beverages for customers to purchase.

The auditoriums will show films at staggered times to prevent saturation of customers.

The premises will have sufficient staff numbers to cover busier periods.

The site will be equipped with CCTV that captures and records images for security and safety purposes.

The Cinema forms part of a mixed use development in South Ruislip. Occupying the site will be Asda supermarket, Chiquito, Frankie and Benny's and Nando's.

3.3 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Provision of Plays	Provision for indoors only	x
Provision of Films	Provision for indoors only	x
Provision of Live Music	Provision for indoors only	x
Provision of Recorded Music	Provision for indoors only	x
Provision of Performance of Dance	Provision for indoors only	x
Provision of Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance	Provision for indoors only	x
Provision of Late Night Refreshment	Provision for Indoors Only	x
Sale of alcohol	Consumption on and off the premises.	x

	Proposed hours for Premises Licence Alcohol/ Plays/Films/Live Music/ Recorded Music/ Performance of Dance Anything of a similar description to Live Music/Recorded Music/ Performance of dance	Proposed hours for Premises Licence Late Night Refreshment
Monday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Tuesday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Wednesday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Thursday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Friday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Saturday	00:00 - 24:00	23:00-24:00 00:00 -05:00
Sunday	00:00 - 24:00	23:00-24:00 00:00 -05:00

3.4 Operating Schedule and Conditions

3.5 Prevention of Crime and Disorder

The premises will operate a challenge 21 age policy. Anyone appearing under the age of 21 will be challenged to produce photo id.

A colour digital CCTV system will be maintained for a period of 28 days. The images produced will be available for police or local authority.

Protection of Children from Harm

The premises will operate a challenge 21 policy in relation to the sale of alcohol. Signage will be displayed to this effect.

4.0 **CONSULTATION**

4.1 Closing date for representations

26th April 2017

4.2 Public Notice published in Gazette

5.0 REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

No representation was received from any of the responsible authorities to this application.

5.2 There are 3 representations from Interested Parties see **Appendix 3**

Interested Parties	Ground for Representation	Appendix
Cllr Alan Kauffman	Nuisance and Crime and Disorder	3
Cllr Judy Kelly	Protection of children from harm and Crime and Disorder	3
Simon Green	Noise Disturbances.	3

6.0 BACKGROUND INFORMATION

6.1 Designated Premises Supervisor

The proposed designated Premises Supervisor is Sam Tomlinson, a personal licence holder under number H3074 - London Borough of Hounslow.

6.2 Other licensed premises nearby

Located at this development licenses have been issued to the following:

Asda Stores	Sale of Alcohol 24 hours 7 days a week	No regulated entertainment
Bella Italia	Sale of Alcohol 08:00 hours until 00:00 hours - Sunday to Thursday From 08:00 hours until 01:00 hours the following day - Friday and Saturday	Recorded Music From 08:00 hours until 00:00 hours - Sunday to Thursday From 08:00 hours until 01:00 hours the following day - Friday and Saturday
Frankie & Benny's	Sale by Retail of Alcohol From 10.00 hours until 00.00 hours everyday	Recorded Music From 08.00 hours until 00.30 hours everyday

	From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.	From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.
Chiquito	<p>Sale of Alcohol From 10.00 hours until 00.00 hours Monday to Sunday</p> <p>From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day</p>	<p>Recorded Music From 08:00 hours until 00.30 hours Monday to Sunday</p> <p>From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day</p>

6.3 A Map of the premises and the surrounding area is attached as **Appendix 4**. Further photographs are to follow.

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

- This is an application for a premises licence for Cineworld to primarily exhibit films. In addition the application also adds the sale of alcohol, recorded music, live music, performance of dance, late night refreshment and plays.
- The licence has been applied for to ensure any activity that takes place on the site is licensed in accordance with current legislation. Cineworld Cinemas have provided a statement on how the site will operate via Gosschalks Solicitors. **Appendix 5**
- Cineworld via Gosschalks Solicitors have submitted further information to how they plan on operating and managing the site. **Appendix 5**
- Regulated entertainment would be to enhance the experience to the customer. The style of venue would not be to cater for revellers seeking alcohol and dancing as the primary entertainment.
- The relevant representations received mainly raise the following issues:
- **The prevention of crime and disorder** - The objection from Councillor Kauffman has a concern that 3am alcohol licence could lead to anti social behaviour when people are leaving the premises.
- **The prevention of public nuisance** - All three objectors have concerns over there being an increase in noise disturbances as a result of the application.
- **The protection of children from harm** - Councillor Kelly has concerns that issuing of such a late licence could result in harm to children.

8.0 RELEVANT SECTION OF THE 182 GUIDANCE

The Guidance issued by the Secretary of State under S182 of the Licensing Act 2003 states:

- Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
- Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

9.0 RELEVANT SECTIONS OF THE LICENSING POLICY

- **7.1** Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted.

- **9.1** Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.
- **10.5** It is recognised that the Mandatory Conditions attached to premises licences where alcohol is sold/supplied must have in place an age verification scheme. The Licensing Authority would normally expect this scheme to include a challenge for photo identification to all persons who appear to be under the age of 25 years i.e. 'Challenge 25'
- **10.7** Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.
- **10.13** The Licensing Authority accepts that the British Board of Film Classification (BBFC) is the recognised authority in categorising films. It therefore accepts the BBFC classifications with respect of children's films. The Licensing Authority will expect applicants to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to BBFC recommendations.
- **17.2** Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.
- **17.2** They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

10.0 LEGAL CONSIDERATIONS

Under Section 182 secretary of state guidance Licensing Act 2003 the committee should take into account the following points:

- **9.36** As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

- **9.37** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy
- **2.29** The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself
- **3.15** It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions. The key licensing objectives in connection with late night refreshment are the prevention of crime and disorder and public nuisance, and it is expected that both will normally have been adequately covered in the conditions relating to the other licensable activities on such premises.
- **10.61** The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- **10.62** The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.
- **10.66** Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
 - premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate. See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.
- **13.17** In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. Principles of risk assessment and targeted inspection (in line with the recommendations of the Hampton review) should prevail and, for example, inspections should not be undertaken routinely but when and if they are judged necessary. This

should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises.

The Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:

- grant the application
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.