

**WILTSHIRE COUNCIL**

**NORTHERN AREA LICENSING SUB COMMITTEE**

**23<sup>rd</sup> May 2013**

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**Application for a Variation of a Premises Licence; Reel Cinema,  
91A Marshfield Road, Chippenham SN15 1JR**

**1. Purpose of Report**

1.1 To determine an application for a Variation of a Premises Licence in respect of Reel Cinema, 91A Marshfield Road, Chippenham made by Reel Cinemas Limited.

**2. Background Information**

2.1 An application to vary a Premises Licence in respect of Reel Cinema has been made by Reel Cinema Limited for which twelve (12) relevant representations have been received.

2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy

2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

2.4 Such steps are:

- i) To modify the conditions of the licence.
- ii) To reject the whole or part of the application;  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

2.5 On 22 March 2013 the Licensing Authority received an application to vary the Premises Licence ( LN 3014) which was accepted as a valid application.

2.6 The variation application as applied for, is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Recorded music ( indoor only)	09:00 to 02:30	Daily
Provision of late night refreshment (patrons only)	23:00 to 02:30	Daily
Sale by retail of alcohol (on site only)	11:00 to 00:00	Daily
Hours Premises Open to the Public	09:00 to 02:30	Daily

A copy of the application from Reel Cinemas Limited is attached as **Appendix 1**.

**2.7** The premise has been licensed for the provision of film under the Licensing Act 2003 since November 2005. Prior to the change in legislation it has been licensed under the Cinemas Act 1985. Reel Cinemas Limited took over the current premises licence LN/3014 in April 2006 from Picturedome Theatres Limited. A copy of the current licence is attached as **Appendix 2**

### **3. Consultation and Representations**

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park Chippenham. During the consultation period relevant representations have been received from one Responsible Authority and eleven from other persons.

#### **3.2 Responsible Authority**

- Public Protection Noise Team (withdrawn)

#### **3.3 Other Relevant Representations**

- Mr Pennell 30 St Pauls Street Chippenham
- Mrs Merrett 5 Springfield Buildings Chippenham
- Mr & Mrs Newey 27 Marshfield Road Chippenham
- Mr & Mrs Causer 9 Marshfield Road Chippenham
- Miss Carine 2 Springfield Road Chippenham
- Mr King 8 Marshfield Road Chippenham
- Ms Williams Flat 2 Kilvert House Dallas Road Chippenham
- Chippenham Civic Society
- *Miss Reed 4 Springfield Buildings Chippenham*  
(Withdrawn)
- *Mr & Mrs Powell 87 Marshfield Road Chippenham*  
(Withdrawn)
- *Mr C Holden 89 Marshfield Road Chippenham*  
(Withdrawn)

3.4 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Noise Nuisance from internal and external areas Litter	Prevention of Public Nuisance	Yes	
Increase in antisocial behaviour	Prevention of public nuisance / Prevention of crime and disorder	Yes	

3.5 A copy of the representations is attached as **Appendix 3**

3.6 After the closing date for receipt of representations, the applicant's representative wrote an open letter to all the parties who had made a representation explaining in more detail their application. A copy of the letter is attached as **Appendix 4**

This letter was sent out by the licensing officer with a covering a letter from the licensing authority asking if the applicant had now addressed the concerns from those who had made a representation.

As a result three representations from relevant parties were withdrawn. A copy of the licensing authorities' letter and forms received back is attached as **Appendix 5**

3.7 The applicants representative wrote under separate cover to Mr Francis, Senior Environmental Health Officer to clarify the variation application and to address the concerns raised in the public protection noise teams representation. Following receipt of this letter Mr Francis has withdrawn their representation.

A copy of the letter sent to Mr Francis and confirmation of the withdrawal is attached as **Appendix 6**

A location plan is attached as **Appendix 7**

#### **4. Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, all Responsible Authorities and other persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those Responsible Authorities and other persons who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

## **5. Officer Recommendations**

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

## **6. Right of Appeal**

- 6.1 It should be noted that the Applicant, the Responsible Authority and persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any other person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by someone other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

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### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1 Variation application**
- 2 Premises Licence**
- 3 Relevant representations**
- 4 Letter from applicant**
- 5 Letter from licensing authority and returned forms**
- 6 Letter from applicant representative to Mr Francis**
- 7 Location Plan**