

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **LICENSING SUB-COMMITTEE**

Monday, 24th September, 2018, 3.00 pm

**Councillors:** Les Kew (Chair), Deirdre Horstmann and Dine Romero (in place of Rob Appleyard)

**Officers in attendance:** Terrill Wolyn (Senior Public Protection Officer), Lauren Latta (Public Protection Technical Officer) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

### **1 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

### **2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Rob Appleyard, for whom Councillor Dine Romero substituted.

### **3 DECLARATIONS OF INTEREST**

There were none.

### **4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **5 MINUTES OF PREVIOUS MEETING: 16 AUGUST 2018**

The Minutes of the meeting of 16 August 2018 were approved as a correct record and signed by the Chair.

### **6 LICENSING PROCEDURE**

The Chair drew attention to the procedure to be followed for the next two items of business.

### **7 APPLICATION FOR A PREMISES LICENCE FOR TIVOLI, 6-8 DORCHESTER STREET, SOUTHGATE CENTRE, BATH BA1 1SS**

Applicant: T4051 Limited, represented by Hannah Mannion (Thrings Solicitors) and Andy Bush (National Operations Manager)

Other parties in attendance: Geoff Cannon (Police Licensing Officer), Mel Argles (B&NES Deputy Head of Safeguarding & Quality Assurance – Children and Young People) and Tracey Curzons (Early Years Advisory Teacher)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. A representation had been received from B&NES Safeguarding stating that the admission with parents of toddlers up to 24 months old to films with a 15 or 18 certificate was likely to have an adverse effect on the licensing objective of the protection of children from harm and requesting that this element of the application be refused and that the recommendations of British Board of Film Classification be upheld when classified films are screened. A representation had been received from the Police relating to all four licensing objectives. The Police had proposed a number of amendments to the Operating Schedule, to which the applicant had agreed in writing. The Sub-Committee noted that the premises are located in the Cumulative Impact Area. The Sub-Committee was invited to determine the application.

Ms Mannion stated the applicant's case. She referred to correspondence between the applicant and the Police on agenda pages 53-54 in which the applicant confirmed acceptance of the amendments to the Operating Schedule proposed by the Police, including the removal of all conditions relating to "Parent and Baby Screenings".

The Chair asked whether the condition in the Operating Schedule that "no open containers of alcohol to leave the premises" was necessary, since no containers of alcohol open or closed could leave the premises, as supply off the premises had not been applied for. Ms Mannion said she would need to consult her clients about this.

In response to a question from a Member Mr Bush stated that the applicant was fully aware that the premises was situated in a residential area and would expect customers to leave quietly. He confirmed that the applicant was no longer seeking the conditions in the Operating Schedule that "the lights must be left on at low level through the screening" and that "no open containers of alcohol to leave the premises", as all proposals relating to parent and baby screenings had been withdrawn and the supply of alcohol off premises had not been not applied for.

Geoff Cannon, Police Licensing Officer, stated the case for the Police. He said that he had agreed amendments to the Operating Schedule. He was happy with all the other conditions they had proposed. Responding to a Member he said that the amended conditions fully addressed his concerns about the potential impact of the premises on the licensing objectives in the Cumulative Impact Area. His initial concern was that premises might be a bar with a cinema, but was now satisfied that it would be a cinema with a bar.

Mel Argles stated the case on behalf of Safeguarding. She said that her concerns had been addressed by the removal of that part of the application relating to parent and baby screenings.

Tracey Curzons. She said that she had been invited to attend as a witness for Ms Argles. She said that her concerns had been addressed by the removal of that part of the application relating to parent and baby screenings.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with modifications as detailed below.

#### Decision and reasons

Members have had to determine an application for a new Premises Licence for Tivoli, 6-8 Dorchester Street, Southgate Centre, Bath, BA1 1SS. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations made and were careful to balance their competing interests.

Members were however careful to disregard irrelevant matters.

### **The Applicant**

Hannah Mannion addressed members as the legal representative for the applicant.

She indicated that the application is for a boutique 5 screen cinema in the Southgate Shopping Centre.

Ms Mannion confirmed verbally the matters that the applicant has agreed with the police in writing at Annex D page 53 of the report to the Licensing Sub Committee ("LSC").

Mr Bush, National Operations Manager for the applicant confirmed verbally that the applicant does not pursue the condition on the Operating Schedule which was set out at section M box e of the application, namely, that "the lights must be left on at low level through the screening" as all proposals in section M box e of the application regarding parent and baby screenings were no longer being pursued. Mr Bush confirmed also that the proposed condition at section M box (d) of the application, namely, "No open containers of alcohol to leave the premises" was not being pursued as supply of alcohol off premises was not applied for.

### **Responsible Authorities**

There had been a representation from the police that the licence sought would undermine all four licensing objectives. The representation cited concerns that the proposal to host parent and baby screenings of films classified 15 and 18 and the proposal to sell alcohol on Thursday, Friday and Saturday until 03:00 the following morning, shall undermine all four licensing objectives and, in respect of sale of alcohol, add to the cumulative impact. The Police Licensing Officer Geoff Cannon indicated in writing and confirmed verbally before the Committee, that the applicant had agreed to their proposed amendments to the Operating Schedule (set out at Annex D of report to LSC) and that the applicant understands their responsibilities and had willingly engaged with them in the process.

Mr Cannon indicated when questioned that in his view the measures proposed addressed any cumulative impact, particularly now he better understood the nature of the premises.

There had been a representation in writing from Bath and North East Somerset Council's Safeguarding Team expressing grave concern regarding the applicant's proposal to permit parents with toddlers up to 24 months old admission to films with a 15 or 18 certificate. Their representation contended that these proposals were extremely likely to undermine the protection of children from harm licensing objective and submitted that the British Board of Film Classification be adhered to. Concerns related to the emotional and physical wellbeing were expressed about the proposed condition that children up to the age of 24 months be restrained on the lap of the parent or guardian for the duration of the proposed screening. Mel Argles Deputy Head of Safeguarding and Quality Assurance, Children and Young People attended however she indicated that having heard what had been agreed between the parties her concerns had been addressed.

Tracey Curzons Early Years Advisory Teacher attended as a witness for the Safeguarding Team and indicated that having heard what had been agreed, that addressed her concerns also.

The applicant confirmed both in writing prior to the meeting and verbally before Members that it is no longer pursuing the parent and baby screenings at section M box e of the application that the Safeguarding Team had raised concerns about.

## **Members**

In reaching their decision Members noted that in relation to paragraph 9.42 of the Statutory Guidance their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved.

Members carefully considered the representations made on behalf of the Responsible Authorities and the Applicant.

Members noted specifically that the Cumulative Impact Policy relates to the 'on trade' sale of alcohol for consumption on the premises. Members were satisfied that the applicant had demonstrated, taking into account all the relevant circumstances including the style and characteristics of the proposed premises together with conditions on the operating schedule, amendments to the operating schedule and additional conditions that the proposed licence would not add to the cumulative impact being experienced.

Members considered that any effect of the proposed licence on the licensing objectives would be addressed by the conditions consistent with the proposed operating schedule (as amended), and proposed conditions put forward by the police and agreed to by the applicant (as set out below), all of which Members found to be appropriate and proportionate.

## **Proposals and conditions no longer pursued to be removed from operating schedule**

*(from section M box e of operating schedule)*

- Parents or guardians of children under the age of 24 months shall be permitted to bring their babies to films at screenings shown exclusively for that audience and the age verification restriction shall not apply to babies at those screenings;

- Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months;
- No one shall be admitted to parent and baby screenings unless accompanied by a baby;
- Babies must be held on the laps of the parent or guardian throughout the screening;
- The lights must be left on at low level throughout the screening

*(to be removed from Section M box d of operating schedule)*

- No open containers of alcohol to leave the premises.

#### **Changes to proposals and conditions/amendments to the Operating Schedule**

- To reduce the terminal hour proposed for the Sale of Alcohol on Thursday, Friday and Saturday to 01:00 hours the following morning save for in relation to New Year's Eve and New Year's Day the Non-Standard Timing is to remain as applied for.
- To remove the measure relating to CCTV offered by the applicant at section M box b of the application and agreed to the proposed condition suggested by the police as follows:

“CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for a minimum of 28 days and made available to the Police and Licensing Authority (in accordance with Data Protection legislation). Signs will be displayed that CCTV is recording.”

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule, subject to the amendments and additions indicated above.

Authority was delegated to the Public Protection Officer to issue the licence.

### **8 APPLICATION FOR A PREMISES LICENCE FOR THE LUNA CINEMA LIMITED, BATH ROYAL CRESCENT LOWER LAWN, MARLBOROUGH LANE, BATH BA1 2NQ**

Applicant: The Luna Cinema Ltd, represented by George Wood (Managing Director), Jamie Plummer (Head of Production) and Rachel Gillard (Executive Co-ordinator)

Other parties in attendance: Geoff Cannon (Police Licensing Officer), Nigel Shire (Environmental Protection), Stephen Huard (Marlborough Lane Residents Association), Nicola Isherwood (Royal Crescent Society Residents' Association)

The parties confirmed that they understood the process to be followed for the hearing.

The Senior Public Protection Officer presented the report. A representation had been received from the Police relating to all the licensing objectives, and they had proposed amendments to the operating schedule as set out on pages 90-92 of the

agenda. The applicant had agreed in writing to these amendments (page 93 of the agenda). A representation had been made by Environmental Protection in respect of the prevention of public nuisance licensing objective, and they had proposed the same reduction in hours as the Police, a reduction in the number of events per year and a limit to their duration, and a maximum audience capacity (agenda page 98). Six representations had been received from other persons, which collectively related to all four of the licensing objectives. Supplementary information had been received from one of the Other Persons, Cllr Andrew Furse, which would be admitted in evidence at the discretion of the Chair and the agreement of all parties. She invited the Sub-Committee to determine the application.

Cllr Furse's late submission was accepted in evidence. It is attached as Appendix 1 to these minutes.

Mr Wood stated the case for the applicant. He said his company specialised in the open air screening of classic films in heritage sites and sites of historic importance. The company operated throughout Britain. He believed that they had developed a mode of operation which worked. They had over 175 screenings every summer, and the events had a very low impact. It was the uniqueness of the sites that really made the events. He believed that their event management plan allowed them to hold events while promoting the licensing objectives. Key aspects of the plan were limited number of annual screenings, the time limit within which events would take place and the restriction on the number of people within the arena at any one time. All seats were sold in advance, so the number of people to attend was known. He noted that representations had objected to the clash between Luna's planned event of the 28-30<sup>th</sup> September with a Royal Crescent Society event on 29<sup>th</sup> September. However, the bid for 28-30<sup>th</sup> September had been submitted in January and agreed with the Council's Events Team. It was not until March that the Royal Crescent Society's event had been proposed. He hoped that the two events would be permitted to overlap. He submitted that there was no detail in the representations that indicated that Luna would not be able to promote the licensing objectives. He accepted that the amendments to the operating schedule proposed by the Police and Environmental Protection were correct and proper, and should remove the concerns of residents. He was acutely aware of the importance of not impacting adversely on the community, as this might lead to the prohibition of events on these sites in future.

Members put questions to Mr Wood.

Q: Can you tell us more about your noise management plan?

A: We play background music for about an hour and a half before the film. This allows our technician to check the ambience. The key thing for cinema sound is clarity rather than volume. We set sound levels with great sensitivity.

Q: How about noise from the audience?

A: That is background noise. Two of the films we will be showing will be musicals and the audience might sing along with them, but that will have little impact. We will work closely with Environmental Protection to minimise any impact.

Q: The two events on the 29<sup>th</sup> September will only be separated by a low wall or ha-ha. How can you be sure that there will be no spill over between them?

A: We will deploy staff to manage the circulation of people. We are confident that we can prevent people without tickets entering the cinema area, but some cinema customers might want to leave to attend the other event. It would be the responsibility of the managers of the other event to control this.

Q: Can you explain the use of headphones?

A: Let me ask Mr Plummer to give you the details.

Mr Plummer stated that advice had been taken from independent sound consultant and it had been decided that if there was a problem about keeping noise down to an acceptable level, particularly on Sundays, within the timescale, then headphones would be used by the audience and the public address system would be deactivated. Most events are planned three months in advance, so there is plenty of time to visit the site and make appropriate adjustments to the sound system, but the headphones option is a back-up if it is the only way of preventing nuisance.

Mr Huard, Chairman of the Marlborough Lane and Buildings Residents Association, stated his case. He said that the noise at last year's Luna event had been totally unacceptable. All the houses in Royal Crescent differed slightly from one another and listed building status limited what occupiers could do to noise proof them. Residents were liable to noise nuisance in hot weather when windows were open. He objected to the clash between the two events being held on Saturday 29<sup>th</sup> September. There would be two noisy events taking place at the same time in close proximity. The Association had had a meeting with Luna on 14<sup>th</sup> May, and had asked them to consider moving the event to Middle Common, which is an area regularly used for noisy events throughout the year and is acceptable to residents. These discussions had resolved nothing. To have two noisy events, one behind and one in front of people's homes is not acceptable. On 22<sup>nd</sup> August the Association had been advised of the possible use of headphones. This raised concerns about how the cinema audience would react when told they would have to wear headphones. There had been no consultation with residents about this. Residents were very concerned after the disturbance caused by last year's Luna event, despite Luna claiming they are experts in sound. The design of Royal Crescent is unique and has a unique ambience for sound. In response to questions from Members he stated that he had walked down Royal Crescent during last year's event and the noise had been unacceptable. Residents are advised that if there are problems during an event, they should contact the organisers or the Council. When residents rang the Council, there was no one to talk to. Residents who experience noise nuisance do not necessarily make official complaints, but they do raise it as an issue at Residents' Association meetings. Residents had spoken of the reverberation of noise from the event around the Crescent. The houses in Royal Crescent differ, with some having bedrooms in the front and others having them in the back. Those with bedrooms away from the noise react differently to those who are nearer to it.

Nicola Isherwood of Royal Crescent Residents' Association stated her case. She said that she was also speaking on behalf of Rachel Clarkson-Short, who was unable to attend today's hearing. She stated that they were approximately 115 residents in Royal Crescent. Residents did not oppose all events in the Crescent, but hundreds of people visited the Crescent every day and she did not think it was necessary to have an open air cinema to entice them to do so. There was a lot of concern about the event that Luna had held last year, at which the volume had been turned down in response to a request from a resident and then turned up again.

People had complained they were unable to have a conversation in their homes because of the noise, and two had complained that the noise had given them a migraine. It should be noted that some of the residents of the Crescent were children or elderly. She was concerned about two simultaneous events on 29<sup>th</sup> September, and felt that the Royal Crescent Society, a local organisation trying to benefit local residents, was almost being forced into cancelling its own event by an outside commercial operator. Residents felt that they had not been listened to.

Mr Cannon explained how the Police had initially been concerned by the application and had proposed additional conditions to clarify details in order to ensure there was no adverse impact on the licensing objectives. The applicant had been responsive and had agreed to accept the additional conditions, so the Police had no remaining concerns. Responding to questions from Members he said no one had contacted the Police about last year's event and that he was pleased that Luna had agreed that their SIA staff should be allocated separate specific responsibilities.

Nigel Shire stated the case for Environmental Protection. He explained the Environmental Team's initial concerns about the application and stated that they were now content following Luna's acceptance in writing of their proposed modifications to the operating schedule. Replying to the Chair he said no complaints had been made directly to Environmental Protection at the time of last year's event, though a number of complaints were notified about six weeks afterwards.

The parties were invited to sum up.

Mr Huard said that residents objected to an event being forced on them without consultation. Not all residents of the Crescent are wealthy; many of them are tenants who pay rent. His Association was happy to meet and talk with event organisers. That is what he had done in May with guidance from Licensing. He objected to the fact that the Society was practically being forced to cancel its own event and that Luna appeared unwilling to engage in conversation about it.

Mr Wood said that events had to be agreed with the Council in advance. The event of 28-30<sup>th</sup> September had been agreed with the Council Events Team on 26<sup>th</sup> January. Luna was entirely happy to co-operate with the local community; the company operated at 65 locations in the country and had good relations with all the venues and local residents. Luna would in future improve communications with the local community by notifying the dates of all events in advance to residents as well to the Events Team. This would help prevent clashes between events in future. Locations for events were chosen because they were attractive to the public. A letter had been sent to residents on 4<sup>th</sup> September explaining the September event and giving a contact phone number. No one had contacted Luna in response to that letter to express concerns.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with modifications as detailed below.

#### Decision and reasons

Members have had to determine an application for a new Premises Licence for the Luna Cinema Limited, Bath Royal Crescent Lower Lawn, Marlborough Lane, Bath,

BA1 2NQ. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations made and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters such as the events calendar.

### **The Applicant**

George Wood, Managing Director of the Luna Cinema Limited addressed members on behalf of the applicant.

Mr Wood indicated verbally that the Luna Cinema specialises in sites of historical and /or heritage importance, often in locations close to residents. They have 175 screenings each summer and their screenings are low impact as they are set up on the first day of the screening. He indicated that they have regard to the peculiar, particular sensitivities of the sites.

Mr Wood contended that in his view there was no detail in the representations which undermines the promotion of the licensing objectives however, he confirmed verbally having already done so in writing, the applicant's agreement to the measures proposed by the Police Licensing Officer and Senior Environmental Health Officer. Members also heard from Jamie Plummer, Head of Production on behalf of the applicant. He addressed members regarding technical points related to noise and logistics related to the event.

### **Responsible Authorities**

There had been a representation from the police expressing concern that the applicant's proposals failed to adequately promote all of the licensing objectives. Specific concerns related to the number of proposed events and their duration which the police felt could potentially cause disproportionate amount of public nuisance and possibly low-level crime. In relation to the hours proposed for the licensable activities, the PLO expressed concern that the later hours, given the nature of the location and proximity to neighbouring properties, may give rise to increased public nuisance and possibly anti-social behaviour. There was concern around proposals in the operating schedule being vague and not specific enough to show how the applicant will promote the licensing objectives. Accordingly, the police proposed a reduction in timings; removal of some measures proposed by the applicant and proposed additional measures to mitigate concerns regarding the undermining of the licensing objectives. The applicant had agreed in writing (set out at Annex D to the LSC report) to the proposals made by the police (Annex C). The Police Licensing Officer Geoff Cannon noted in his written representations to the Licensing Authority that the applicant had responded promptly and positively to the concerns he had raised with them.

Mr Cannon addressed members verbally to confirm his representations already made in writing.

The Bath and North East Somerset Council Environmental Protection Team had made a representation that the proposed application would undermine the Prevention of Public Nuisance licensing objective. Concerns expressed were that with 10 events of 6 days duration late into the evening in The Royal Crescent, this could potentially cause a disproportionate amount of public nuisance. Further concerns related to timings of films, audience capacity and adequate measures to control noise from the licensable activities. Environmental Protection proposed amendments to the Operating Schedule relating to hours open to the public, hours for the exhibition of film, the number of events per year and maximum audience capacity in accordance with the representations made by the police. Further they proposed a noise management plan be submitted to and agreed in writing by the Environmental Protection Team one month prior to any event.

### **Interested Parties**

Representations had been received from Councillor Furse, the Marlborough Lane & Buildings Residents' Association, the Crescent Lawn Company, the Royal Crescent Society (Lawn Events), the Royal Crescent Society Residents Association and the residents of the Royal Crescent.

The Marlborough Lane and Buildings Residents Association expressed concerns in writing that the noise generated by the cinema would undermine the prevention of public nuisance licensing objective with particular reference to Saturday 29 September 2018. Mr Stephen Huard attended as Chair of the Association and verbally confirmed the written representations and addressed members regarding noise from the event last year which he described as totally unacceptable. He explained to members that as all houses are slightly different, residents' experiences of noise differ.

The Royal Crescent Society Residents Association objected in writing to the application on the basis that it would undermine all four licensing objectives.

The Association expressed concern that noise generated by the cinema would create public nuisance, including noise made by customers leaving the premises and returning to their vehicles, as well as disturbance to children sleeping. Ms Nicola Isherwood verbally confirmed her written representations on behalf of the Association but indicated that they are not against events in principle and the Association believes in sharing what they have. She explained however, that they did not feel listened to and cited the noise from last year's event and the upset that had been caused to residents and one resident in particular who had complained directly to the event which she said resulted in a temporary noised reduction following which the noise had gone up again.

The Royal Crescent Society (Lawn Events) expressed concerns in writing related to all four licensing objectives with particular reference to the Prevention of Public Nuisance and protection of public safety licensing objectives. They are concerned that there will be loud noise and music very close to where people live and close to children who go to school on Monday mornings. In relation to Prevention of crime and disorder licensing objective the Association indicated that parking offences and anti-social behaviour are inevitable in their view. Concerns were expressed also

regarding Public Safety of customers leaving the premises and in relation to the protection of children from harm.

The Crescent Lawn Company objected to the application based on the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety. The Association was concerned that the noise generated by the cinema would create a public nuisance.

Ms Clarkson-Short, a resident to the proposed premises expressed concerns in writing that the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives. Ms Clarkson-Short cited the noise from the cinema as well as the music proposed to be played before the film, customers leaving the premises, late night vehicle movements as contributing to public nuisance with particular concern expressed about the impact of the premises' licensable activities on a Sunday evening when children have school on Mondays and adults have work. Ms Clarkson-Short nominated Ms Isherwood to confirm her representations verbally before the Licensing Sub-Committee.

Councillor Andrew Furse objected to the application citing the prevention of public nuisance and protection of children from harm licensing objectives. His concerns related to the noise impact on residents and children in the vicinity with reference to Sundays in particular. Councillor Furse had submitted additional information by e-mail dated 24.09.18 which all parties had consented to the introduction of, as a preliminary issue. Members had also agreed to the introduction of this additional information. Councillor Furse asked for his apologies to be recorded. He stood by his concerns based on last year's event and in relation to holding events late on a Sunday however, he accepted that the use of headphones would mitigate the noise issues during the event, but once the event was over the noise created on a Sunday night will still impact residents and their children. He asked for the timing for the event to be brought forward.

### **Members**

Members carefully considered the representations made on behalf of the Interested Parties, the Responsible Authorities and the Applicant.

Members noted however that licensing is a permissive regime and their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved.

Members noted with care the representations made by the Interested Parties but balanced these against the representations received from the Responsible Authorities and all other relevant considerations and were satisfied that any effect of the licence on the licensing objectives could be addressed by the conditions consistent with the operating schedule, subject to the amendments and proposed conditions put forward by the police and Environmental Health Team and agreed to by the applicant (as set out below), all of which Members found to be appropriate and proportionate.

### **Proposals and conditions no longer pursued to be removed from Operating Schedule**

(from section M of operating schedule)

- There will be no more than 10 film events per year
- There will be bag checks and security searches before entry to the site
- There will be a full security team on site at all times. This security team will include SIA badged staff members managing Entrances, Exit and Bar area.

**Changes to proposals and conditions/amendments to the Operating Schedule**

Change:

- The hours the premises are open to the public will be amended from 17:00 to 23:55 Tuesday to Sunday, to 17:00 to 23:15 Tuesday to Sunday
- The hours for the exhibition of film will be amended from 18:30 to 23:30 Tuesday to Sunday, to 18:30 to 22:45 Tuesday to Sunday
- The hours for the supply of alcohol will be amended from 17:00 to 23:00 Tuesday to Sunday, to 17:00 to 22:30 Tuesday to Sunday

Add:

- The Luna Cinema will be limited to a maximum of 2 events per year consisting of no more than 3 consecutive days to take place between the start of June and the end of October
- The maximum audience capacity for the premises will not exceed 2000.
- Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.
- There will be a minimum of 3 SIA registered members of security staff will be on duty from 30 minutes prior to each film evening opening to the public and until the event closes to the public.
- 2 SIA registered members of security staff will be positioned at the box office to conduct random bag searches.
- At least 1 SIA registered member of security staff will be positioned in the bar and concessions areas.
- The organisers will provide notification to the police and Licensing Authority at least one month in advance of each event taking place.
- A noise management plan shall be submitted to and agreed in writing by the Environmental Protection Team one month prior to any event.

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule, subject to the amendments and additions indicated above.

Authority was delegated to the Public Protection Officer to issue the licence. Members noted and encouraged the applicant’s indication that they would be proactive at communicating with residents in the future with event proposals.

Members noted that the review process under the Licensing Act 2003 represents a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence.

The meeting ended at 8.37 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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NON CIRCULATED  
ADDITIONAL INFO

**Lauren Latta**

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**From:** FURSE Andrew <andrew.furse@altran.com>  
**Sent:** 24 September 2018 10:19  
**To:** Licensing  
**Cc:** Andrew Furse (Cllr)  
**Subject:** Today's Luna Cinema hearing

**Importance:** High

FAO Terrill Wolyn

Dear Terrill,

Although initially expecting to attend today, I have been called to an unscheduled work related project meeting in London and thus unable to attend today.

I would like to ask that my apologies are recorded.

From complaints and evidence from last year, I continue to stand by my concerns over the Luna Cinema and it holding its event late on a Sunday. I accept that their offer of using headphones will mitigate the noise issues during the event, but once over the noise created on a Sunday evening will still impact residents and their children. There is no reason why their event needs to be late on a Sunday and I would ask the hearing that the timing is brought forward.

Thank you.

Cllr Andrew Furse

Andrew Furse BEng CEng FIRSE MIET  
Principal Consultant (Rail),

[andrew.furse@altran.com](mailto:andrew.furse@altran.com)

direct: +44 (0) 1225 823828  
mobile: +44 (0) 7876 21 17 16  
reception: +44 (0)1225 466991

**ALTRAN**

22 St Lawrence Street  
Southgate  
Bath BA1 1AN  
UK

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