



MISCELLANEOUS LICENSING SUB-COMMITTEE

DATE:	Friday, 9 November 2018
TIME:	10.00 am
VENUE:	Council Chamber, Council Offices, Weeley

MEMBERSHIP:

Councillor V Guglielmi (Chairman)
Councillor Cossens (Vice-Chairman)
Councillor B Brown
Councillor Callender

Councillor J Henderson
Councillor Watson
Councillor Whitmore
Councillor Winfield

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573

DATE OF PUBLICATION: Monday, 29 October 2018

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on 4 June 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 37

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Report of the Corporate Director (Operational Services) - A.1 - Hackney Carriage/Private Hire Licences (Pages 5 - 6)

To inform the Sub-Committee of the number of drivers, vehicles and operators licensed with this Authority as at 10 October 2018.

6 Exclusion of Press and Public

To pass the following resolution:-

"That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

Reports of Corporate Director (Operational Services)

B.1 - Application for the Renewal of a Hackney Carriage/Private Hire Drivers' Licence

B.2 - Application for the Grant of a Hackney Carriage/Private Hire Driver's Licence

B.3 - Application for the Review of a Hackney Carriage/Private Hire Driver's Licence".

7 Report of Corporate Director (Operational Services) - B.1 - Application for the Renewal of a Hackney Carriage/Private Hire Driver's Licence (Pages 7 - 18)

To consider an application for the renewal of a Hackney Carriage/Private Hire Driver's Licence where offences have been disclosed.

8 Report of Corporate Director (Operational Services) - B.2 - Application for the Grant of a Hackney Carriage/Private Hire Driver's Licence (Pages 19 - 20)

To consider an application for the grant of a Hackney Carriage/Private Hire Driver's Licence where the applicant has disclosed offences.

9 Report of Corporate Director (Operational Services) - B.3 - Application for the Review of a Hackney Carriage/Private Hire Driver's Licence (Pages 21 - 32)

To review a named individual's Hackney Carriage/Private Hire Driver's Licence and to determine what action, if any, is to be taken.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON MONDAY, 4TH JUNE, 2018 AT 10.08 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors V Guglielmi (Chairman), Cossens (Vice-Chair), B Brown, Callender, J Henderson, Watson and Winfield
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Michael Cook (Licensing Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Whitmore (with no substitute).

2. MINUTES OF THE FINAL MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The minutes of the final meeting of the Licensing (General Purposes) Sub-Committee, held on 23 February 2018, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENSES

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage and Private Hire drivers, vehicles and operators, licensed by the Council as at 23 May 2018, which was submitted for information only.

5. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILMS

The Sub-Committee had before it a report (A.2), which advised it of an application for the grant of permission to show unclassified films at the Harwich Electric Theatre as part of the Harwich Festival 2018.

The Licensing Manager informed Members that the applicant, Mr Offord, who was the General Manager of the Harwich Festival, which would run from 21 June until 1 July 2018, had requested permission on behalf of the Harwich Festival to show a number of short independently made films at the Harwich Electric Palace Theatre as part of the festival entertainments programme but which had not been classified by the British

Board of Film Classification (BBFC). The project to show the films run under the title of 'Harwich Shorts'.

It was reported that the Harwich Festival was a combined Arts Festival which embraced, music, film, dance, literature, poetry and visual and performing arts. The "Harwich Shorts" project was to be an open screening of independent films made and produced from within the local community.

The Licensing Manager reminded Members that ordinarily films for cinema or other general or limited release/showing were classified by the BBFC. The BBFC would classify a film into a suitable age category for viewing which would depend on the content of the film.

Members were informed that Local Authorities did have the discretion to amend a classification made by the BBFC or grant a classification to an unclassified film if requested to do so. It was rare that this happened and the vast majority of films were classified by the BBFC. Occasionally there were times when presenters or producers of films to be shown at an arts festival for example, or for a very limited release/showing would apply to the relevant Local Authority to classify the film, rather than the BBFC. Local Authorities could classify a film by virtue of Section 20 of the Licensing Act 2003, or in accordance with Home Office Circular 98/1982.

It was reported that the films Mr Offord wanted to show were a selection of short films from various independent filmmakers and artists. A list of the short films had been submitted by Mr Offord and was attached as Appendix B to the report.

It was further reported that Mr Offord had not requested the films to be classified by the British Board of Film Classification (BBFC) as the cost would have made the project impossible. To classify films for theatrical showing with the BBFC would have cost, it was estimated, more than £1,000.

Members were informed that as the compilation of films which Mr Offord wished to screen did not have the benefit of a certificate, the consent of the Council was required before the films could be shown as stated in the Cinemas Act 1985 (Section 1(2)).

Members were further informed that should they be minded to grant consent for the films, then they should suggest a suitable classification. To assist Members, the BBFC Guidelines were attached as Appendix C to the report.

It had been recommended that the Sub-Committee should first view the films prior to the meeting in order to establish whether there were any valid reasons not to permit any of them to be shown and to assist them should they wish to impose any terms and conditions if permission was granted to show the films. To assist Members, Licensing Officers had viewed the films and had made a recommendation on the classification for each film which the Sub-Committee could take into account in making its decision(s). The classifications were in accordance with the relevant BBFC Film Classification Guidelines and were set out in Appendix D for Members' guidance.

The Chairman then asked the applicants how were people segregated when watching different classification films and the applicants explained that as per last year, each set of films were put together according to the classification so all of the films shown each time were of the same classification. This had worked well last year.

Following discussion, it was moved by Councillor Cossens, seconded by Councillor Callender and:-

RESOLVED that the application be approved and that the films be classified, in accordance with the Officers' recommendations, as set out in Appendix D to item A.2 of the Report of the Corporate Director (Operational Services).

Mr Offord thanked the Committee on behalf of the Harwich Festival and said that being able to show these films helped with future Arts Council funding bids.

6. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - THE ADULT CENTRE, 28 ORWELL ROAD, CLACTON-ON-SEA

The Sub-Committee considered an application (A.3) from Miss Amanda Allen for the renewal of the Sex Establishment Licence held in respect of the above premises.

Miss Allen was not present for this item.

The Council's Licensing Manager informed Members that the Applicant proposed that trading would take place between 10.00am and 8.00pm on Mondays to Saturdays and 10.00am – 4.00 pm on Sundays and she also advised that the premises complied with the current conditions imposed, as set out in Appendix 'A' to item A.3 of the Report of the Corporate Director (Operational Services).

Members were informed that there had been no objections received from Essex Police and the local Ward Councillors. Residents in the neighbourhood considered likely to be affected by the application had been consulted and no objections had been received by the date of the meeting.

The Licensing Manager confirmed that notice of the application had been displayed on the premises in the prescribed manner and a public notice to that effect had been published in the local newspaper, as required by statute.

The Sub-Committee had before it, as set out in Appendix 'B' to the report, those grounds which were material to the determination of such an application, as set out in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

It was moved by Councillor Cossens, seconded by Councillor Watson and:-

RESOLVED - that the application for the renewal of a Sex Establishment Licence be granted, for one year, subject to the conditions as set out in Appendix 'A' to item A.3 of the Report of the Corporate Director (Operational Services).

7. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Guglielmi, seconded by Councillor Cossens and:

RESOLVED that the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt

information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act:-

Exempt Minutes of the Final Meeting of the Licensing (General Purposes) Sub-Committee held on 23 February 2018.

8. **EXEMPT MINUTES OF THE FINAL MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE**

The Exempt Minutes of the final meeting of the Licensing (General Purposes) Sub-Committee, held on 23 February 2018, were approved as a correct record and signed by the Chairman.

The meeting was declared closed at 10.30 am

Chairman

MISCELLANEOUS LICENSING SUB-COMMITTEE

9 NOVEMBER 2018

REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]

A.1 HACKNEY CARRIAGE/PRIVATE HIRE LICENCES
[Report prepared by Emma King]

Below is a table showing the number of drivers, vehicles and operators that are licensed with this Authority.

Type of Licence	Number of Licences as at (23 May 2018)	Number of Licences as at (10 October 2018)
Hackney Carriage Driver	317	320
Private Hire Driver	11	11
Hackney Carriage Vehicle	254	247
Private Hire Vehicle	29	28
Private Hire Operator	27	25

RECOMMENDED: That Members note the contents of this report.

PAUL PRICE
CORPORATE DIRECTOR [OPERATIONAL SERVICES]

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