

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 8 July 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Eliza Mann

OTHER MEMBERS PRESENT: Councillor Sunny Lambe (observing)
Councillor Sandra Rhule (observing)
Councillor Charlie Smith (observing)
John Reiss, representative from Peckhamplex
Simone Brown, representative from Peckhamplex
Mr M T U, applicant for personal licence
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing officer representing the council as a responsible authority
David Swaby, licensing officer
Jayne Tear, licensing officer
Ann Flynn, safeguarding children board
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: PECKHAMPLEX, 95A RYE LANE, LONDON SE15 4ST

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions.

The sub-committee heard from the Southwark safeguarding children board officer. Members had questions for the safeguarding children board officer.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.17am.

The licensing sub-committee resumed at 12.15pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Peckhamplex Ltd for a grant of a variation to the premises licence issued under the Licensing Act 2003 in respect of Peckhamplex, 95A Rye Lane, London SE15 4ST be refused.

Reasons

This was an application submitted by Peckhamplex Ltd for a grant of a variation to the premises licence issued under the Licensing Act 2003 in respect of Peckhamplex, 95A Rye Lane, London SE15 4ST.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that they sought to vary their licence to screen cinema films in the daytime for watch with baby sessions where only parents with children under one year can attend. The films could include those of 15 and 18 classifications.

They advised that this request for the variation was customer led and that they already had watch with baby sessions that screened films up to a classification of 12A. At present the watch with baby screenings had a number of safeguards (listed in additional document 2, circulated at the meeting) that would be extended if the sub-committee were minded to vary the licence.

The applicant recognised the concerns of the responsible authorities but the application was in response to the local community who wanted to know why cinemas outside of Southwark were showing films classified above 12A at similar watch with baby sessions.

When asked the applicant was not able to provide documentary evidence, including licences of cinemas running such sessions with these higher classifications.

The licensing sub-committee heard from The trading standards officer whose representation was made purely on the basis of the legality of the application, that it is not possible to amend condition 102 (of the licence) to accommodate the applicant's wishes.

The licensing sub-committee heard from the safeguarding children board officer who maintained their objection to the application in that the Southwark safeguarding children board of the view that babies may be affected by the content of higher category films. They advised that babies under the age of one do not understand that a film is a time limited experience. By being exposed to a film classified above 12A babies can build on memories and experiences that could ultimately be an unintentional negative experience.

Whilst the applicant was making this application in response to the local community, the applicant needed to act as a role model by complying with the BBFC guidelines rigorously.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who made representations on the legality of the application and not on the morality. In their view it was not legally possible to circumvent the mandatory conditions regarding the exhibition of films in section 20 of the Licensing Act 2003. The licensing authority (as a responsible authority) made enquiries with other licensing authorities in response to the applicant's contention that several cinema sites around the country had parent and baby screenings showing films classified as 15. However, none of the other licensing authorities were able to advise how the mandatory condition 102 could be overcome.

The licensing sub-committee scrutinised section 20 of the Licensing Act 2003 in addition to the section 182 guidance that states that "The 2003 Act provides that where a premises licence....authorises the exhibition of a film, it must include the condition requiring the admission of children to films to be restricted in accordance with recommendations given by the BBFC or by the licensing authority itself. In this circumstance the sub-committee had no option but to refuse the application.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives. The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrates' court for the local justice area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

The sub-committee noted the open report and considered the information in the closed agenda.

RESOLVED:

That the application for a personal licence issued under the Licensing Act 2003 be refused.

The reasons for the decision are set out in the closed minutes.

7. CONFIDENTIAL: LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 3 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing sub-committee considered the closed information relating to this report.

The meeting closed at 2.05pm.

CHAIR:

DATED: