

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	<b>LICENSING PANEL</b>
<b>Date:</b>	<b>1 NOVEMBER 2004</b>
<b>Subject:</b>	<b>APPLICATION FOR ANNUAL VARIATION TO A PUBLIC ENTERTAINMENTS LICENCE</b> <b>VUE CINEMA (previously WARNER VILLAGE) CINEMA, ST. GEORGES CENTRE, HARROW.</b>
<b>Responsible Chief Officer:</b>	<b>CHIEF ENVIRONMENTAL HEALTH OFFICER</b>
<b>Status:</b>	<b>PART 1 (PUBLIC)</b>
<b>Ward:</b>	<b>GREENHILL</b>
<b>Enclosures:</b>	<b>APPLICATION, EXISTING LICENCE AND OBJECTIONS</b>

### 1. Summary

- 1.1 This report gives details of an annual variation to a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. There are two objections to the application; one of them is from the Metropolitan Police.

### 2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 6, below.**

### 3. Relevant Previous Decisions

In 2002, the Panel granted a number of occasional extensions up to 3am. There were no reportable incidents regarding nuisance.

### 4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for the occasional variation of a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

### 5. Background Information

- 5.1 Application has been made to this Council for the grant of an annual variation to the Annual Film Exhibition Licence for the VUE Cinema, St Georges Centre, Harrow, to permit the showing of films beyond midnight on the evenings of Weekdays and Sundays. The application is by VUE Village Cinemas, the operators and licensee at the

premises. The applicants have stated that this application is to avoid making occasional variations in the future and this variation will only be used to screen bloc busters on an occasional basis.

- 5.2 The 9 screens at the premises are licensed for capacities from 87 to 424. The total capacity is 1877 persons for which the premises is considered suitable. The applicant does not intend to use all the screens during these extended hours. Hence the numbers of patrons in the premises will be less than the maximum capacity.
- 5.3 The Annual Film Exhibition licence for the premises permits film exhibitions until 2.30am on Friday and Saturday nights and half past midnight the remainder of the week.
- 5.4 The Chief Planning Officer advises that there are no planning conditions that limit the hours of operation of the premises.
- 5.5 This application was subject to the same advertising requirements as annual licence applications. It was advertised in the Harrow Observer and posters were displayed on the Centre for 28 days. The applicant is also required to send copies of the application to the Metropolitan Police and the London Fire and Emergency Planning Authority. Two objections, one from a local resident and the other from Metropolitan Police, were received to the application and are attached to this report.

## **6. Determination of the Application**

- 6.1 The application has to be determined by the Panel due to the extension beyond the Council's standard hours and to hear the outstanding objections. The legislation does not list the grounds on which the Panel can refuse an application for a variation. The legislation does allow the modification of existing conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any amendments to conditions would have to be practical, enforceable and meet the rules of natural justice.
- 6.2 Options available to the Panel:
  - a. To grant the variation as it stands. Any licence granted would be subject to the Council's Rules of Management.
  - b. To grant the variation and in light of the evidence presented and to amend existing conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises.
  - c. To refuse the variation.
- 6.3 It should be noted with options (b) and (c) that;
  - i. clear reasons for either the refusal to vary the licence, or of the imposition of amendments to conditions would have to be given to the applicant, and
  - ii. the applicant would have the right of appeal to a Magistrates Court.

## **7. Consultation**

- 7.1 The application was advertised in accordance with the Council's rules governing applications as detailed above.

**8. Finance Observations**

8.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

**9. Legal Observations**

9.1 In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

**10. Background Papers**

10.1 File for the Warner Village Cinema, St George's Centre, Harrow.

10.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

**11. Author**

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