

Licensing Sub-Committee

Premise Licence Determination Hearing

19 November 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To provide an outline of an application to for the grant of a Premises Licence in relation to Vue Cinema, Bure Place, Bicester and detail the representations received from Interested Parties that have resulted in the need for a hearing to determine the application.

This report is public

Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) approve the application for the grant of a premises licence as submitted
- (2) reject the application for the grant of premises licence in whole or part
- (3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Executive Summary

Introduction

- 1.1 On 24 September 2012, the Licensing Authority received an application for the grant of a premises licence to permit regulated entertainment, provision of entertainment facilities, provision of late night refreshment and Sale by retail of alcohol at Vue Cinema, Bure Place in Bicester.
- 1.2 The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The Guidance issued under Section 182 of the Licensing Act 2003 states:

Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times. But the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
- *the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
- *greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
- *the encouragement of more family friendly premises where younger children can be free to go with the family;*
- *the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities.*

1.4 For the Licensing Authority to accept a representation as relevant, it must firstly address one or all of the four licensing objectives and the likely effect of the grant of the premises licence upon the promotion of those objectives. The licensing authority must then determine whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

1.5 During the consultation period the Licensing Authority received representations from a number of Interested Parties. Full details of all relevant representations received are included at paragraph 2 of this report.

Proposals

1.6 The applicant has proposed to provide the following regulated activities for the days and times specified:

Plays; Live Music / Recorded Music; Performance of Dance; Provision of

facilities for Making Music; Provision of facilities for Dancing;

Monday – Sunday inclusive from 09:00 to 03:00 the following morning,
indoors only

Films

Monday – Sunday inclusive for 24 hours, indoors only

Late Night Refreshment;

Monday – Sunday inclusive from 23:00 to 05:00 the following morning,
indoors and outdoors

Sale(by retail) of Alcohol;

Monday – Sunday inclusive from 09:00 to 02:30 the following morning
For consumption on the premises only

1.7 The applicant has proposed the following opening hours for the premises:

Monday – Sunday inclusive for 24 hours

1.8 In addition to the above times, the applicant has requested the following non standard timings for all licensable activities permitted by the premises licence:

- An additional hour on the day that British Summertime commences
- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Background Information

- 2.1 A full copy of the application, including plans of the location to be licensed submitted by the applicant is attached at Appendix 1.
- 2.2 During the consultation period, a total of 53 representations were received in respect of this application from 42 individual addresses.
- 2.3 On 24 September 2012, the Licensing Authority received a response to the application from Trading Standards advising they had no objections to the application. A copy of the correspondence is attached at Appendix 2.
- 2.4 On 10 October 2012, the Licensing Authority received a response to the application from Oxfordshire County Council Fire and Rescue Service advising they had no objections to the application. A copy of the correspondence is attached at Appendix 3.
- 2.5 On 26 September 2012, the Licensing Authority received a response to the application from the Anti Social Behaviour Manager at Cherwell District

Council advising they had no objections to the application. A copy of the correspondence is attached at Appendix 4.

- 2.6 At the end of the consultation period, Rob Lowther, the Anti Social Behaviour Manager reviewed the responses from interested parties that had referred to a potential for noise nuisance or anti social behaviour coming from the premises. Whilst Mr Lowther still has no objections to the application, he prepared a response in relation to the points raised. This response is attached to the report as Appendix 5.
- 2.7 On 24 September 2012, an email was sent by Laura Morris, Licensing Officer for Thames Valley Police, requesting the applicant amended their application to refer to Thames Valley Police rather than the Metropolitan Police. This was agreed by the applicant's solicitor. Further to this, on 25 September 2012, the Licensing Authority received a response to the application from the Thames Valley Police advising they had no objections to the application. A copy of the correspondence is attached at Appendix 6 and 7 respectively.
- 2.8 By 12 October 2012, 7 objections had been received from interested parties opposing the application. As a result, the applicant's solicitor arranged for a meeting to be held on 16 October 2012 with the applicant to discuss their concerns. The meeting was attended by Mr Kam Dosanjh, Operations Manager for Vue Cinema, Claire Bold, Licensing Team Leader at Cherwell District Council and interested parties who had made representation up until this date.
- 2.9 On 17 October 2012, Claire Bold wrote to all attendees and the applicant summarising the main points that were raised at the meeting. A copy of the letter sent is attached to the report at Appendix 8.
- 2.10 Some of the concerns raised at the meeting were not directly attributed to the premises licence application and were more concerned with the whole development in Bure Place, Bicester. As a result, these concerns have been forwarded to the relevant departments in Cherwell District Council and Oxfordshire County Council to be addressed.
- 2.11 By the end of the consultation period, 53 objections had been received opposing the application. All of the objections were concerned with the opening times of the premises, the possibility of associated noise nuisance from persons leaving the premises on foot and by car, the sale of alcohol and possible disturbance from light pollution. Full copies of all the objections received from interested parties are attached to this report at Appendix 9.
- 2.12 On 23 October 2012, further correspondence was received from Mr Clark-Dunn and Councillor Mould in addition to their initial objections. Copies of this correspondence are included in Appendix 9.
- 2.13 On 23 October 2012, a representation opposing the application and suggesting amendments to the proposed premises licence was submitted by Councillor Lawrie Stratford, on behalf of the local residents. Councillor Stratford's objection is attached to the report at Appendix 9.
- 2.14 A Map showing the location of the premises in relation to the location of the Interested Party properties is attached at Appendix 10.

Key Issues for Consideration/Reasons for Decision and Options

3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of crime and disorder and the prevention of public nuisance.

3.3 Details of how the applicant intends to promote the four licensing objectives in general in addition to specifically related to promotion of the prevention of crime and disorder objective and the promotion of the prevention of public nuisance objective is given below:

Objective	Applicants response
General	See below
Prevention of crime & disorder	<ol style="list-style-type: none"> 1. Notices stating that CCTV is in operation will be displayed throughout the venue; 2. A tamper proof CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of Thames Valley Police and shall be used to record during all hours the premises are open to the public. 3. Sale of alcohol will cease at 02:30 or 30 minutes before the end of the last film showing at the premises whichever is the earlier 4. Each auditoria is visited by a member of staff during film showings to monitor screens and the behaviour of customers. These staff are issued with night vision goggles or equivalent.
Prevention of public nuisance	<ol style="list-style-type: none"> 1. Considering the nature and location of the premises it is not considered that any steps are required to promote this licensing objective.

3.4 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003,
APRIL 2012:**

Pages 77 – 78	Sections 10.12 – 10.19	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 78	Sections 10.20 – 10.22	Hours of Trading
Pages 8 – 11	Sections 2.1 – 2.16	Crime & Disorder
Pages 15 – 16	Sections 2.33 – 2.40	Public Nuisance

**CHERWELL DISTRICT COUNCIL STATEMENT OF LICENSING POLICY,
JANUARY 2010:**

Page 1	Policy GN1	Sections 1.1.1 – 1.1.2	Objectives
Pages 3 - 4	N/A	Sections 2.5.1 – 2.5.13	Fundamental Principles
Pages 5 - 6	Policy GN8	Sections 2.10.1 – 2.10.2	Planning & Building Control
Page 8	N/A	Sections 2.10.1 – 2.10.2	Non-Licensing Issues
Pages 12-14	Policies LH1 – LH8	Sections 5.1 – 5.7	Licensing Hours
Pages 19-21	Policies LA4 – LA6	Sections 7.3.1 – 7.3.13	General Prevention Of Public Nuisance including Addressing Local Concerns and Management and Control
Pages 32 - 38	Policies OS1 – OS18	Sections 8.1.1 – 8.8.2	Operating Schedules including addressing Crime & Disorder and Public Nuisance

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Approve the application for the grant of a premises licence as submitted
- Option Two** Reject the application for the grant of premises licence in whole or part
- Option Three** Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Consultations

The applicant carried out a full consultation in accordance with the requirements of the Licensing Act 2003 for a period of 28 days ending at midnight on 23 October 2012.

Implications

Financial:	There are no financial implications of this report Comments checked by Kate Drinkwater, Service Accountant 01327 322188,
Legal:	The decision must comply with relevant legislation and Council Policy. All parties have a right of Appeal to the Magistrates Court against the decision Comments checked by Paul Manning, Solicitor, 01295 221691
Risk Management:	There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful. Comments checked by Nigel Bell, Planning and Litigation Team Leader, 01295 221687

Wards Affected

Bicester Town Ward

Document Information

Appendix No	Title
1	Application for a premises licence to be granted under the Licensing Act 2003 in respect of the Vue Cinema, Bure Place, Bicester
2	Representation from Hollie Franks of the Trading Standards Service at Oxfordshire County Council
3	Representation from Steve Briggs of Oxfordshire County Council Fire and Rescue Service
4	Representation from Rob Lowther of the Anti Social Behaviour Team at Cherwell District Council
5	Further correspondence from Rob Lowther of the Anti Social Behaviour Team at Cherwell District Council
6	Email from Laura Morris of the Licensing Team at Thames Valley Police
7	Representation from Laura Morris of the Licensing Team at Thames Valley Police
8	Letter from Claire Bold, Licensing Team Leader at Cherwell District Council following meeting held on 16 October 2012.
9	Letters of objection from all 53 Interested Parties, including further correspondence from Mr Clark-Dunn and Councillor Mould.
10	Map showing the location of the Interested Party properties in relation to the premises.
Background Papers	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them to the meeting.	
Report Author	Claire Bold, Licensing Team Leader
Contact Information	01295 753741 claire.bold@cherwell-dc.gov.uk