
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

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Report Approved

Date 28 August 2007

Specialist Implications Officer(s)

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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