

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 23 MAY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN VARIATION OF PREMISES LICENSE - REEL CINEMA, MARSHFIELD ROAD, CHIPPENHAM, SN15 1JR

Present:

Cllr Desna Allen, Cllr Allison Bucknell and Cllr Trevor Carbin

Also Present:

Linda Holland (Licensing Officer), Paul Taylor (Senior Solicitor) and Samuel Bath (Democratic Services Officer)

Applicant:

Andrew Grimsey (Solicitor)
Muhammed Faisal (Operations Director of Reel Cinema's Limited)
Justin Kinsella-Wood (Designated Premise Supervisor)
Jeremy Howard (Site Manager)

Persons who made a relevant representation:

Mr Owen Pennell
Councillor Watts (on behalf of Mr & Mrs Newey)

6 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was;

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

7 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda).

8 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

9 **Declarations of Interest**

There were no interests declared.

10 **Licensing Application**

Application by Reel Cinema's Ltd for a Premises Licence at Reel Cinema, Marshfield Road, Chippenham, SN15 1JR

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. In addition the Licensing Officer drew attention to the representations that had been made originally, and those that had satisfactorily withdrawn following discussions with the applicant.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by the Mr Grimsey (representing the applicant) included the clarification on the premises intended usage. The Applicant stated that the premises were to be used as a Cinema and not as a nightclub, as had been suggested by some of the representations submitted.

It was stated that recorded music as listed on the application was purely for the use of background music, to create ambience in the foyer, and to be used prior screenings. It was stated that the condition that such music would not be audible outside of the building so as to not constitute a public nuisance, was included by the applicant to satisfy environmental health concerns. It was also stated that there would be no live music inside the venue, and that this was not included on the application for this reason.

The Applicant stated that serving Alcohol was a means to which Reel could increase revenue from existing custom. It was stated that Alcohol would be served only to ticket holders, and would be subject to the 'Challenge 25' policy. It was also stated that alcohol would be served in plastic containers, and that all glass bottles would be decanted.

The applicant requested to submit an image of a 'typical bar' used at other Reel Cinema premises. In accordance with policy, the persons who had made representations and the committee were consulted. After brief discussion, all parties and the committee approved their use.

The applicant stated that 'premium' brands of Alcohol would be stocked and sold at 'competitive', prices. It was clarified that this would not include the sale of alcohol at largely discounted prices.

The applicant also outlined that antisocial behaviour and drinking would be actively discouraged and managed by the staff, and that no Alcohol would be sold on site until the site manager had undertaken licensee training.

The Applicant stated that there had been no history of antisocial behaviour at the site, and that it was expected that this would continue following the introduction of alcohol as it would be consumed moderately and managed effectively by the establishment.

There were no further comments by the Applicant.

The persons who had made a relevant representation were then given the opportunity to ask questions of the Applicant.

Mr Owen Pennell stated that in the letter dated 22 April 2013, that a comment had been made "*you may be aware that other cinemas in Chippenham now offer alcoholic drinks with refreshments*". Mr Pennell asked the Applicant to which cinemas this referred.

The Applicant responded by stating that unfortunately the letter had been sent by a previous firm, who no longer represented the Applicant, and stated that there were no other cinemas in Chippenham and affirmed that the comment was incorrect.

Mr Pennell then asked the Applicant how it would manage potentially unruly patrons who had become intoxicated at the cinema who may then cause trouble in the local residential area.

The Applicant stated that all unruly patrons would be refused entry at first instance and that all customers who appear to have consumed 'too much' whilst on the premises would be refused service.

Councillor Watts stated that he had no questions to ask on behalf of Mr and Mrs Newey.

Councillor Allen questioned how the applicant planned to manage customers leaving the premises following consumption of alcohol, and how it would enforce the consumption of alcohol in designated areas of the building and manage noise outside of it.

The applicant responded by saying that CCTV would be in use on the premises and would be used to monitor both inside and outside the premises.

Councillor Bucknell then questioned the frequency of late night showings. The applicant clarified that late night showings were infrequent.

Councillor Bucknell then questioned the applicant on the arrangements for customers leaving the premises and the management of noise. The Applicant stated that for late night showings, an usher is used to guide people towards the exits and to manage noise spill on the street.

The key points raised by those who made a Relevant Representation were;

- Applicants have no control over intoxicated customers.
- Potential for noise nuisance in the residential area.
- Littering in the local area.

Mr Pennell attended and spoke against the application.
Councillor Watts attended on behalf of Mr & Mrs Newey.

Written representation was also made by;

Mrs Merrett;
Mr & Mrs Causer;
Miss Carine;
Mr King;
Ms Williams; and,
Chippenham Civic Society.

The applicant had no questions to ask of the persons who had made a relevant representation.

The sub-committee members asked the following questions;

Is there any evidence to suggest an increase in Anti Social Behaviour will occur? Mr Pennell replied that other than the increase in alcohol consumption and the possible problems this may bring, there was no concrete evidence to suggest there would be an increase in ASB. It was added that it could increase the littering problem along St Paul's road. Mr Kinsella-Wood stated that the Cinema would look into arranging a litter collection along the street to reduce the impact of littering if this proved to be a continuing problem.

Councillor Bucknell stated that while she sympathised with the concerns over the potential for increased ASB. It was discussed that the likely increase in ASB would not be substantial, and that coupled with the current nominal levels of ASB, only small scale problems would be expected.

Mr Pennell responded by saying that the cinema had allayed some of the concerns expressed, but that he had apprehension over raising a future review of the license should the need arise.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 13:40

The Hearing reconvened at 14:15.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council. It was;

Resolved:

That the Application for a Premises Licence/for a Variation of a Premises Licence at Reel Cinema, Marshfield Road, Chippenham, SN15 1JR be GRANTED as detailed below, subject to the following conditions;

- **Recorded music will be played at volumes that will not be audible outside the premises.**
- **Late night refreshments will only be sold to customers with a valid ticket to watch a film at the premises. The refreshments will only be for consumption on the premises only.**
- **The applicant will use “Challenge 25 scheme” and will ask anyone who looks under the age of 25 to provide proof of their age when buying alcohol or when purchasing a ticket for a film (as appropriate).**
- **Alcohol will only be sold to customers with a valid ticket to watch a film at the premises. Any customer who appears to be intoxicated will not be sold alcohol.**
- **Alcohol will only be sold for consumption on the premises and will be served in plastic or polycarbonate containers.**
- **All staff will be fully trained to check the age of any customer purchasing alcohol at the premises and will be instructed not to sell alcohol to anyone who appears to be intoxicated.**
- **Tickets will be checked and screens will be patrolled.**

- **CCTV with recording facilities will operate at all times that licensable activities take place. Images to be made available for inspection upon a reasonable request by police or other relevant officers of a responsible authority, and to be of sufficient quality to identify individuals. Recordings are to be retained for 30 days.**

A summary of the appeal process was then provided, and the meeting closed at 14:30

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk.

Press enquiries to Communications, direct line (01225) 713114/713115