



# LICENSING OF ALCOHOL & GAMBLING SUB-COMMITTEE AGENDA

MONDAY 6 JULY 2015 AT 2.30 PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillors P Hearn (Chairman), Barnes and Fantham

For further information, please contact Trudi Coston, Member Support Officer, on Tel: 01442 228224, or Email: [Trudi.Coston@dacorum.gov.uk](mailto:Trudi.Coston@dacorum.gov.uk). Information about the Council can be found on our website: [www.dacorum.gov.uk](http://www.dacorum.gov.uk).

## PART I

ITEM	PAGE
1. Introductions	2
2. Minutes	2
3. Apologies for Absence	2
4. Declarations of Interests	2
5. Premises Licence Application	3
Empire Cinema	
Leisure World	
Jarman Way	
Hemel Hempstead	
Herts	
HP2 4JS	
6. Procedure for the Hearings	45
7. Exclusion of the Public	46
Appendix A Minutes of the Licensing of Alcohol and Gambling Sub-Committee meeting held on 9 March 2015	47

\* \* \* \* \*

## **1. INTRODUCTIONS**

## **2. MINUTES**

To confirm the minutes of the meeting held on 9 March 2015.

## **3. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

## **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].



## AGENDA ITEM: 5

### SUMMARY

<b>Report for:</b>	<b>Licensing of Alcohol and Gambling Sub-Committee</b>
<b>Date of meeting:</b>	<b>6<sup>th</sup> July 2015</b>
<b>PART:</b>	1
If Part II, reason:	

<b>Title of report:</b>	<b>Premises Licence application</b>
Contact:	Sally Taylor, Lead Licensing Officer
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and the representation made in respect of the application, and determines the application in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

Background papers:	Licensing Act 2003, and associated regulations Dacorum Borough Council’s Statement of Licensing Policy Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, October 2012)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

- 1.1 The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2 The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members’ clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3 Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee (“the Sub-Committee”) is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

## 2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified ‘responsible authorities’ (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

### **3. General principles to be followed when determining applications**

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, necessary and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

#### 4. Options available to the Sub-Committee

- 4.1. While considering an application for the variation of an existing licence, only the proposed variation may be considered. No changes can be made to a licence or the conditions attached unless they are (part of) the subject of the variation application.
- 4.2. When determining an application for the variation of a premises licence (under section 34), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - (a) modify the conditions of the licence (by way of alteration, omission or addition);
  - (b) reject the whole or part of the application.

If neither of these steps are to be taken the application shall be granted.

#### 5. Details of application

- 5.1. The following application requires consideration and determination by the Sub-Committee. Further details on the application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Empire Cinema, Leisure World, Jarman Way, Hemel Hempstead, Herts HP2 4JS	Variation (Section 34 Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	Hemel Hempstead Two Cinema 2 Limited
<b>Name and address of premises</b>	Empire Cinema Leisure World Jarman Way Hemel Hempstead Herts HP2 4JS
<b>Ward</b>	Apsley and Corner Hall

### 1. Current Licence

1.1 The premises is subject to a premises licence number DAC 007958, initially granted following conversion of the previous licence during transition to the current legislation in 2005. The current licence holder has held the licence since May 2105. Previously, the premises licence was varied in March 2014 to authorise the sale of alcohol from 09:00 hours until 03:00 hours in all screens.

1.2 The premises licence authorises the following activities:

**Sale by retail of alcohol (for consumption on the premises in all screens)**

Monday to Sunday 09:00 hours until 03:00 hours

**The provision of late night refreshment - indoors**

Monday to Sunday 23:00 hours until 05:00 hours

**Performance of plays, exhibition of films, performance of live music, playing of recorded music, performance of dance and entertainment of a similar description to live and recorded music and performance of dance – all activities indoors**

Monday to Sunday 08:00 hours until 04:00 hours

1.3 The current premises licence is attached at Annex A.

### 2. Application

2.1 An application has been made for the variation of the current premises licence under section 34 of the Licensing Act 2003. The application requests the following:

Structural alterations to increase the capacity of the premises from an 8 screen to a 17 screen venue, increasing the customer capacity within the auditoriums from 1852 to 2250;

To provide all existing licensable activities within the increased area, with no change to the current hours or activities.

To permit the showing of age-restricted films (e.g. 15- or 18-certificate) at 'parent and baby' type screenings, in the presence of accompanied babies and toddlers up to 24 months of age; and

To amend current licence conditions to allow the service of more than one alcoholic beverage per customer.

2.2 The application is attached at Annex B.

### **3. Details of Representation**

3.1 Representations were accepted in respect of this application between 12<sup>th</sup> May and 9<sup>th</sup> June 2015.

3.2 One relevant representation has been received during this period from the Licensing Team Leader at Dacorum Borough Council, on behalf of the licensing authority. The representation has been made under the 'protection of children from harm' licensing objective, and relates solely to the part of the variation application relating to the applicant's proposal to admit accompanied babies and toddlers under 24 months of age to 'parent and baby' screenings of age-restricted films.

This representation is set out at Annex C

3.3 At the time of going to print negotiations are taking place between the licensing authority and the applicant, and these e-mails are set out at Annex D.

3.3 The following responses were received from responsible authority officers in respect of the application:

Fire officer – No relevant representations

Environmental Health (Health and Safety) – No relevant representations

### **4. Observations**

4.1 A map showing the location of the premises, is set out at Annex E.

4.2 The parts of the Statutory Guidance that are particularly relevant to this application are set out at Annex F





Licensing Act 2003  
**Premises Licence**

Premises Licence Number:

**DAC 007958**

Version Reference:

**037972**

**Part 1 – Premises Details**

**Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description**

Empire Cinemas  
Jarman Way  
Hemel Hempstead  
Herts  
HP2 4JS

**Telephone number** 0871 471 4714

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Sale by retail of alcohol  
The provision of late night refreshment  
Performance of plays  
Exhibition of films  
Performance of live music  
Playing of recorded music  
Performance of dance  
Entertainment of a similar description to live music, recorded music and the performance of dance

**The times the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol**

For consumption on the premises - in all screens

Mondays	09:00 hours until 03:00 hours
Tuesdays	09:00 hours until 03:00 hours
Wednesdays	09:00 hours until 03:00 hours
Thursdays	09:00 hours until 03:00 hours
Fridays	09:00 hours until 03:00 hours
Saturdays	09:00 hours until 03:00 hours
Sundays	09:00 hours until 03:00 hours

**The times the licence authorises the carrying out of licensable activities**

**The provision of late night refreshment**

Indoors

Mondays	23:00 hours until 05:00 hours
Tuesdays	23:00 hours until 05:00 hours
Wednesdays	23:00 hours until 05:00 hours
Thursdays	23:00 hours until 05:00 hours
Fridays	23:00 hours until 05:00 hours
Saturdays	23:00 hours until 05:00 hours
Sundays	23:00 hours until 05:00 hours

**Performance of plays**

On the premises

Mondays	08:00 hours until 04:00 hours
Tuesdays	08:00 hours until 04:00 hours
Wednesdays	08:00 hours until 04:00 hours
Thursdays	08:00 hours until 04:00 hours
Fridays	08:00 hours until 04:00 hours
Saturdays	08:00 hours until 04:00 hours
Sundays	08:00 hours until 04:00 hours

**Exhibition of films**

On the premises

Mondays	08:00 hours until 04:00 hours
Tuesdays	08:00 hours until 04:00 hours
Wednesdays	08:00 hours until 04:00 hours
Thursdays	08:00 hours until 04:00 hours
Fridays	08:00 hours until 04:00 hours
Saturdays	08:00 hours until 04:00 hours
Sundays	08:00 hours until 04:00 hours

**Performance of live music**

On the premises

Mondays	08:00 hours until 04:00 hours
Tuesdays	08:00 hours until 04:00 hours
Wednesdays	08:00 hours until 04:00 hours
Thursdays	08:00 hours until 04:00 hours
Fridays	08:00 hours until 04:00 hours
Saturdays	08:00 hours until 04:00 hours
Sundays	08:00 hours until 04:00 hours

**Playing of recorded music**

On the premises

Mondays	08:00 hours until 04:00 hours
Tuesdays	08:00 hours until 04:00 hours
Wednesdays	08:00 hours until 04:00 hours
Thursdays	08:00 hours until 04:00 hours
Fridays	08:00 hours until 04:00 hours
Saturdays	08:00 hours until 04:00 hours
Sundays	08:00 hours until 04:00 hours

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

## **Annex 1: Mandatory Conditions**

### **Condition A1.**

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.

### **Condition A2.**

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

### **Condition A3.**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition A4.**

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

**Condition A5.**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**Condition A6.**

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Condition A7.**

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead HP1 1HH  
Tel. 01442 228000 Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

## **Annex 2: Conditions consistent with the Operating Schedule**

### **GENERAL STATEMENT OF LICENSING OBJECTIVES**

#### Screen capacities

Screen 1 - 132  
Screen 2 - 187  
Screen 3 - 187  
Screen 4 - 319  
Screen 5 - 263  
Screen 6 - 433  
Screen 7 - 168  
Screen 8 - 163

### **THE PREVENTION OF CRIME AND DISORDER**

There shall be a colour CCTV system operating at the premises, recording images covering entrance foyer, box office and retail area.

Images shall be retained for a minimum of 28 days and copies shall be made available to the Police and licensing authority upon request.

The Licence holder shall operate a two way radio system to facilitate communication between staff and management.

### **PUBLIC SAFETY**

Alcohol will be dispensed in plastic glasses or plastic bottles save for pre-booked Private Events (where the organiser may request glasses) to which the public shall not be admitted.

### **THE PREVENTION OF PUBLIC NUISANCE**

Alcohol will only be served from the retail counter on the premises to be consumed in screens.

Alcohol products shall be kept behind the concessions counter, and shall be sold only to persons who are attending the cinema to watch films and have purchased a cinema ticket, or had a ticket purchased on their behalf. Only one alcoholic beverage shall be served per customer.

Alcohol sales shall cease 30 minutes prior to the end of the last film, or at the times specified in the licence, whichever is the earlier.

### **THE PROTECTION OF CHILDREN FROM HARM**

The Licence holder shall operate an approved Proof of Age scheme, such as "Think 21".

There shall be regular staff patrols of the screen areas.

No child under the age of 12 years (unless accompanied by an adult) shall be permitted access to films commencing after 20:00 hours.

No child under the age of 15 years (unless accompanied by an adult) shall be permitted to films commencing after 23:00 hours.

**Annex 3: Conditions attached after a hearing by the licensing authority**

N/A

**Annex 4: Plans**

Due to the size of the plan held in respect of this premises, it is not possible to reproduce it in this space. However, for the avoidance of doubt, the licensed area of the premises is as shown on plan number 4068:LIC 001 Rev C and 4068:LIC 002 Rev C drawn by Unick Architects Limited dated April 2012.

**ANNEX B**

**APPLICATION FOR VARIATION OF PREMISES LICENCE**

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Hemel Hempstead Two Cinema 2 Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number DAC 007958
---------------------------------------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Empire Cinema Leisureworld Jarman Way			
Post town	Hemel Hempstead	Postcode	HP2 4JS
Telephone number at premises (if any)	01442 292210		
Non-domestic rateable value of premises	£275000		

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?     Yes                       No

If not, from what date do you want the variation to take effect?                      

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
 (Please see guidance note 1)     Yes                       No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

This application has been made to authorise extensive structural alterations within the premises following a refurbishment of the Leisure World complex. The premises will increase from an 8 screen cinema to a 17 screen venue as shown on the enclosed plans. The refurbishment works to the cinema are scheduled to start in March 2015 and run until September 2015.

The first part of the work will be to construct the new screens and then once they are opened the existing screens will be closed and be refurbished and redeveloped. The plans enclosed with this application show the current proposal completed layout of the cinema currently planned to be effective from September 2015. To the extent that there is any significant deviation from the layout shown on these plans or there is any change in the capacity of the screens as the development progress the applicant proposes to submit a minor variation as necessary to update the licence plans.

The applicant wishes to undertake the same licensable activities in the premises as authorised under the current licence, including the consumption of alcohol as outlined on the plans attached to the application, and no change to the hours or activities specified in the licence is sought.

At some of the applicant's other screens a scheme is operated which allows parents to bring a baby/toddler (up to 24 months old) with them when they watch films with up to an 18 classification and the applicant would like to hold similar screenings at the Premises. We have included some suggested conditions to deal with this arrangement which are contained in some of the applicant's other premises licences. Condition F1 in the premises licence will also need to be amended accordingly.

As a consequence of this application it will be necessary to amend the screen capacities shown in annex 2 of the licence as follows:

Screen 1 (IMAX)	277 seats and 4 disabled
Screen 2 (IMPACT)	270 seats and 3 disabled
Screen 3	216 seat and 3 disabled
Screen 4	165 seats and 2 disabled
Screen 5	53 seats and 2 disabled
Screen 6	84 seats and 2 disabled
Screen 7	142 seats and 2 disabled
Screen 8	81 seats and 2 disabled
Screen 9	81 seats and 2 disabled
Screen 10	79 seats and 2 disabled
Screen 11	79 seats and 2 disabled
Screen 12	143 seats and 2 disabled
Screen 13	80 seats and 2 disabled



Screen 14	81 seats and 2 disabled
Screen 15	108 seats and 2 disabled
Screen 16	108 seats and 2 disabled
Screen 17	108 seats and 2 disabled

The applicant would also like to amend a condition under "THE PREVENTION OF PUBLIC NUISANCE" by removing the words "Only one alcoholic beverage shall be served per customer".

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<b>Provision of regulated entertainment</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	X
b) films (if ticking yes, fill in box B)	X
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	X
f) recorded music (if ticking yes, fill in box F)	X
g) performances of dance (if ticking yes, fill in box G)	X
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	X

**Provision of late night refreshment** (if ticking yes, fill in box I) X

**Supply of alcohol** (if ticking yes, fill in box J) X

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	0000	0400	<u>Please give further details here</u> (please read guidance note 4) On occasions staff or others may dress up as characters from films or generally for promotional purposes and play "roles".	Both	<input type="checkbox"/>	
	0800	2400				
Tue	0000	0400				
	0800	2400				
Wed	0000	0400		<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	Both	<input type="checkbox"/>
	0800	2400				
Thur	0000	0400				
	0800	2400				
Fri	0000	0400	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		Both	<input type="checkbox"/>
	0800	2400				
Sat	0000	0400	On New Years Eve to the end of hours on New Years Day	Both	<input type="checkbox"/>	
	0800	2400				
Sun	0000	0400				
	0800	2400				

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema  <b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)  <b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6) On New Years Eve to the end of hours on New Years Day		
Mon	0000 ----- 0800	0400 ----- 2400			
Tue	0000 ----- 0800	0400 ----- 2400			
Wed	0000 ----- 0800	0400 ----- 2400			
Thur	0000 ----- 0800	0400 ----- 2400			
Fri	0000 ----- 0800	0400 ----- 2400			
Sat	0000 ----- 0800	0400 ----- 2400			
Sun	0000 ----- 0800	0400 ----- 2400			

**C**

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	
Tue	-----	-----	
Wed	-----	-----	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur	-----	-----	
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat	-----	-----	
Sun	-----	-----	
	-----	-----	

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	-----	-----	<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	-----	-----			
Wed	-----	-----	<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0000 ----- 0800	0400 ----- 2400	Please give further details here (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	Both	<input type="checkbox"/>
Tue	0000 ----- 0800	0400 ----- 2400			
Wed	0000 ----- 0800	0400 ----- 2400	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	0000 ----- 0800	0400 ----- 2400			
Fri	0000 ----- 0800	0400 ----- 2400	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) On New Years Eve to the end of hours on New Years Day		
Sat	0000 ----- 0800	0400 ----- 2400			
Sun	0000 ----- 0800	0400 ----- 2400			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x						
Day	Start	Finish		Outdoors	<input type="checkbox"/>						
Mon	0000	0400	<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>						
	0800	2400									
Tue	0000	0400		<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>					
	0800	2400									
Wed	0000	0400			<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>				
	0800	2400									
Thur	0000	0400				<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>			
	0800	2400									
Fri	0000	0400					<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>		
	0800	2400									
Sat	0000	0400						<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>	
	0800	2400									
Sun	0000	0400							<u>Please give further details here</u> (please read guidance note 4) This would only be as an ancillary to the use of the premises as a cinema	<input type="checkbox"/>	<input type="checkbox"/>
	0800	2400									



**G**

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) On occasions during normal operating hours staff or others may dress up as characters from films or generally for promotional purposes. This may on occasions involve the performance of dance.		
Mon	0000 ----- 0800	0400 ----- 2400			
Tue	0000 ----- 0800	0400 ----- 2400			
Wed	0000 ----- 0800	0400 ----- 2400	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	0000 ----- 0800	0400 ----- 2400			
Fri	0000 ----- 0800	0400 ----- 2400	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	0000 ----- 0800	0400 ----- 2400	On New Years Eve to the end of hours on New Years Day		
Sun	0000 ----- 0800	0400 ----- 2400			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	x
Mon	0000 ----- 0800	0400 ----- 2400		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	0000 ----- 0800	0400 ----- 2400	<b>Please give further details here</b> (please read guidance note 4) This would include possible karaoke, singalongs or similar events.		
Wed	0000 ----- 0800	0400 ----- 2400			
Thur	0000 ----- 0800	0400 ----- 2400	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri	0000 ----- 0800	0400 ----- 2400			
Sat	0000 ----- 0800	0400 ----- 2400	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6) On New Years Eve to the end of hours on New Years Day		
Sun	0000 ----- 0800	0400 ----- 2400			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	0000	0500	<u>Please give further details here</u> (please read guidance note 4) The provision of drinks, food and snacks etc to persons attending the cinema.	Both	<input type="checkbox"/>	
	2300	2400				
Tue	0000	0500				
	2300	2400				
Wed	0000	0500		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
	2300	2400				
Thur	0000	0500				
	2300	2400				
Fri	0000	0500		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
	2300	2400				
Sat	0000	0500				
	2300	2400				
Sun	0000	0500				
	2300	2400				

**J**

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	x	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	0000	0300	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	Both	<input type="checkbox"/>	
	0900	2400				
Tue	0000	0300				
	0900	2400				
Wed	0000	0300				
	0900	2400				
Thur	0000	0300		<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) On New Years Eve to the end of hours on New Years Day		
	0900	2400				
Fri	0000	0300				
	0900	2400				
Sat	0000	0300				
	0900	2400				
Sun	0000	0300				
	0900	2400				

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

The premises may show films that have certificate 18 issued by the BBFC or local authority

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0000	0430	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</b> On New Years Eve to the end of hours on New Years Day</p>
	0730	2400	
Tue	0000	0430	
	0730	2400	
Wed	0000	0430	
	0730	2400	
Thur	0000	0430	
	0730	2400	
Fri	0000	0430	
	0730	2400	
Sat	0000	0430	
	0730	2400	
Sun	0000	0430	
	0730	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The applicants have carried out an assessment of their operation in the light of the proposed variations and have ascertained that no further steps are required to promote the four licensing objectives other than as set out below and currently contained in the Premises Licence.

**b) The prevention of crime and disorder**

**c) Public safety**

In relation to the structural alterations the reasonable requirements of the Fire Officer and Environmental Health Officer shall be incorporated and no licensable activities shall take place within the premises until they have been inspected by the Fire Officer, Environmental Health Officer and any other responsible authorities who notify in writing their intention to inspect.

**d) The prevention of public nuisance**

e) The protection of children from harm

**Parent and Baby Screenings**

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 restrictions shall not apply to the 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.

Noone 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 a low level throughout the screening.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in  
relation to the introduction of the late night levy. x
- I have sent copies of this application and the plan to responsible authorities and others where  
applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be  
rejected. x



**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	DLA Piper
Date	11 May 2015
Capacity	Solicitors for the Applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

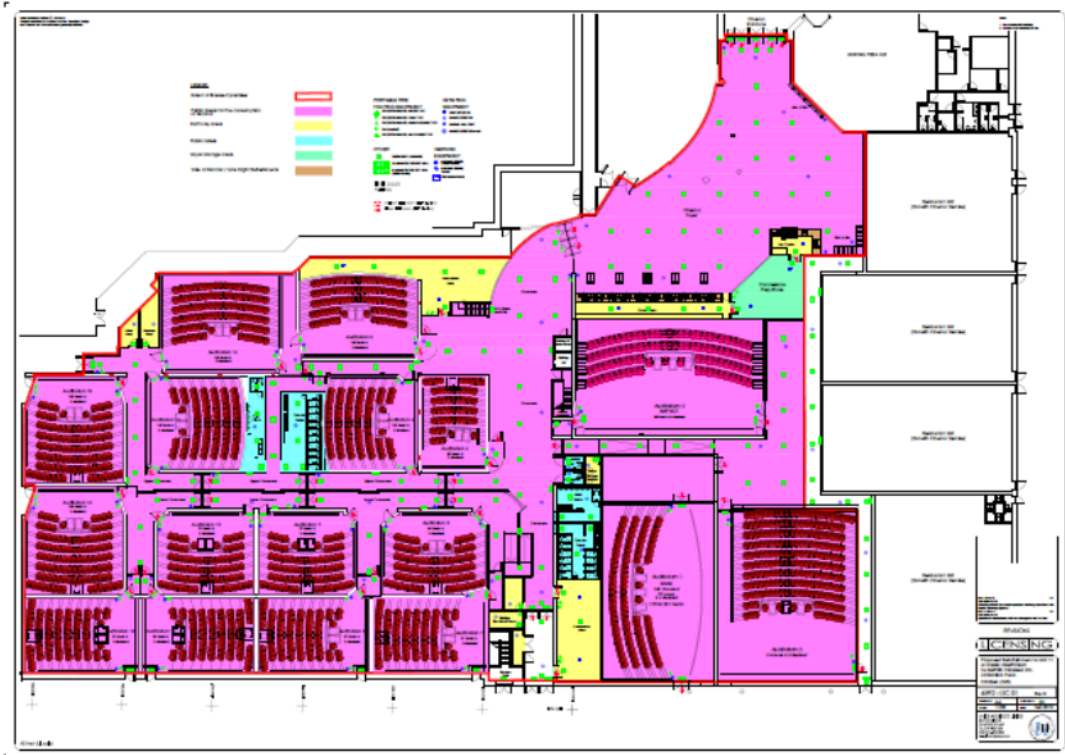
**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)**

Matthew Shaw  
DLA Piper UK LLP  
1 St Paul's Place

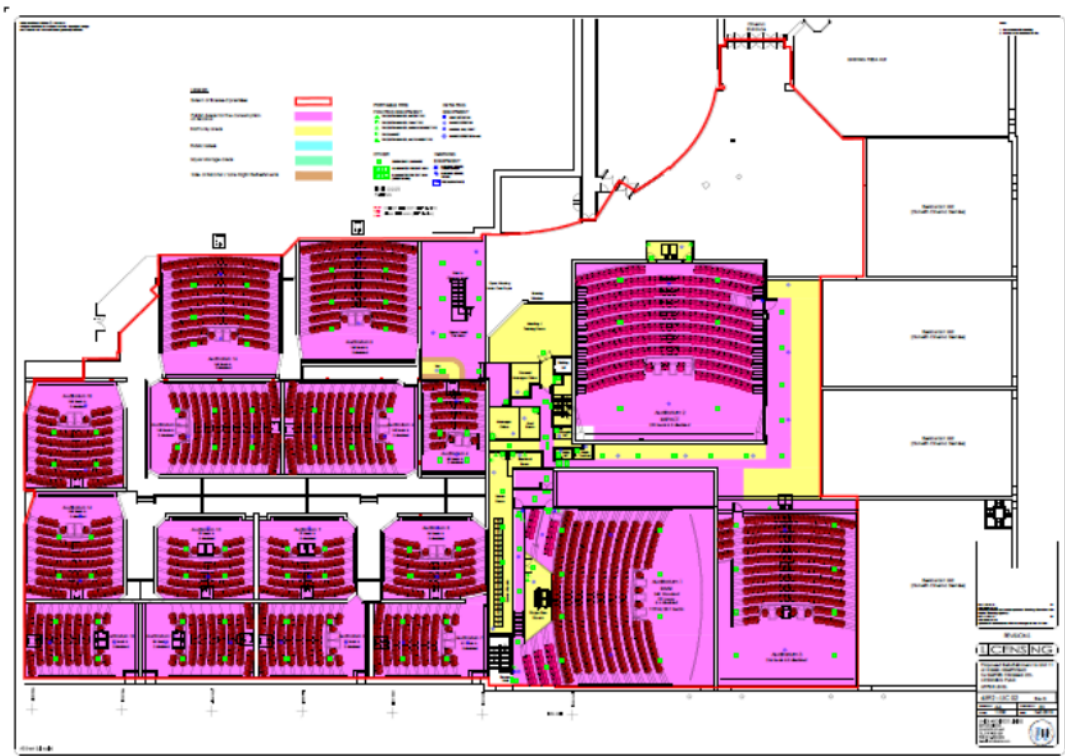
Post town	Sheffield	Post code	S1 2JX
Telephone number (if any)	0114 283 3128		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
matthew.shaw@dlapiper.com			

VARIATION APPLICATION CONTINUED: PROPOSED PLANS

GROUND FLOOR

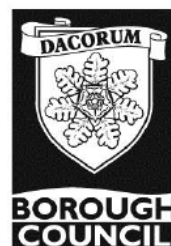


UPPER LEVEL



## ANNEX C LICENSING AUTHORITY REPRESENTATION

Date: 09 June 2015  
Your reference:  
Our reference: M038277  
Contact: Ross Hill  
Email: ross.hill@dacorum.gov.uk  
Direct line: 01442 228654  
Fax:



Matthew Shaw  
DLA Piper UK LLP

On behalf of Hemel Hempstead Two Cinema 2 Limited  
(trading as Empire Cinema)

BY EMAIL: [matthew.shaw@dlapiper.com](mailto:matthew.shaw@dlapiper.com)

Civic Centre  
Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1HH

Telephone: 01442 228000  
[www.dacorum.gov.uk](http://www.dacorum.gov.uk)  
DX 8804 Hemel Hempstead  
D/deaf callers, Text Relay:  
18001 + 01442 228000

Dear Mr Shaw

**Licensing Act 2003: application for variation of premises licence (s.34)  
Empire Cinema, Jarman Way, Hemel Hempstead, Herts, HP2 4JS  
Licensing authority representation**

I am making representation on behalf of the licensing authority in respect of your recent application to vary the premises licence, number DAC 007958, which is in force for the above-mentioned premises and which is held by your client, Hemel Hempstead Two Cinema 2 Limited.

I confirm that authority to make such representations has been delegated to officers by the council's Licensing, Health & Safety and Enforcement Committee, which is the authority's licensing committee for the purposes of the Act, and that I have been duly authorised by the Assistant Director (Chief Executive's Unit).

By way of summation, the variation application seeks:

- To reflect comprehensive structural alterations to the premises arising from an increase in the number of screens from 8 to 17, resulting in an increase in maximum customer capacity within auditoriums from 1852 to 2250;
- To permit the exhibition of age-restricted films (e.g. 15- or 18-certificate) at 'parent and baby' type screenings, in the presence of accompanied babies and toddlers up to 24 months of age; and
- To amend licence conditions to allow the service of more than one alcoholic beverage per customer, and to make consequential amendments to licence conditions.



Continues...



100% recycled paper

It is noted that no change is intended to the licensable activities permitted by the licence, nor the hours during which those activities may be carried on.

The representation being raised at this time relates solely to the proposal to admit accompanied babies and toddlers under 24 months of age to 'parent and baby' screenings of age-restricted films, and is made in respect of the 'protection of children from harm' licensing objective. No concerns are raised in respect of the other elements of the proposed variation.

### **Background**

Under section 20 of the 2003 Act, licensing authorities must attach a mandatory condition to any premises licence which authorises the exhibition of films, the effect of which is to prohibit the admission of any children (defined as persons aged under 18) to exhibitions of films in accordance with either the recommendation of a film classification body (the British Board of Film Classification (BBFC), in the form of a classification certificate), or the overriding recommendation of the licensing authority as may be given on a film-by-film basis. This is referred to as condition F1 within Annex 1 of the current premises licence, and the wording of the condition applied by this authority in respect of this licence is as follows:

**The admission of persons under the age of 18 to the exhibition of films must be restricted in accordance with any recommendation of a film classification body [the British Board of Film Classification], or, where there is no such recommendation or the licensing authority has notified the holder that section 20(3)(b) of the Licensing Act 2003 applies to the film, the recommendation of the licensing authority.**

The BBFC is an independent body, originally established by the film industry, which makes recommendations centrally and consistently with regards to the classification, content and recommended admission age to film exhibitions. It is also the only body accredited under the Video Recordings Act 1984 to provide age ratings for physical video recordings sold for home viewing. BBFC classifications for film exhibitions in cinemas are not legally binding in their own right, but become so under the mandatory condition which local licensing authorities are required to attach to premises licences and club premises certificates, as set out above, unless the authority has resolved to override a BBFC recommendation for a particular film and issue its own recommendation. As such, local authorities remain ultimately responsible for determining access restrictions to film exhibitions at licensed cinemas, although it is comparatively rare for local authorities to depart from the recommendations made by the BBFC.

An alternate licensing authority recommendation would be made under section 20(3)(b) of the 2003 Act. It is for the licensing authority to determine what matters to take into account when giving such a recommendation, although the BBFC guidelines would appear to be a reasonable starting point. Recommendations may be given of the licensing authority's own volition (typically if it disagrees with a BBFC classification decision, and wishes to allow a 'banned' film to be exhibited within its area (e.g. London Borough of Camden for "The Texas Chainsaw Massacre", 1998), or prohibit a classified film from being shown in that area (Westminster City Council for "Crash", 1997)), or at the request of a cinema proprietor or some other interested party. It is understood that Dacorum has not previously utilised this power under the 2003 Act, and accordingly no policy or

guidelines have been adopted by the authority, although section 9 of the Statement of Licensing Policy provides some brief details on the legislative provisions.

The BBFC's current classification guidelines<sup>1</sup> provide for six standard 'certificates', five of which cover almost all mainstream releases shown in cinemas, which carry the following recommendations pertaining to admission of children:

<b>Extracts from BBFC Classification Guidelines 2014</b>	
<b>U</b>	<b>Universal – Suitable for all</b> Suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.
<b>PG</b>	<b>Parental Guidance – General viewing, but some scenes may be unsuitable for young children</b> A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger, or more sensitive, children
<b>12A</b>	<b>Suitable for 12 years and over</b> Films classified 12A... contain material that is not generally suitable for children aged under 12. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child.
<b>15</b>	<b>Suitable only for 15 years and over</b> No one younger than 15 may see a 15 film in a cinema.
<b>18</b>	<b>Suitable only for adults</b> No one younger than 18 may see an 18 film in a cinema.
<b>R18</b>	<b>To be shown only in specially licensed cinemas, ... to adults only</b> The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas... <i>[N.B. Exhibition of R18 films requires a sex establishment licence]</i>

The effect of the mandatory condition, therefore, is to require the operators of premises licensed to show films to exclude children under the age of 15 years from showings of 15-rated films, and children under the age of 18 years from 18-rated films. In line with the recommendations, under-18's may be admitted to U- and PG-rated films without restriction or accompaniment, and to 12A-rated films if they are accompanied by an appropriate adult. The R18 certificate is not relevant to the premises in question.

The 2003 Act, the statutory Home Office guidance, and the BBFC guidelines are all silent on babies and toddlers being present during the exhibition of films, with no lower age threshold specified within the recommendation. The simplest interpretation of the mandatory condition is therefore that any child aged 0-14 must be excluded from a 15 film, and 0-17 from an 18 film.

<sup>1</sup> <http://www.bbfc.co.uk/what-classification/guidelines>

'Parent and baby screenings' have become an increasingly common offering in UK cinemas in recent years, allowing parents with very young children to watch films in the company of similar parents without needing to make alternate childcare arrangements. Typically these screenings will involve reduced sound levels and brighter-than-normal ambient lighting within the auditorium, to provide a more comforting environment for babies or toddlers and to allow their parents to take care of the children while the film is playing. To comply with the mandatory condition, only U-, PG- or 12A-rated films may be shown during such events, as admission of babies or toddlers to 15- or 18-rated films would constitute a technical breach of the mandatory condition, and thus an offence under section 136 of the 2003 Act. Licensing officers have previously given advice to other licensed cinemas within Dacorum about this issue, after receiving complaints from members of the public about the admission of young children and their exposure to adult content.

Within their guidelines, the BBFC note that they are guided by the principle "to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content". They also note that this includes "harm that may result from the behaviour of potential viewers, but also any moral harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion." While there is a school of thought that very young children will attending a parent and baby screening will have no awareness of the film or its content, and will not understand strong language or behaviours that may warrant a higher certificate under the classification guidelines, some academic studies have suggested that a traumatic visual image or other media stimulus during early childhood may cause an adverse and lasting effect on that child, particularly at a time when children are still developing responses to unfamiliar external stimuli.

#### **Current application**

The applicant has proposed the provision at the premises of screenings for parents with babies and toddlers (up to 24 months of age) of films with up to an 18 classification. The applicant also states that mandatory condition F1 would need to be amended to facilitate this proposal, and has suggested several new licence conditions which would apply to such screenings, in part M(e) of the operating schedule.

In the opinion of officers, and for the reasons set out above, amendment of licence conditions to permit the exhibition of 15- or 18-rated films on a blanket basis in the presence of young children would be incompatible with the mandatory condition which must be attached to the licence under section 20 of the 2003 Act. The content of this condition is prescribed, and the authority would be acting ultra vires were it to amend the condition to permit the admission of children under the age specified in the BBFC classification for the film in question, or the licensing authority's overriding recommendation.

The licensing authority may consider making an alternate recommendation under section 20(3)(b) of the 2003 Act on a film-by-film basis to permit the admission of young children, and the current wording of condition F1 of the licence already

provides for this. Please note that the power to make alternate recommendations is a discretionary function rather than a statutory obligation, and as such the licensing authority may in future resolve to make a charge for providing this service, commensurate with the costs it incurs (Local Government Act 2003, section 93). The authority may also require a copy of the film proposed to be exhibited to be submitted for viewing purposes prior to the making of a recommendation.

**Suggestion**

It is therefore suggested that, in the first proposed condition in part M(e) of the operating schedule, the words “and the age restrictions shall not apply to the babies at those screenings” be omitted. The effect of this modification would be to allow the licence-holder to promote the parent and baby screenings as intended for any film classified by the BBFC as U, PG or 12A, subject to the additional conditions put forward in the operating schedule; and to promote such screenings for films with higher ratings subject to the agreement of the licensing authority on a film-by-film basis by way of an alternate recommendation for the film in question. This would appear to be compliant with the mandatory condition required under section 20.

As stated above, no concerns are raised in respect of the other aspects of the proposed variation.

If the modification to the operating schedule proposed above can be agreed, and assuming that no other relevant representations are received, I would be happy for the application to be determined without a hearing, pursuant to regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

Please contact me using the details at the top of this letter, should you wish to discuss any of the contents.

Yours sincerely



**Ross Hill**  
**Licensing Team Leader**  
**Legal Governance**

Cc: Sally Taylor, Lead Licensing Officer, Dacorum Borough Council

**ANNEX D**

**NEGOTIATIONS BETWEEN THE LICENSING AUTHORITY AND THE APPLICANT**

**Sally Taylor**

---

**From:** Shaw, Matthew <Matthew.Shaw@dlapiper.com>  
**Sent:** 15 June 2015 10:20  
**To:** Ross Hill  
**Cc:** Sally Taylor; Smith, Lisa  
**Subject:** RE: Premises Licence variation application - Empire Cinema, Jarman Park, Hemel Hempstead [DLAP-UKMATTERS.FID1309554]

Ross,

Thank you for your email.

I think that once you cut through everything we are effectively talking about the same point. All we are seeking to achieve is a position where the applicant can allow toddlers up to 24 months old to accompany their parent at screenings of 15 and 18 films. The applicant completely accepts that approval from the licensing authority is required to depart from film classifications for such films and we have already proposed to submit a schedule of films in advance to the council for approval so that we don't have to take up the applicant's or the council's time each week seeking a fresh approval.

In terms of the proposed amendment we would like to see something which reflects the process which needs to be followed in order to show, for example, a 15 certificate film at a parent and baby screening, rather than relying upon the interpretation and operation of the existing mandatory condition as licensing officers do change and their interpretations can differ.

Therefore, what I would suggest is that we make the amendment which is proposed and insert another condition which makes it clear that (i) the applicant must submit a schedule of films to the licensing authority for approval; and (ii) toddlers <24 months can be admitted to parent and baby screenings of films which have been approved subject to the remaining conditions that we have proposed.

The Operations Director at Empire who I take instructions from is on holiday at the moment and therefore the proposal above is subject to his confirmation that he is happy with this but, based upon the Company's approach in similar situations I think he will probably be happy with this.

Kind regards

Matthew

**Matthew Shaw**  
Senior Associate  
T +44 114 283 3128  
F +44 114 276 6720  
M +44 7738295311  
E matthew.shaw@dlapiper.com



DLA Piper UK LLP  
www.dlapiper.com

---

**From:** Ross Hill [mailto:Ross.Hill@dacorum.gov.uk]  
**Sent:** 09 June 2015 23:48  
**To:** Shaw, Matthew  
**Cc:** Sally Taylor; Smith, Lisa  
**Subject:** RE: Premises Licence variation application - Empire Cinema, Jarman Park, Hemel Hempstead [DLAP-UKMATTERS.FID1309554]



---

**Sally Taylor**

---

**From:** Ross Hill  
**Sent:** 19 June 2015 10:32  
**To:** 'Shaw, Matthew'  
**Cc:** Sally Taylor; lisa.smith@dlapiper.com  
**Subject:** RE: Premises Licence variation application - Empire Cinema, Jarman Park, Hemel Hempstead [DLAP-UKMATTERS.FID1309554]

Matthew,

I would be happy to go with this approach. I have suggested a further amendment to your original operating schedule below – would this be acceptable to you?

With respect to the proposal to view films, I would envisage that any such requests will only be made infrequently – in the first instance we would check the BBFC Insight records for the film in question and only require a viewing/copy if this led to concerns around content that is particularly unsuitable for children of the ages in question.

**Parent and Baby Screenings**

- a) 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.
- b) Where the film exhibited at such a screening is one to which children may not be admitted by virtue of a BBFC classification, accompanied children under the age of 24 months may be admitted to these screenings providing that the licensing authority has given its prior written consent to this. The licence-holder shall periodically submit for consideration by the licensing authority a schedule detailing any such films proposed to be shown during such screenings (not less than 28 days prior to the first proposed screening), and if requested shall facilitate a viewing or provide a viewable copy of such films to licensing authority representatives for the purposes of making an alternate admission recommendation under section 20(3) of the 2003 Act.
- c) Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months.
- d) No-one shall be admitted to parent and baby screenings unless accompanied by a baby.
- e) Babies must be held on the laps of the parent or guardian throughout the screening.
- f) The lights must be left on at a low level throughout the screening.

With regards,

**Ross Hill**  
Licensing Team Leader | Legal Governance

Email: [ross.hill@dacorum.gov.uk](mailto:ross.hill@dacorum.gov.uk)  
Phone: (01442) 228654  
Post: Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1HH  
Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

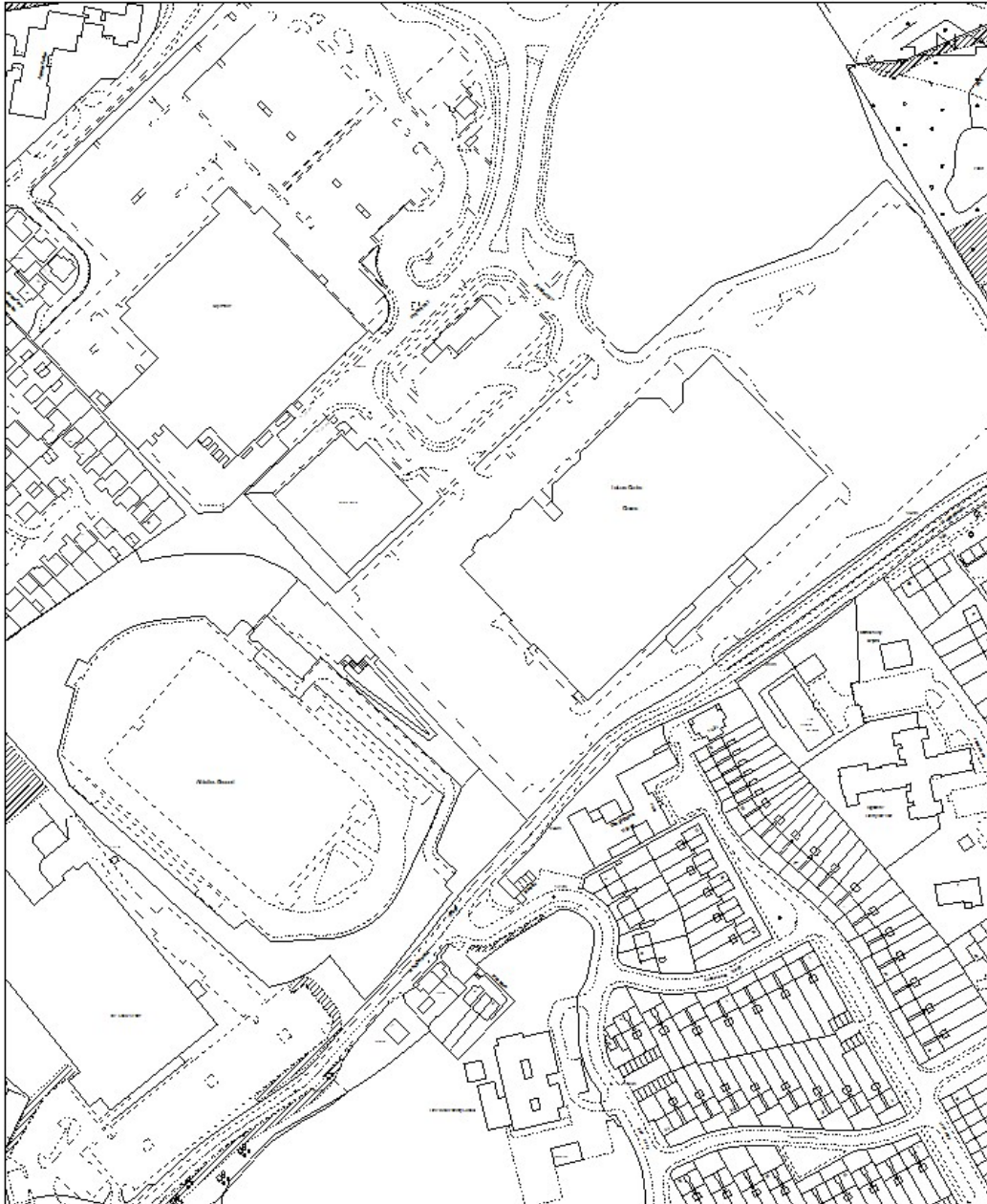
**ANNEX E**  
**MAP SHOWING LOCATION OF PREMISES**



**Dacorum Borough Council**

**Licensing**

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



(C) Crown copyright. All rights reserved.  
Dacorum Borough Council 100018935: 2015

Scale: 1:2500  
Date: 24/06/2015  
OS Tile: TL0606NE

## **Dacorum Borough Council Statement of Licensing Policy**

### **9. Children and Cinemas**

9.1 The Licensing Authority will expect that, in the case of premises giving film exhibitions, the operating schedule accompanying applications shall include arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

9.2 In connection with the film exhibition, conditions should specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there should be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. For the film passed by the Licensing Authority, conditions will require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

9.3 The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself.

### **Relevant extracts from Section 182 Guidance**

2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself.

10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

10.62 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

13.55 The statement of policy should make clear that in the case of premises giving film exhibitions, the licensing authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-

restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.

### **Determining applications**

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties.

After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

## **6. LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE**

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
  - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
  - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
  - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
  - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
  - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
  - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
  - (d) the Sub-Committee will consider:
    - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
    - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.

9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

## **6. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

\*\*\*\*\*

**DACORUM BOROUGH COUNCIL**

**LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE**

**9 MARCH 2015**

\*\*\*\*\*

Present –

**MEMBERS:**

Councillors Mrs Green (Chairman), Hearn and G Sutton

**OFFICERS:**

Barbara Lisgarten	Legal Services Team Leader
Ross Hill	Licensing Team Leader
Sally Taylor	Lead Licensing Officer
Pauline Bowles	Member Support Officer

**Other Persons Present:**

Miss B	- Applicant
CF	- Applicant's Representative
Sergeant M Saunders	- Hertfordshire Constabulary
M Ward	- Hertfordshire Constabulary Licensing Officer

The meeting began at 2.30 pm

**1. INTRODUCTIONS**

The Chairman introduced herself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

**2. MINUTES**

The minutes of the meeting held on 9 February 2015 were deferred until the next meeting of Sub-Committee.

**3. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**4. DECLARATIONS OF INTERESTS**

There were no declarations of interests.

**5. EXCLUSION OF THE PUBLIC**

Resolved:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal her identity.

#### **6. APPLICATION FOR PERSONAL LICENCE WITH POLICE OBJECTION**

The Sub-Committee considered an application for the grant of a personal licence.

Full details of the decision are in the Part II minute.

The meeting finished at 3.25 pm.