

## Minutes

### LICENSING SUB-COMMITTEE

23 May 2017

Meeting held at Committee Room 5 - Civic Centre, High Street,  
Uxbridge UB8 1UW



	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman) Lynne Allen Patricia Jackson</p> <p><b>Interested Parties Present:</b> Councillors Allan Kauffman Judy Kelly</p> <p><b>LBH Officers Present:</b> Steven Dormer - Licensing Officer Jyoti Mehta - Legal Advisor Neil Fraser - Democratic Services Officer Liz Penny - Democratic Services Officer</p>
6.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>
7.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
8.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items were Part I and would be considered in public.</p>
9.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
10.	<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CINEWORLD</b> (<i>Agenda Item 5</i>)</p> <p>At the commencement of the hearing, the Legal Advisor, Ms Jyoti Mehta, drew the attendee's attention to the addendum, which included updated Legal comments which were confirmed to supersede the comments within the main report.</p> <p><b><i>Introduction by Licensing Officer:</i></b></p> <p>The Licensing Officer, Steven Dormer, introduced the application and report to the</p>

Sub-Committee, confirming that the Sub-Committee had been convened to assess an application for a new premises licence in respect of Cineworld, Old Dairy, South Ruislip, HA4 0HF. The application was for a licence to sell alcohol and late night refreshment, as well as exhibiting a variety of films, as well as entertainment such as live music and performance of dance.

Mr Dormer highlighted the addendum which included highlighted plans of the premises, which showed the ground floor entrance, the concessions stand and escalators, alongside auditoria and waiting areas. The Sub-Committee was informed that, as per the applicant's statement attached at Appendix 5, the cinema would sell alcohol from the concession stands, though in the future may choose to sell alcohol from mobile units within the premises.

As per the addendum, nearby licensed premises were detailed, which included:

**Frankie & Benny's**

Which has a licence for the sale of alcohol every day until 00:00, with a closing time of 00:30.

**Chiquitos**

Which has a licence for the sale of alcohol Monday to Sunday until 00:00, with a closing time until 00:30

**Nandos**

Which has a licence for the sale of alcohol Monday to Sunday until 00:00, with a closing time of 00:30

(All three of the above premises offer a sit down restaurant.)

**Asda Stores**

Which has a licence for off sales of alcohol 24 hours a day, seven days a week.

**The Middlesex Arms Public House**

Which has a licence for the sale of alcohol for the following hours:

From 10.00 hours until 00.00 hours, Sunday to Wednesday

From 10.00 hours until 01.00 hours, Thursday, Friday and Saturday

**B&M Stores**

Which has a licence for the off sale of alcohol from 08:00 hours until 00:00 hours every day.

**Aldi Stores**

Which has a licence for the off sales of alcohol up until 23:00 every day.

Mr Dormer confirmed that representations had been received from three interested parties, comprising of Councillors Kauffman and Kelly, together with a local resident. Councillors Kauffman and Kelly were in attendance, though the local resident was not. Details of all representations were confirmed to be found at Appendix 3 of the report.

Mr Dormer confirmed that the application had been submitted in accordance with the Licensing Act 2003, though there were parts of the section 182 guidance, issued by the Secretary of State, that the applicant may have not considered full. The Sub-Committee was reminded of the relevant sections pertaining to the promotion of the licensing objectives contained within points 8.39 to 8.41, and 8.43 to 8.46, of the guidance.

The Sub Committee was informed that, when submitted, the application was lacking in detail relating to the conditions and steps to be made in order to promote the licensing objectives. To ameliorate this, the Licensing Authority requested additional confirmation from the applicant on how they planned to manage the site, details of which were attached as Appendix 5 of the report.

Mr Dormer concluded by recommending that the licence be granted, subject to the conditions as set out in Appendix 1, together with a suggestion that the applicant establish a working relationship with local residents that would help address any potential concerns.

The Chairman requested clarification from Mr Dormer regarding the areas of the premises that the applicant was requesting to be licensed. Mr Dormer confirmed that the applicant was requesting a licence for the whole of the ground and first floor. With regard to the projection level, Mr Dormer stated that he would defer to the applicant on this matter.

The Chairman sought clarification from Mr Dormer as to the licensed hours requested for the sale of alcohol, as the agenda pack appeared to be requesting a 24 hour licence. Mr Dormer confirmed that the pack was incorrect and that the applicant was requesting a licence for the sale of alcohol until 3am.

#### ***Representation by the Applicant:***

Ms Clare Johnson, representing Cineworld, confirmed that the Sub Committee should review the plans as submitted by the applicant, rather than the plans highlighted by Mr Dormer. The submitted plans showed that Cineworld were applying for an alcohol licence that covered the entirety of the premises.

With regard to the representations received, the Sub Committee was reminded that the objections related to the sale of alcohol, and the times of its sale, rather than the location of where it would be sold. The licensed premises in and around the site were reiterated to the Sub-Committee, including ASDA which was confirmed to hold a 24 hour licence for the off sale of alcohol.

Ms Johnson asserted that Cineworld had 96 cinemas within the U.K. and that the application before the Sub Committee was a standard Cineworld application typical of many previously successful applications. Processes and procedures were in place to ensure the licensing objectives were upheld, including CCTV, a challenge 25 policy, and staff training programmes. It was confirmed that in the last 6 months, no issues resulting from the sale of alcohol had been recorded, whilst no review of any of Cineworld cinemas had been required in the last 10 years, which was felt to be testimony to the way in which Cineworld worked to uphold the licensing objectives.

It was confirmed that the current application included a licence for music and dance, to allow the applicant the flexibility to run some form of entertainment for its patrons prior to their film. It was confirmed that this was not likely to be a regular occurrence.

The Sub-Committee was informed that Ms Johnson, alongside a Regional Manager and the Cinema General Manager, had met with various Police officers to discuss the proposed operation of the site. The Police were happy with the proposals, and had no concerns over any potential issues of crime and disorder, which was evidenced by the Police not lodging any objections to the application. The Sub

Committee was reminded that paragraph 2.1 of the guidance, which stated that Licensing Authorities should look to the Police as the main source of advice on the objective to prevent crime and disorder.

Similarly, no objections had been raised from the Environmental Health Officer, and no concerns had been raised that the granting of the licence would undermine the prevention of public nuisance objective. No representations had been received from any of the responsible authorities in respect of public safety, and no representations had been submitted by the Trading Standards Authority or the Children Safeguarding Board that suggested that the granting of the licence would be contrary to the protecting children from harm objective.

Ms Johnson referred the Sub-Committee to the objections received from the interested parties, confirming that Councillor Kauffman had stated that he welcomed Cineworld's proposal, but had concerns over the sale of alcohol until 3am, feeling that it would lead to public disorder. Ms Johnson asserted that this was a speculative opinion not supported by evidence or shared by the Police and other responsible parties, and therefore should not be taken into consideration. With regard to Councillor Kauffman's suggestion that people would be journeying to the cinema late at night to get a drink, it was confirmed that this was not Cineworld's experience at its other sites, and it was suggested that the ASDA store, located close by, would likely be a more popular destination for drinkers due to its 24 hour licence and its comparatively cheaper beverages.

With regard to Councillor Kelly's concerns that the sale of alcohol would lead to public disorder and could endanger children, it was reiterated that this was speculation that was not supported by evidence, and was not an opinion shared by the other responsible authorities.

In summary, Ms Johnson concluded that the application was from a responsible company with an impeccable track record in such matters, and it was requested that the Sub-Committee therefore grant the licence, as recommended by the Licensing Officer.

The Chairman sought clarity from the applicant as to whether they would be running a Challenge 21 policy or a Challenge 25 policy, as the application's stated Challenge 21 policy appeared to be contradicted by Ms Johnson's statement, (in Appendix 5), that specified Challenge 25. Ms Johnson confirmed that at the time of the submission of the application, Challenge 21 was correct, but that subsequently Cineworld had moved to a Challenge 25 policy, and that this would be in effect at this cinema, were the licence to be granted.

Councillor Allen requested confirmation of what containers the alcohol would be served in, and whether patrons would be able to take the drinks off site. Ms Johnson confirmed that alcohol would be decanted into plastic glasses at the point of sale. Patrons would be able to take the drinks off site, though the Sub Committee was reminded that consumption of alcohol off site was not licensable.

***Representation by the Interested Parties:***

Councillor Kelly confirmed that her concerns related to children being on premises in and around the sale of alcohol.

Councillor Kauffman confirmed that his concerns related to patrons leaving the cinema, drunk, in the early hours of the morning, which could lead to public order and noise

disturbances for the local residents of the area. Councillor Kauffman highlighted that many cinemagoers would likely be walking to the train station, open on Saturday and Sunday mornings, which took them past many residential dwellings. In addition, Councillor Kauffman highlighted South Ruislip's existing issues with anti social behaviour and violence, which he felt could be exacerbated by the alcohol on sale at the cinema.

***Discussion:***

The Chairman sought clarity from Ms Johnson regarding her statement in Appendix 5, which had confirmed that the concession area, from which alcohol was to be sold, would close when the last film showing began.

Ms Johnson confirmed that the statement had been submitted at the request of the Local Authority for Cineworld to specify the proposed way of working, and was not to be used to impose conditions. It was confirmed that the application was requesting licensing for the entire premises, to allow the applicant flexibility should they wish to sell alcohol from other points of sale, such as mobile units. Ms Johnson suggested that if this was confusing the Sub-Committee, she would be happy to withdraw the statement from the application.

The licence was requested to allow the premises to show films on a 24 hour basis. The Sub-Committee was informed that currently, the latest showing of films were at approximately 11pm, with large 'event' films occasionally shown at midnight or later. It was confirmed that although this was a rare occurrence, the licence was required to allow the proprietor the flexibility to show films at these times. In such instances, Cineworld would also want the ability to serve alcohol, hence the request for a licence to serve alcohol up to 3am.

Sam Tomlinson, Cinema General Manager, confirmed that it was his intention that all alcohol sales would stop upon commencement of the last film, but that the licence would be until 3am required to avoid any restrictions. With regard to Councillor Kelly's concerns, the Challenge 25 policy would be operated, to ensure no children were served alcohol on the premises.

The Chairman reminded Ms Johnson that were the statement in Appendix 5 to be withdrawn, the application terms would revert to the stated Challenge 21 policy. Ms Johnson confirmed that she would accept a Challenge 21 policy, if necessary. On this basis, the statement was withdrawn.

***Committee Deliberation:***

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

***Decision:***

**RESOLVED: The Sub-Committee considered all the relevant representations made available to it and in doing so took into account the Licensing Act 2003, the**

**Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.**

**The decision of the Sub-Committee is to grant the licence subject to the following conditions:**

- **A colour digital CCTV system will be installed and maintained and images provided for a period of 31 days. These will be made available to the police/ or local authority on request;**
- **The premises will operate Challenge 25 policy;**
- **All training on age related products must be consistent with the Challenge 25 scheme.**

### **REASONS**

The Sub-Committee noted the following reasons for its decision:

1. The Sub-Committee considered the concerns relating to public nuisance , however, the Sub-Committee noted no specific incidents of public nuisance or harm being done or likely to be done to children were cited or linked to the premises.
2. The Sub-Committee accepted that the Challenge 25 Scheme and the mandatory staff training that will be provided on age related products would be sufficient protection to uphold the licensing objectives.
3. The Sub-Committee agreed that the Premises Licence should attach a condition requiring the Applicant to install and maintain CCTV System footage for 31 days instead of 28 days, as this would be in accordance with Appendix B of the Council's Statement of Licensing Policy.

### **RIGHT OF APPEAL**

The Applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

The Applicant will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm, closed at 3.22 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes**

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**remain the official and definitive record of proceedings.**