

## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 10.00 am on 28 January 2013

### **Present:**

Councillors Nicholas Bennett J.P., John Carvin and Gordon Norrie

### **Also Present:**

Councillor Stephen Wells

#### **1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Nicholas Bennett J.P. was appointed Chairman for the meeting.

#### **2 DECLARATIONS OF INTEREST**

There were no declaration of interest.

#### **3 LICENSING SUB-COMMITTEE HEARING - PARK & SHOP ORPINGTON**

The Hearing was adjourned for the applicant to provide fully audited figures so Members could determine what the primary use of the premises would be.

The Licensing Act 2003 states that if a petrol station/garage is primarily for fuel sales as opposed to shop sales, then an alcohol licence should not be granted.

Additional figures submitted since the adjournment of the meeting clearly showed that the primary use of the premises was for fuel and garage services. The applicant therefore withdrew the application which was deemed to be null and void.

#### **4 VARIATION OF THE PREMISES LICENCE AT THE ODEON CINEMA HIGH STREET BECKENHAM**

Members made their decision having regard to:-

- the four licensing objectives;
- the Council's Statement of Licensing Policy 2011-2014;
- guidance issued under the Licensing Act 2003;
- written and oral representations from the applicant;
- written representations from local residents;
- written and oral representations from the Metropolitan Police;
- written and oral representations from a local Ward Councillor.

Members decided to **GRANT** the application, varied to the extent that sales of alcohol will take place between the hours of 12 noon and 22:00, subject to the following conditions:-

1. There shall be no sales of alcohol for consumption off the premises.
2. No sale of intoxicating liquor shall be made except to:-
  - (a) persons admitted to the premises by way of purchasing a ticket; or
  - (b) employees and bona fide guests of Odeon Cinemas Limited; or
  - (c) persons for whose admittance payment has been made.
3. All alcohol shall be sold or supplied to customers in plastic containers or similar vessels.
4. Alcohol sales will cease when the last feature film or (in the case of the screening of a live event) commences, whichever is the later but no later than 22:00.
5. The licensee shall prominently display a notice requiring patrons to leave the premises in an orderly fashion.
6. A Challenge 25 policy shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
7. All staff will receive documented training in relation to the Licensing Act 2003, crime reduction and the "Challenge 25" policy and the training shall be repeated every six months. Records of the training and Odeon's written policies relating to it will be kept and made available to Police or Council officers upon request.
8. Patrols of the auditoria shall take place every 30 minutes.
9. The premises will have an approved, effective and well managed CCTV system, installed by an NSI - Nacoss Gold Standard/SSAIB registered installer in accordance with NACP 20. The system installed shall be subject to a regular maintenance contract to ensure it is always fully operational, as stipulated/recommended by the installer.
10. The CCTV system must be in working condition, in use and recording at all times that alcohol is being sold/supplied. It must also be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept on a secure database and be capable of being downloaded onto removable media. A member of staff must be present at all times who can both operate the system and supply copies of the images upon request to either a Police

or Council Officer. The recordings should be kept for a minimum of 31 days.

11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the Council at all times whilst the premises is open.
12. A log of all incidents should be kept and maintained and be made available to Police or Council Officers upon request. Relevant offences should be reported to the Police in good time.
13. If football is to be screened live at the premises, Police and Council Officers should be given at least 14 days notice and appropriate measures for managing the event must be agreed between the Licensee, the Police and Council Officers prior to the event taking place.

Members granted the application for the following reasons:-

1. The premises is situated within an area to which a special policy relating to cumulative impact exists which creates a presumption against the grant or variation of premises licences unless the applicant can show that the variation will have no further detrimental impact on the area and the promotion of the licensing objectives.
2. The applicant made detailed submissions in relation to the proposed scale of the alcohol sales, including the experience of other premises within the Odeon chain where there had been no instances of trouble arising out of the grant of a licence to sell alcohol.
3. The applicant offered conditions to the licence which were designed to ensure that there would not be a detrimental effect on the area and the promotion of the licensing objectives.
4. The applicant stated that the proposed sales being of a limited range of alcoholic drinks, sold at a premium price and served in plastic glasses only to customers who had purchased a ticket for a performance within the premises, would discourage customers who wished simply to use the premises to drink to excess when there were premises located nearby which would be more attractive to the heavy drinker.
5. The applicant intended to stop selling alcohol when the refreshment kiosk closed at the start of the last film or performance of the day, usually around 9.45 pm.
6. The applicant discussed in detail staffing arrangements on the premises, including the frequency of auditorium patrols and policies already in place to protect children and the discouragement of customers bringing their own alcohol onto the premises.

7. Objections had been received by the Police, local residents and Ward Councillors relating to a range of matters including the fact that a grant of an additional licence to sell alcohol within the cumulative impact area would have a detrimental effect on the licensing objectives, potential migration from other licensed premises, the difficulties in maintaining adequate supervision in darkened auditoria, the possible exposure of children to harm from their mingling with persons consuming alcohol and the fact that it was generally inappropriate to have alcohol supplied in a cinema.
8. Discussions took place with the Police and local Ward Councillors who reiterated their concerns, particularly in relation to the impact on the licensing objectives or additional alcohol sales within the cumulative impact area and the protection of children from harm. Particular concern was expressed in relation to the fact that supervision of the darkened premises may not be adequate to promote the licensing objectives.
9. Taking into account Government guidance and case law that each application must be considered carefully on its own merits in relation to the impact on the licensing objectives, the Committee concluded that the impact on the licensing objectives could be managed by the imposition of conditions and that it was therefore appropriate to grant the variation subject to those conditions.

The Meeting ended at 11.55 am

Chairman