Part 1 – Summary of determination

<table>
<thead>
<tr>
<th>Type of application:</th>
<th>Grant of a Premises Licence</th>
</tr>
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<tbody>
<tr>
<td>Decision in respect of:</td>
<td>Everyman Cinema, Unit 4.15, Trinity Leeds Plaza, Leeds, LS1 6HD</td>
</tr>
<tr>
<td>Licence Reference Number:</td>
<td>PREM/02746</td>
</tr>
<tr>
<td>Date(s) of hearing:</td>
<td>27th July 2009</td>
</tr>
<tr>
<td>Date of Determination:</td>
<td>27th July 2009</td>
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Options considered by Members

The licensing sub committee could take such of the following steps as it considered necessary for the promotion of the licensing objectives:

The licensing sub committee could take such of the following steps as it considered necessary for the promotion of the licensing objectives:

a. Grant the application as requested
b. Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule
c. Refuse to specify the said person as the Designated Premises Supervisor
d. Reject whole or part of the application

Having had regard to the Licensing Act 2003, the Secretary of State’s Guidance, the Leeds City Council Statement on licensing 2007 - 2010 and the relevant representations made;

Members resolved to:

Grant the licence as per the application subject to conditions agreed with Leeds City Council Environmental Health and the proposed conditions by the applicant.

Decision:

The Sub – Committee considered the application for the grant of the Premises Licence for Everyman Cinema, Unit 4.15, Trinity Leeds Plaza, and resolved to grant a Licence for the activities and hours applied for. The Sub-Committee considered the Operating Schedule within the application, and noted that the applicant had taken the opportunity to complete a pro-forma Risk Assessment and had volunteered matters with the assessment as conditions on the licence. Having reviewed those conditions, the Sub Committee agreed that those conditions were necessary to promote the licensing objectives and agreed that they should be imposed on the Licence. The Committee also considered the three additional
conditions proposed by the applicant in Box P a) of the application, and agreed to impose the three additional conditions volunteered by the applicant. The Committee also considered the representation made by the Environmental Protection Team of Leeds City Council, and noted that the Environmental Protection Team suggested two additional comments relating to noise and vibration. The Sub Committee noted that the applicant had agreed these conditions as being necessary to promote the licensing objectives. Accordingly, the Sub Committee decided to impose the conditions agreed between the applicant and the Environmental Protection Team.

**Proposed licensable activities and hours:**

- a. Films
- b. Live Music
- c. Recorded Music
- d. Dance
- e. Anything of a similar description
- f. Making Music
- g. Dancing
- h. Entertainment of a similar description
- i. Sale of Alcohol for consumption both on and off the premises
  - i. Everyday 10:00 – 01:00
- j. Late Night Refreshment
  - i. Everyday 23:00 – 01:00

**Part 2 – Conditions**

**Mandatory Conditions**

No supply of alcohol may be made under this licence

a. At a time when there is no designated premises supervisor in respect of the premises licence, or

b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or

b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
Part 3 – Proposed Conditions

The sub committee imposed the following conditions from those proposed in the operating schedule:

Prevention of crime and disorder

Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police

Security footage will be made secure and retained for a period of time to the satisfaction of WYP

A Supervisors Register will be maintained at the licensed premises, showing the names, address and up-to-date contact details for the DPS and all personal licence holders

The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carries out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.

The licensee’s staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.

Public safety

A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are to be exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.

All exit doors will be accessible, open easily, and exit routes will be maintained.

Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections. Also any inward opening Entrance/Exit door must be permanently held open on Cabin Hooks during Licensed hours. To alter this arrangement written permission of the Fire Service is required.

Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.

Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.

All Equipment with which the public may have contact, will be maintained, stored and operated in a safe manner. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.

Empty bottles and glasses will be collected will be collected regularly paying particular attention to balcony areas and raised levels.

Regular safety checks of decorative and functional fixtures that could fall causing injury to the public or may cause a risk of fire, will be undertaken.
Regular checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.

Hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them. Suitably trained First Aid staff will be provided at all times when the premises are open.

The Licensee will ensure that there is a procedure for the safe evacuation of disabled persons.

Electrical installations will be inspected on a periodic basis (at least every 3 years or at a reasonable frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.

The premises licence holder shall fully comply with all current wiring legislation in respect to this premises in consultation with the Council’s health and safety team.

Before opening to the public the applicant will contact the Health and Safety to arrange a final inspection of the premises.

The prevention of public nuisance

No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission or audible noise or perceptible vibration through the fabric of the building or structure of the adjoining properties.

The protection of children from harm

The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards.

The Licensee's staff will ask for evidence of age from any person appearing to be under the age of 18 who is attempting to purchase alcohol at the premises. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

For closely seated audiences, i.e. theatres and cinemas, the ratio of supervisors will be 1 per 25 children. Provided that where the children are in the charge of an adult organiser such organisers will be regarded as attendants to an extent not exceeding half of the number of attendants required by the above condition PC19.

No child will be permitted to occupy the front row of any balcony gallery or tier, unless accompanied by and in the charge of a person who appears to have attained the age of 16 years old.

Children will be restricted from viewing films in accordance with the recommendations of a competent body (Usually the British Board of Film Classification) or the Licensing Authority Board where the Licensing Authority is to make recommendations on the admission of children to films (i.e. instead of film classification body) then the operator will submit the film to the authority 28 days
before exhibition so as to provide sufficient time for the Licensing Authority to classify the film.

When a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices will be displayed both inside and outside the premises stating the classification of any film or trailer. Notices will follow the Statutory Guidance suggested wording.

Immediately before each exhibition of a film which has been passed by the British Board of Film Classification, there should be a statement, for at least 5 seconds, which reproduces the certificate of the board; or for a trailer, then a statement approved by the Board indicating the classification of the film.

**Part 4 – Conditions Agreed with Responsible Authorities**

The sub committee imposed the following conditions from those agreed between the applicant and Responsible Authorities prior to the hearing:

**Prevention of crime and disorder**

Not Applicable

**Public safety**

Not Applicable

**Conditions agreed with Environmental Health**

**The prevention of public nuisance**

Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year,

There shall be no external loudspeakers.

**The protection of children from harm**

Not Applicable
Part 5 – Conditions imposed at hearing

The Licensing sub committee imposed the following conditions in addition to those which the applicant had proposed:

Prevention of crime and disorder
Not Applicable

Public safety
Not Applicable

The prevention of public nuisance
Not Applicable

The protection of children from harm
Not Applicable
Part 6 – Right Of Appeal

Date of Issue

20th August 2009

Appeals

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

and accompanied by a copy of this decision letter and the court fee of £400.00 if you are the premises licence holder and £200.00 for all other parties. Cheques should be made payable to HMCS.
Part 7 - Procedural Issues

<table>
<thead>
<tr>
<th>Sub-committee Members:</th>
<th>Councillor Armitage (Chair), Councillor Dobson, Councillor Castle,</th>
</tr>
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<tbody>
<tr>
<td>Legal Officer:</td>
<td>Gill Marshall</td>
</tr>
<tr>
<td>Committee Clerk:</td>
<td>Laura Pilgrim</td>
</tr>
<tr>
<td>Licensing Officer:</td>
<td>Emma White</td>
</tr>
</tbody>
</table>

**Declarations of interest:**

No interests declared.

**The following Parties attended the hearing:**

a. Richard Bilsborough – Leeds City Council Environmental Health
c. Ben Caswell – Solicitor for Applicant

**The following parties did not attend:**

Not Applicable

**The Sub-Committee decided the public should be excluded from the following parts of the Hearing:**

When Members would deliberate on the application as presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

**Reason(s) for excluding public:**

Not Excluded

**Time Limit applied to each Party:**

Ten Minutes

**Any additional documents?**

No