

## **Licensing/Gambling Hearing**

**To:** Councillors Moore, B Watson and D'Agorne  
**Date:** Thursday, 6 September 2007  
**Time:** 10.00 am  
**Venue:** The Guildhall

### **A G E N D A**

**1. Chair**

To elect a Member to act as Chair of the meeting.

**2. Introductions**

**3. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**4. Exclusion of Press and Public**

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 2 & 4 to Agenda Item 5 as provided by the Data Protection Act 1998.

**5. The Determination of an Application by Reel Cinemas (UK) Ltd for a Premises Licence [Section 18 (3)(a)] in respect of Reel Cinema, Blossom Street, York, YO24 2AJ. (CYC-013089)**

**If you require any further information, please contact Tracy Wallis on Tel 01904 552062 or Fax 01904 551035 or email [tracy.wallis@york.gov.uk](mailto:tracy.wallis@york.gov.uk)**

**Distribution:**

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS**

### **Introduction**

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

**In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned.** In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

### **Representations at Licensing Hearings**

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

**The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.**

Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

### **Procedure prior to the Hearing**

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

**Procedure at the Hearing**

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties

13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
15. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor (*if present*) on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

#### **Procedure after the Hearing**

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
  - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
  - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
  - section 105(2)(a) (counter notice following police objection to temporary event notice)
  - section 167(5)(a) (review of premises licence following closure order)
  - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

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اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

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- Applicant
- Representors & the relevant Responsible Authorities

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**Licensing Act 2003 Sub Committee****6 September 2007**

Report of the Director of Neighbourhood Services

**Section 18(3)(a) Application for a premise licence for Reel Cinema, Blossom Street, York, YO24 2AJ****Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-013089
3. Name of applicant: Reel Cinemas (UK) Ltd
4. Type of authorisation applied for: Grant of Premises Licence.
5. Summary of application: The nature of the application is to provide regulated entertainment consisting of plays, films, live music, recorded music and performance of dance and the provision of entertainment facilities for making music and dancing, Monday to Sunday 09:00 hours to 04:00 hours.

**Background**

6. A copy of the application is attached at Annex 1.

**Promotion Of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. The prevention of crime and disorder: No specific steps other than those indicated in 10 and 11.
9. Public safety: No specific steps other than those indicated in 10 and 11.
10. The prevention of public nuisance: Systems in place for the orderly management of cinema patrons in and on entering and leaving the building will be effective also for those attending other activities. Intended general ambiance of the premises and licensable activities to be carried out makes it unlikely that there will be any problem or disturbance outside the premises.

11. The protection of children from harm: Compliance with film classification restrictions are mandatory conditions in respect of the exhibition of films. Cinema staff have training and experience in checking the ages of younger patrons. Younger patrons to show evidence of age and identity before being admitted to film performances. Appropriate staff training is given.

### **Special Policy Consideration**

12. The premises fall within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The special policy was approved by the licensing committee on 1 April 2005 and considered by full council on 12 April 2005, a copy of the special policy statement is attached at Annex 8.

### **Consultation**

13. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
14. All procedural aspects of this application have been complied with.

### **Summary of Representations made by Responsible Authorities**

15. A representation was received from North Yorkshire Police on the grounds of crime and disorder. The representation was subsequently withdrawn as the applicant agreed to the following conditions being attached to the licence; 1) CCTV is to be installed and maintained in accordance with the Information Commissioner's CCTV Code of Practice. 2) Late night refreshment will be provided only to bona-fide patrons of the cinema and its staff. 3) Suitable door staff licensed by the SIA will be provided to work at the premises for cinema performances commencing after 12 midnight.
16. A further representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety. The representation was subsequently withdrawn as the applicant agreed to the following conditions relating to occupancy being attached to the premises; Screen 1 – 823 persons, Screen 2 – 111 persons plus 2 disabled, Screen 3 – 111 persons plus 2 disabled.

### **Summary of Representations made by Interested Parties**

17. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
18. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5.
19. An “interested party” is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
20. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Planning Issues**

21. There are no planning issues in relation to these premises.

### **Options**

22. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
23. Option 1: Grant the licence in the terms applied for.
24. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
26. Option 4: Reject the application.

### **Analysis**

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Corporate Priorities**

32. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
33. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

### **Implications**

34.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

### **Risk Management**

35. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

## Recommendations

37. Members determine the application.

### Contact Details

**Author:**

John Lacy  
Acting Licence Manager  
Licensing & Regulation

Ext: 1593

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
Neighbourhood Services

Ext: 1814

**Report Approved**



**Date** 28 August 2007

**Specialist Implications Officer(s)**

Suzan Hemingway  
Head of Legal & Democratic Legal Services

Ext: 1004

**Wards Affected: Micklegate**

**For further information please contact the author of the report**

### Background Papers:

**Annex 1** - Application form

**Annex 2 (Confidential)** - List of Interested Parties

**Annex 3** - Representations from Interested Parties

**Annex 4 (Confidential)** - Map of area indicating addresses of Interested Parties

**Annex 5** - Map showing general area from which representations received

**Annex 6** - Mandatory Conditions

**Annex 7** - City Centre Special Policy Statement

**Annex 8** - Legislation and Policy Considerations

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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I/We** REEL CINEMAS (UK) LTD

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> REEL CINEMA BLOSSOM STREET			
<b>Post town</b>	YORK	<b>Post code</b>	YO2 2AJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£34250

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name REEL CINEMAS (uk) LTD
Address 7 CATTLE MARKET LOUGHBOROUGH LE11 3DL
Registered number (where applicable) 6113430
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) 01509 210400
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
10	07	2007

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year



Please give a general description of the premises (please read guidance note 1)

A cinema for many years, and most recently known as The Odeon, The Reel Cinema has been refurbished to the highest modern specifications by the Loughborough-based Reel Cinema Group. It comprises 3 cinema auditoria which enable a variety of different films catering for different tastes and interests to be shown at any time, plus entrance, ticket office and foyer areas. Of the 3 auditoria 2 are small and intimate. The 3<sup>rd</sup> is larger. Total seating capacity is 1062.

Principally the premises are a cinema and the principal licensable activity to be carried on will be the exhibition of films. Occasionally there may be musical events (live or recorded), with or without dancing, or plays. These will not be the main activity and their size and scale will be commensurate with the capacities of the auditoria and the size of the premises overall. Refreshments - hot and cold - will be available for patrons. Facilities for the supply of alcohol are not included.

Normally the premises will open mid morning and the last performance of the last film end between 11pm and midnight. Occasionally there will be special events - premieres, receptions, private showings and other events - when there will be a late showing of a film. These will be the exception rather than the rule but the extended hours will allow these to take place with a minimum of formality.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of entertainment facilities:**

- |   |                                     |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/>            |
| j) dancing (if ticking yes, fill in box J)      | <input checked="" type="checkbox"/> |

- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

☐

**Provision of late night refreshment** (if ticking yes, fill in box L)

☒

**Supply of alcohol** (if ticking yes, fill in box M)

☐

**In all cases complete boxes N, O and P**

## A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>	
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Wed				
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun				



I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
					<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)
			Indoors		<input type="checkbox"/>
			Outdoors		<input type="checkbox"/>
Both		<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400			
	0900	2400			
Thur	0000	0400	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
	0900	2400			
Fri	0000	0400			
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
	1000	2400			

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0000	0400			
	0900	2400			
Tue	0000	0400			
	0900	2400			
Wed	0000	0400	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
	0900	2400			
Thur	0000	0400			
	0900	2400			
Fri	0000	0400	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
	0900	2400			
Sat	0000	0400			
	0900	2400			
Sun	0000	0400			
	1000	2400			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

N

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

**NONE BUT OF COURSE MANDATORY CONDITION UNDER S.20 WILL APPLY TO EXHIBITION OF FILMS**

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Mon	0000	0500	
	0900	2400	
Tue	0000	0500	
	0900	2400	
Wed	0000	0500	
	0900	2400	
Thur	0000	0500	
	0900	2400	
Fri	0000	0500	
	0900	2400	
Sat	0000	0500	
	0900	2400	
Sun	0000	0500	
	1000	2400	

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

There is a long established system of film classification with restrictions on the admission to certain films of persons under 18 - and in the case of some films their exclusion altogether. Compliance with this system will be a mandatory condition in respect of the exhibition of films. The system means that the cinema staff already have both training and experience in checking the ages of younger patrons and are well used to doing this. It also means that younger patrons (and those who might be taken as younger) are accustomed to bring with them and to have to show evidence of age and of identity before being admitted to film performances. Appropriate staff training will continue to be given. Systems in place for the orderly management of cinema patrons in and on entering and leaving the building will be effective also for those attending other activities. The intended general ambience of the premises makes it very unlikely that they or the licenseable activities to be carried on there will cause any problem or disturbance outside the premises.

**b) The prevention of crime and disorder**

No specific steps other than those indicated above are considered necessary to promote this objective.

**c) Public safety**

No specific steps other than those indicated above are considered necessary to promote this objective.

**d) The prevention of public nuisance**

No specific steps other than those indicated above are considered necessary to promote this objective.

**e) The protection of children from harm**

No specific steps other than those indicated above are considered necessary to promote this objective.


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	07.06.07
Capacity	SOLICITORS FOR APPLICANT

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	



<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13)			
Moss Solicitors (Ref: DC.58894.Reel Cinemas) 80-81 Woodgate (DX 19605 LOUGHBOROUGH)			
<b>Post town</b>	LOUGHBOROUGH	<b>Post code</b>	LE11 2XE
<b>Telephone number (if any)</b>	01509 217770		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			
d.cooper@moss-solicitors.co.uk			

### Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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(1)

CITY OF YORK  
DEDS

19 JUL 2007

RECEIVED

South parade, York, [REDACTED]

18.vii.07

Dear Council Committee Members,

I urge you to reject the application for the exaggeratedly extensive licensing hours (until 4.00 a.m. 7 days a week) at this place of 'entertainment'. A cinema can make money and still close at 11.30 or midnight (CF City Screen). The hours after midnight until 4.00 a.m. constitute extremely anti-social hours by any standards and are being sought simply as a result of commercial greed. It is vital that York City Council sends a clear message that it regards the social health of its residents and the appearance of a major entryroute into York more highly than the profit-interests and greed of one commercial company.

The reasons why I object to licensing the cinema to hours after midnight are:

- 1) Late-night 'entertainment', and associated drinking and eating (fast food) will detrimentally impact on Blossom street, Micklegate, and South Parade, where a large number of people, including children, live. I live in South parade and our sleep and our 7 year old's sleep will be disrupted until 4.00 a.m. every night of the week, if the license is granted.
- 2) Late night 'entertainment' is linked clearly to anti-social behaviour. York Council currently tries to address anti-social behaviour through policing and a policy of alleygating and such like. It is time for joined-up thinking. Refusing extended hours to licensed properties in the first place will actually reduce the anti-social behaviour, and obviate the need to close up ~~public~~ <sup>public</sup> streets in response to it. I.e., address the causes of anti-social behavior, which include late-night licensing hours, rather than simply chase up after it!
- 3) Granting a license to the cinema to remain open until 4.00 a.m. will inevitably unleash many further applications for equally long opening hours from businesses, including pubs, drinking dens, and fastfood outlets in the vicinity. This will detrimentally impact on the appearance of the area (litter, broken glass, used syringes) and on the mental and physical health of residents.

4) Depression and illness are far commoner in people who work night shifts than in those who work day-shifts. There is absolutely no need and no good reason (though there are many bad reasons) to extend the working day into the small hours. It is bad for the workers' health; and it will be damaging to the health of residents who are disturbed at night by the inevitable rowdiness, car doors slamming, and general noise as people arrive and leave throughout the small hours until 4.00 a.m.

5) Blossom street is an important entryway for visitors to York. It should be a beautiful showcase to the 18thC architectural splendours of the city, not a sub-Las Vegas sleezey area filled with drunken individuals late at night, litter, broken glass, and a squalid appearance.

It is time for York Council to put the health and well-being of its residents before the short-term commercial interests of a private firm.

For these reasons I urge you to reject the application.

Yours faithfully,

A black rectangular redaction mark covering the signature of the sender.

2

SOUTH PARADE SOCIETY

- 3 AUG 2007

RECEIVED

C/o South Parade,  
York

1-8-07.

Dear Sirs,

Subject – License Application by Reel Cinemas (UK) Ltd.  
The ODEON, Blossom Street.

Having viewed Reel Cinemas License Application form for the Odeon Cinema we have the following comments to make:-

We query and object to the very late closing time applied for by Reel Cinemas.

A four o'clock am. potential closing time seven days a week is quite unnecessary; especially as they claim that a normal closing time will be between eleven pm. and midnight.

If, as they claim the four am. closing time will be for infrequent special events, then they can apply for an extension as and when needed; at least in this way there will be proper control exercised.

As a local residents association we are pleased that the Odeon will remain a Cinema and that no request was made in the Application to serve or sell alcohol.

Yours faithfully,

[Redacted Signature]

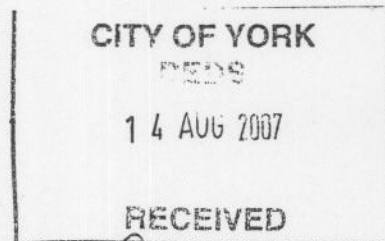
[Redacted Name] (Chairman)

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGEMENT  
DATE 07/08/07



119129

(3)



Reel Cinema  
South Parade  
Yuk.

The Odeon Cinema 13<sup>th</sup> August 2007.

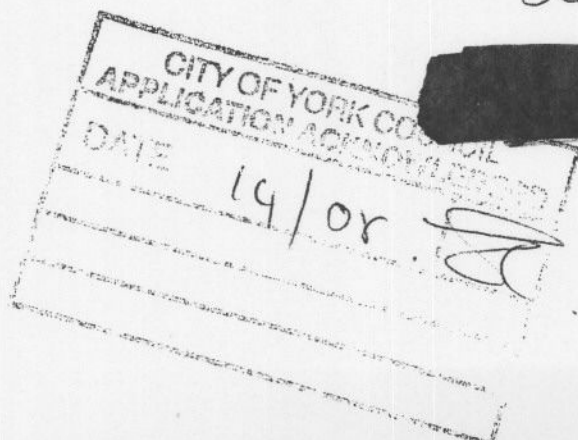
Dear Sirs,

I am delighted that the Odeon Cinema will reopen again it will be good to visit it.

But I am concerned that it may stay open until 4 A.M., I would have thought that 12 midnight is late enough.

This is a residential road & we do value the quiet nights so I do hope that the licence will take this into consideration.

Sincerely,



(4)

1

The Crescent,  
Blossom Street  
York.

16-08-07.



City of York.  
Licensing Section.  
9 St Leonards Place,  
York.  
YO1 7ET.

Ref. CYC 013089.

Dear Sir,

Although I am pleased that the Odeon Cinema is to re open, I am appalled and horrified that Real Cinemas have applied for opening hours 9AM to 4.00AM + 1 hour to 5AM. seven days a week, with this will come car engines and doors slamming plus peoples voices laughing chatting & shouting.

There are more than twenty individual residential households in the Crescent. - when do they

get to rest <sup>2</sup> and sleep if not at night?

The Crescent is a curved terrace of five story high houses - built circa. 1860. On the other side of the road is the side wall of the cinema (with two exits on to the car park) built 1937 (see sketch) As you will see this forms an area almost enclosed by high buildings - which means that any noise is magnified as it echoes and bounces off the buildings. If these hours are allowed they will produce disturbance and public nuisance throughout the night. At present the Crescent is quiet during the night enabling the residents to get their rest.

The city report dated Feb. 2007 stated that it was aware of the increase in late night noise - this will



add another <sup>3</sup> area ~~to~~ to the areas already affected.

I note also that Blossom Street (and ~~is~~ therefore The Crescent) is in the Cumulative Impact Area and understanding that this area is deemed to have more than enough late licenses without ~~adding~~ granting new ones.

Basically The Crescent is residential and therefore totally unsuitable for these all night hours proposed.

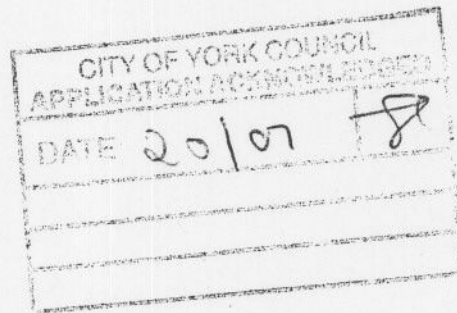
Cinemas usually finish showing films around 11PM or on occasions around 12 o'clock in which case hours 9.00AM to midnight or on occasion 9.00AM to 1AM should be sufficient.

May I also suggest that Reel should have to ask for temporary events as they are needed.

where do Reel Cinemas plan to accommodate smokers in view of the new no smoking laws - will they be also

adding to the <sup>4</sup>noise etc. in the  
car park?

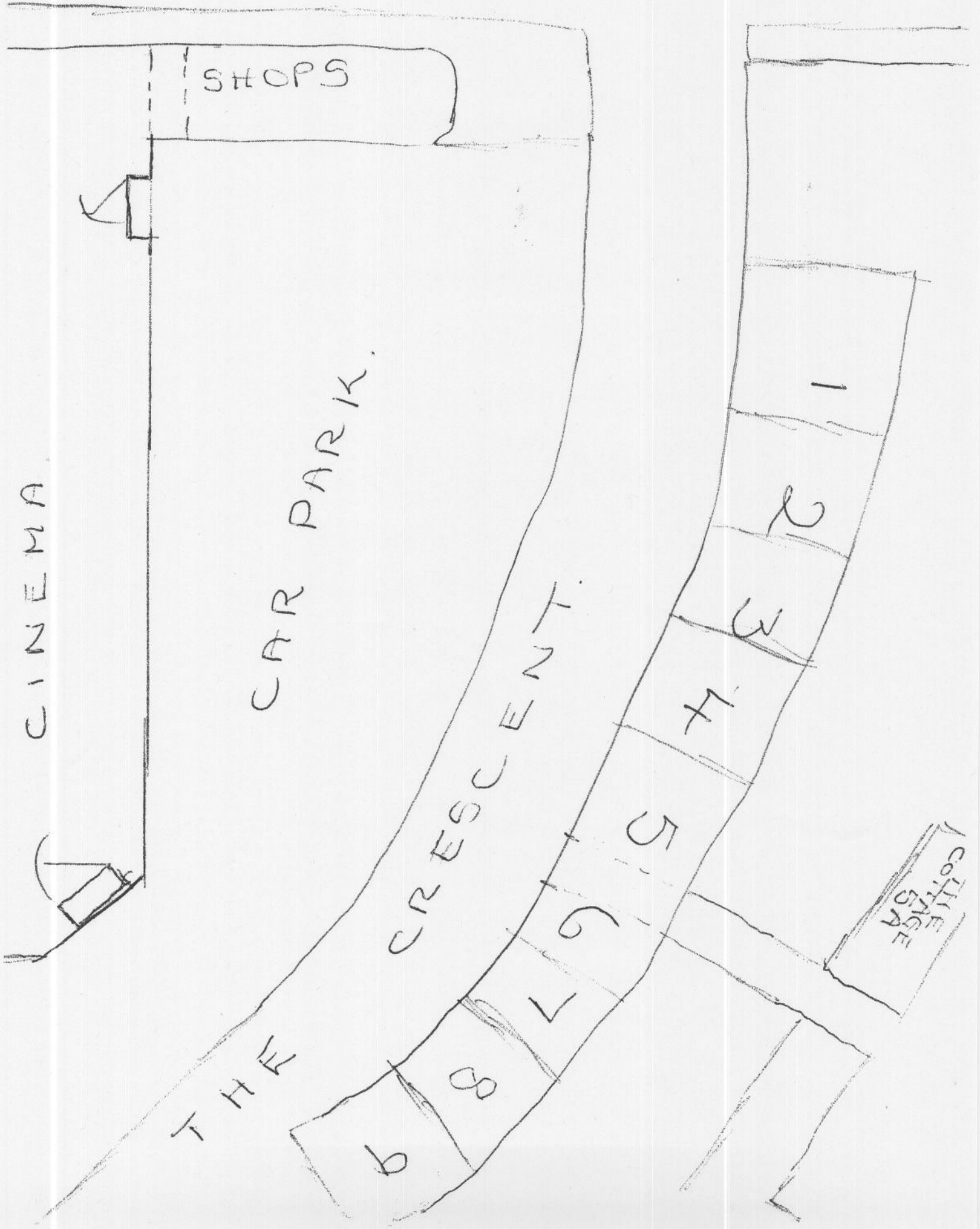
yours faithfully



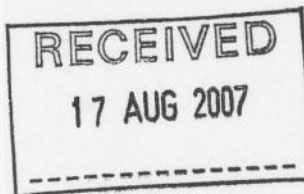


BLOSSOM

STREET.



5



South Parade  
York  
Aug 17 2007

City of York council  
licensing Section  
9 St Leonard's Place  
YORK  
YO1 7ET

Dear Sir

Ref. Odeon Cinema, Blossom St

I am writing in connection with the new operating license application from Reel Cinemas (UK).

While we welcome the planned refurbishment and re-opening of this building as a cinema, we have strong reservations about the extended opening hours of opening proposed. The building is in a predominately residential area where a midnight closure is quite late enough. The application requests a license for operation between 9.00am and 4.00am seven days a week but only for 'occasional' (but unlimited) special events. Departing customers will create noise, traffic and disruption and if a license is granted on these terms we can expect this to be an increasing occurrence if these events are a commercial success for the company.

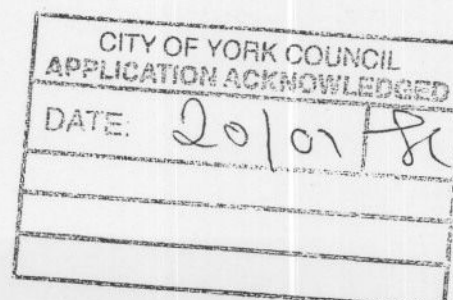
This would clearly put an additional strain on the surrounding residents who are already burdened with noisy, often drunken and inconsiderate late-nighters returning from Micklegate who regularly drop litter, vomit and urinate (and worse) in our gardens and on our doorsteps.

The Micklegate and Blossom Street area of the city has too many clubs, pubs and venues as things stand creating pressures for the surrounding areas. Adding more potential for late night noise and disturbance should be strongly rejected. Those 'occasional' special events should be the subject of individual temporary license applications, and these should be kept to a minimum.

As residents of the City of York and council tax payers we have a right to expect to be able to sleep at night and it is the duty of the elected Council to protect and support these rights.

Yours sincerely,

[Redacted signature]



6

To

The City of York Council,  
Licensing Section,  
9 St Leonards Place,  
York YO1 7ET



Dear Sir/Madam,

Sub: Resident's displeasure over the proposed timings of REEL Cinema, York.

I am a resident of Flat 2, 2 The Crescent, York. I have recently come to know that the Odeon Cinema right across our house has been taken over by REEL CINEMA (UK) Ltd and they have plans of running this cinema hall from 9:00AM to 4:00AM next morning.

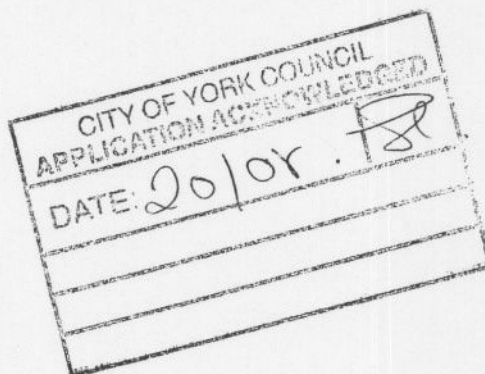
I will sincerely like to state that if the timings proposed here are correct, they are very odd and will be quite unpleasant from the point of view of the Crescent residents. The proposed timings (especially the closing time of 4:00 AM in the morning) will be detrimental to the life of the residents of this area. These timings will potentially create huge nuisance value, with which I and the other residents have to grapple everyday.

With this letter, I will like to convey my unhappiness over these timings and will request the city council to look into this issue and address it suitably taking into consideration the peaceful living of the residents of Crescent.

Thanking You.

Sincerely yours,

[Redacted]  
[Redacted] The Crescent  
York [Redacted]



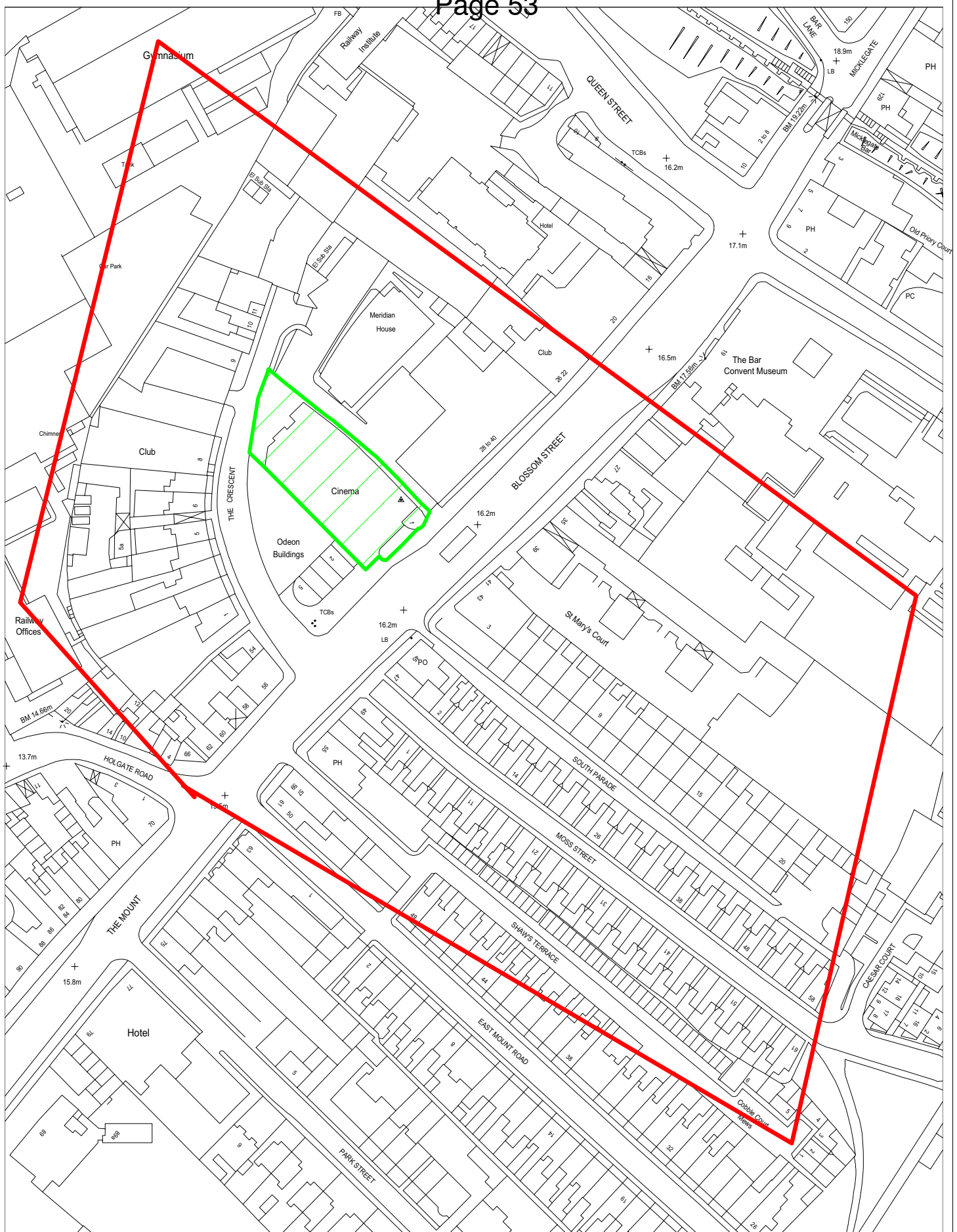
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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CITY OF  
**YORK**  
COUNCIL

9, St Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

## REEL CINEMA, BLOSSOM STREET

SCALE 1:1500  
Originating Group

DRAWN BY PSL  
Project

DATE 22/8/2007  
Drawing No.

RCBS1A



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**MANDATORY CONDITIONS – PREMISES LICENCE  
LICENSING ACT 2003**

**MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**MANDATORY CONDITION: DOOR SUPERVISION**

- (1) In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to –
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **6.3 CITY CENTRE SPECIAL POLICY STATEMENT**

This Special Policy was approved by the City of York on 12 April 2005 and shall have effect from 13th April 2005 to 6 January 2008 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with that document.

This Special Policy relates to the following streets:

Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith, Peckitt Street, Blossom Street (to Holgate Road) and The Crescent (see Appendix K, Map of Special Policy Area).

This area has been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of late night drink led, refreshment and entertainment premises on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

#### **Effects of the Special Policy**

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
2. Each application will be considered on its own merits.
3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
4. Applications for the grant of a new premises licence or club premises certificate or provisional statement :

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation :

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

## **MANDATORY CONDITIONS – PREMISES LICENCE LICENSING ACT 2003**

### **MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
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  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **MANDATORY CONDITION: EXHIBITION OF FILMS**

- (1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where –
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### **MANDATORY CONDITION: DOOR SUPERVISION**

- (1) In accordance with section 21 of the Licensing Act 2003, where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed –
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to –
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section –
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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