

Minutes of the meeting of the LICENSING AND  
APPEALS HEARINGS PANEL held at 9.30 am on  
Thursday, 6th June, 2019 at Council Chamber,  
Civic Centre, Stone Cross, Northallerton

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Present

Councillor R Kirk (in the Chair)

Councillor P Bardon

Councillor K G Hardisty

Also in Attendance

Councillor C A Dickinson

Councillor M Taylor

LAHP.1 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EVERYMAN  
CINEMA, TREADMILLS, EAST ROAD, NORTHALLERTON, NORTH YORKSHIRE,  
DL6 1NW**

Northallerton South Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of Everyman Cinema, Treadmills, East Road, Northallerton, DL6 1NW. The application sought to authorise the performance of plays and the exhibition of films between the hours of 9am and 3am every day; the performance of live music, the playing of recorded music, the performance of dance and any entertainment of a similar description between the hours of 9am and 3am every day; the sale of alcohol between the hours of 9am and 3am every day and the provision of late night refreshment between the hours of 11pm and 3am every day.

**Alternative options considered:**

The Panel considered all of the options outlined in paragraph 7.2 of the officer's report. The Panel was satisfied that the licensing objectives were not likely to be adversely affected by the proposed licensable activities provided that appropriate conditions were imposed. Therefore, the Panel concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel considered the written representations of all parties, oral representations of the applicant and one local resident, the Licensing Act 2003 as amended, the four licensing objectives, the Council's Statement of Licensing Policy and the guidance issued under section 182 of the Licensing Act 2003.

The Panel noted that three local residents had submitted representations in relation to concerns in respect of anti-social behaviour, littering and noise nuisance.

The Panel noted that the applicant confirmed two amendments to the application, namely:

- (i) that the terminal hour for all licensable activities will be midnight; and
- (ii) that the use of the terrace will terminate at 10pm.

The applicant informed the Panel that the application related to the provision of a cinema containing four auditoriums, a bar area and a terrace. The applicant informed the Panel that the premises (as defined by the plans accompanying the application) would only be suitable for use as a cinema. The applicant informed the Panel that only those attending as patrons of the cinema would be permitted to purchase alcohol. The Panel was also informed that alcohol sales only formed approximately 5% of the applicant's business income.

The applicant told the Panel that the company currently operated 28 cinemas across the UK, providing a more expensive and comfortable style of cinema experience. The Panel was informed that several of those premises were located close to residential accommodation and that the company sought to develop a good relationship with its residential neighbours. The applicant informed the Panel that it had not had a single complaint of public nuisance, anti-social behaviour or crime at any of the other cinemas it operated.

The Panel noted that the applicant had proposed conditions in the operating schedule to promote the licensing objectives including the adoption of a "Challenge 25" scheme and the installation of CCTV.

The Panel noted that the application had not attracted representations from Environmental Health, the Police or any of the other responsible authorities.

The Panel noted that the application included a number of licensable activities in addition to the provision of films and the sale of alcohol and late night refreshment. The applicant explained that some of the events that it hosts can include the occasional use of live actors, dancers, musicians or Q&As with film directors, some of which require authorisation.

The Panel noted that the interested parties raised some concerns in respect of potential noise impact from the loading and unloading of delivery vehicles. The Panel noted that the applicant had confirmed that it would comply with restrictions regarding deliveries placed on the site through planning permission. The Panel was satisfied that it would not be appropriate to seek to duplicate existing statutory requirements in this regard.

The Panel considered representations which expressed concern over the use of the external terrace. In particular, residents were concerned about the noise that could emanate from users of the terrace if it was not enclosed. One local resident raised concerns that glass panelling would invade the privacy of local residents. The Panel was satisfied that such matters would be dealt with under planning law and that any decision in this hearing could only be with a view to promoting the licensing objectives. The applicant informed the Panel that the construction of the premises was still in the design stage. The applicant proposed to limit the use of the terrace to 10.00pm. The Panel was satisfied that the proposal would alleviate some of the concerns raised by local residents.

The Panel considered representations in respect of noise nuisance associated with the proposed terminal hour for licensable activities at 3.00am. The Panel noted that the applicant had proposed to reduce the terminal hour to midnight. The Panel was satisfied that such a reduction would alleviate most of the concerns raised by local residents.

The interested parties raised concerns in respect of children being exposed to adults drinking alcohol. The Panel noted that the sale of alcohol in premises where children may be present was not unusual. In any case, the Panel could not consider matters that were not included in the written representations and therefore concluded that no further action would be appropriate in this respect.

The Panel considered representations in respect of litter in the area. The applicant informed the Panel that it had produced policies and staff training in order to minimise anti-social behaviour and nuisance. The applicant informed the Panel that it promoted a clean environment for its patrons.

The Panel noted that all premises licences are subject to any relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule. Furthermore the Panel noted that all premises licence are subject to review in the event of any failure to adequately promote the licensing objectives.

**THE DECISION:**

The Panel resolved to grant the application subject to the applicant's proposed modifications (namely to cease licensable activities at midnight every day and to prohibit the use of the external terrace after 10.00pm) and any conditions consistent with the operating schedule.

The meeting closed at 10.25 am

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Chairman of the Panel