

LICENSING ACT 2003 SUB-COMMITTEE

28 July 2015

PRESENT – Councillors C. Hughes, B. Jones and Kane. (3)

LS4. ELECTION OF CHAIR – RESOLVED – That Councillor C. Hughes be elected Chair for the purposes of this Sub-Committee.

LS5. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS6. APPLICATION FOR A PREMISES LICENCE – VUE CINEMA, FEETHAMS -
The Director of Economic Growth submitted a report (previously circulated) to consider an application for a premises licence in the light of representations from three ‘Other Persons’, namely local residents on the grounds of the prevention of public nuisance.

Present at the meeting were on behalf of the applicant Mr Kam Dosans, VUE Entertainment Limited Director of Operations and Ms Janice Craig, Area Manager, VUE Cinemas; Mr. Jonathan Smith of Poppleton Allen Solicitors; Mr Paul Spensley, Terrace Hill; Stephanie Rose, Clerk to the South Terrace Residents’ Group; Stephen Twist, Acting for South Terrace Residents’ Group; Sarah Hutchinson, Local Resident; Pam Ross, Licensing and Car Parks Manager, Julie Richings, Principal Licensing Officer; and Helen Thompson, Lawyer (Litigation).

The Principal Licensing Officer introduced the application for a Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by the applicant’s legal representative pertaining to the application for the sale of alcohol (indoors and outdoors) between the hours of 8.00 and 02:30 every day; regulated entertainment between the hours of 8:00 and 03:00 every day; films 24 hours every day; late night refreshment between the hours of 23:00 and 05:00 every day; premises opening hours 24 hours every day; and non-standard/seasonal timings for the sale of alcohol, plays, live music, recorded music, performance of dance and late night refreshment – an additional hour on the day that British Summertime commences; and from the end of permitted hours in New Year’s Eve to the start of permitted hours on New Year’s Day.

Representation had been received from Mr Stephen Twist, president of the south Terrace Resident’s Group and a local resident who made their representations based on the prevention of public nuisance.

The applicant’s legal representative responded to the ‘points for clarification’ as outlined in the submitted report.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005; and the Secretary of State’s Guidance in relation to the prevention of public nuisance; and Guidance issued under Section 182 of the Licensing Act 2003, and in accordance

with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received'.

In arriving at their decision, Members were particularly mindful of Sections 6.1-6.3 of the Council's Licensing Policy in relation to Public Nuisance and the impact of licensable activities; Section 8.3-8.6.1 Public Nuisance in relation to Location and Impact of Activity; and Section 11.5.1 in relation to Film Exhibitions.

In reaching their decision, Members decided to grant the application on the basis that, despite the concerns of local residents, no evidence had been offered to support the assertion that they would be disturbed by patrons leaving the cinema, which would warrant further interventions, by the licensing authority.

The Members also felt that there were sufficient car parking facilities offered in the area which should address the issue of patrons parking their vehicles in surrounding residential areas, and that should this prove not to be the case, there were alternative measures that could effectively deal with the problem should it arise.

RESOLVED – The application be granted subject to the proposed operating schedule with amendments to two of the conditions (which had been agreed by the applicant and objectors during the course of the meeting), and in addition to the mandatory conditions attached to the licence and a further additional condition, which Members imposed at the hearing. The licence conditions are detailed below:

1. A tamper proof CCTV system shall be installed, maintained and operated in the premises in liaison with and to the satisfaction of the police and shall be used to record during all hours the premises are open to the public.
2. Notices stating that CCTV is in operation shall be displayed throughout the venue.
3. Sale of alcohol shall cease at 02:30 or 30 minutes after the commencement of the last film to be shown, whichever is the earlier.
4. Each auditorium shall be visited by a member of staff during each film showing to monitor screens and the behaviour of customers. These staff shall be issued with night vision goggles or equivalent.
5. The occupancy capacity of the premises shall be identified by way of a Risk Assessment.
6. All staff shall receive training in emergency evacuation procedures.
7. The premises shall operate the Challenge 25 Scheme. Notices setting out this policy shall be displayed within the premises.
8. All staff involved in the sale of alcohol shall be properly trained in accordance with the premises licence holder's own training programme, and retrained every 6 months. Training records shall be made available to the police or authorised officer of the licensing authority on request.
9. An alcohol refusal register shall be maintained. This shall be made available for inspection to the police or authorised officer of the licensing authority on

request.

10. Alcohol shall only be sold to persons who have been granted admittance to the premises by the purchase of a ticket to see a film.
11. Signs shall be prominently displayed at each exit reminding patrons that the cinema is close to residential properties and requesting that they leave quietly.