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Miscellaneous Licensing Sub-Committee

7 June 2019

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON FRIDAY, 7TH JUNE, 2019 AT 10.00 AM  
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors V Guglielmi (Chairman), S Honeywood (Vice-Chairman) Casey and White
<b>Also Present:</b>	Councillor Turner
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted from Councillor J Henderson.

**2. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Sub-Committee held on 15 February 2019 were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

There were none.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**5. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENCES**

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 21 May 2019, which was submitted for information only.

**6. 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 in partnership with the Harwich Electric Theatre as part of the Harwich Festival 2019.

The Licensing Manager informed Members that the applicant, Mr Offord, who was the General Manager of the Harwich Festival, which would run from 20 June until 30 June 2019, had requested permission on behalf of the Harwich Festival to show a number of

short independently made films at the Mayflower Heritage Centre as part of the festival entertainments programme. The films in question had not been classified by the British Board of Film Classification (BBFC). The project to show the films ran under the title of 'Harwich Shorts'.

. A Temporary Event Notice under the Licensing Act 2003 had been applied for to authorise the showing of films as a licensable activity.

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. For example, a film that contains adult themes such as extreme violence, drug taking, swearing or nudity would be certified with an appropriate age rating.

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 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.

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 unviable. To classify the 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.

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

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 which were set out in Appendix A for Members' guidance.

Officers had taken into consideration the various costs to cover the work that was involved in dealing with the application, including the production and printing of the covering committee report. Mr Offord had been invoiced £200 which was considered to be a fair, reasonable and proportionate amount that would enable the Licensing Service to recover its costs for the work that it has done on a cost neutral basis and which was in accordance with the provisions made under Section 3 of the Localism Act 2011.

The Chairman asked Mr Offord questions regarding some of the films which the Sub-Committee could not view due to copyright issues and Mr Offord explained the content of each film, which were predominantly music videos.

Mr Offord explained to the Sub-Committee that the project had been very successful last year and it had engaged young people and it had been rewarding for the youngsters to see their films on a large screen.

Following discussion, it was moved by Councillor White, seconded by Councillor Casey and:-

**RESOLVED** that the Sub-Committee approves the films to be classified, as set out in Appendix B to item A.2 of the Report of the Corporate Director (Operational Services) and recommended for inclusion as a mandatory condition for the licence to exhibit the films.

7. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3.**  
**APPLICATION FOR THE GRANT 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 9.00am and 8.00pm on Mondays to Saturdays and 10.00am to 4.00 pm on Sundays. 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.

The Sub-Committee asked the Licensing Manager whether this particular application had to be determined by the Sub-Committee each year and the Licensing Manager confirmed that the application could be delegated to Officers to determine.

The Head of Governance and Legal Services (Lisa Hastings) confirmed that the Licensing and Registration Committee would need to recommend a change to the Scheme of Delegation to Full Council but that this was something that could be presented to a future meeting of that Committee to consider.

It was moved by Councillor White, seconded by Councillor V Guglielmi and:-

**RESOLVED** that -

- (a) 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); and
- (b) that the procedure for determining future applications for the renewal of a Sex Establishment Licence be referred to the Licensing and Registration Committee with a view to amending the Scheme of Delegation to enable Officers to determine applications of this nature in the future, unless there were complaints or representations received from the Police or Members of the Public.

**8. EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded, and:-

**RESOLVED** – That under Schedule 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of item 9 on the grounds that it involves the likely disclosure of exempt information and as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

**9. EXEMPT MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE**

The exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on 15 February 2019 were approved as a correct record and signed by the Chairman.

The meeting was declared closed at 10.45 am

**Chairman**