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Licensing and Registration Committee

24 July 2024

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 24TH JULY, 2024 AT 6.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson (Chairman), Wiggins (Vice-Chairman), Bray, Casey, Codling, A Cossens, Davidson and Smith
In Attendance:	Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Skeels and Thompson (with no substitutions).

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

RESOLVED that the minutes of the previous meeting of the Committee, held on Monday, 25 March 2024 be approved as a correct report and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest noted on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted a notice of a question.

5. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor A Cossens, seconded by Councillor Codling and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 11 March 2024.

6. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.1 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee was told the details of the licences, certificates and permits granted as set out under the separate headings below:

- (i) Premises Licences/Club Premises Certificates

The total of Premises Licences / Club Premises Certificates that have been approved under Delegated Powers during the period 31 August 2022 to 31 January 2023. For comparison, the following also shows the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)
Premises Licences/Club Premises Certificates - Approved	16	10	21	15

(ii) **Personal Licences under the Licensing Act 2003**

The total of Personal Licences approved under Delegated Powers since 7 February 2005, the 'First Appointed Day' on the dates shown were.

Type of Licence	Number of Licences as at			
	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)
Personal Licences	2409	2436	2456	2479

(iii) **Gambling Licences/Permits**

Below is a table showing the number of gambling licences and permits that were licensed with this Authority on the dates shown.

Type of Licence	Number of Licences as at			
	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)
Adult Gaming Centres	17	17	17	17
Betting Premises	11	11	11	11
Bingo Premises	15	15	15	15
Family Entertainment Centres	0	0	0	0
Unlicensed Family Entertainment Centres	27	27	26	26
Prize Gaming Permits	1	1	1	1
Club Gaming & Club Machine Permits	22	22	21	21
Licensed Premises Gaming Machine Permits	21	21	21	20
Licensed Premises Machine	116	122	120	119

<i>Notifications</i>				
<i>Small Society Lottery Permits</i>	114	122	118	117

(iv) **Hackney Carriage/Private Hire Licence**

Below is a table showing the number of drivers, vehicles and operators that were licensed with this Authority on the dates shown.

Type of Licence	Number of Licences as at			
	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)
<i>Hackney Carriage Driver</i>	285	287	290	289
<i>Private Hire Driver</i>	6	6	7	8
<i>Hackney Carriage Vehicle</i>	200	202	208	202
<i>Private Hire Vehicle</i>	28	29	30	28
<i>Private Hire Operator</i>	20	19	19	19
<i>Temporary Insurance Vehicles</i>	1	2	0	1

Members were told that, although the numbers of driver applications processed was broadly the same now as had been the case over the last year, there had been a drop in the number of existing licenced drivers renewing (and a comparative increase in new individuals being licensed).

It was **RESOLVED** that the Committee noted the information set out in the Officer report (A.1).

7. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.2 - LICENSING ACT 2003 - REGULATED ENTERTAINMENT - EXHIBITIONS OF FILM - FILM CLASSIFICATION POLICY**

The Committee heard that the Council was the Licensing Authority under the provisions of the Licensing Act 2003 (the Act). A function of the Licensing Authority under the Act was to receive, consider and determine applications for Premises Licences or Club Premises Certificates. The Act regulated various activities (known as licensable activities or in the case of a private club operating pursuant to a Club Premises Certificate, qualifying club activities). Those activities included the provision of regulated entertainment.

Members were told that the Act sought to promote 4 licensing objectives. Those were:

- Prevention of crime and disorder;
- Prevention of public nuisance;
- Public safety; and
- Protection of children from harm.

Schedule 1 of the Licensing Act 2003 set out what activities were regarded as the provision of regulated entertainment. The description of entertainment activities

licensable under the Act included the exhibition of film. To be licensable, an activity needed to be provided for the purpose (at least partly) of entertaining an audience; had to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity took place in private, be the subject of a charge made with a view to profit.

The Committee was informed that, all premises licences that permitted regulated entertainment in the form of the exhibition of films had a mandatory condition attached to it relating to the admission of children to that premises. Children under the Licensing Act 2003 were defined as anyone under the age of 18. The mandatory condition was a requirement under Section 20 of the Licensing Act 2003.

Officers also told Members that the mandatory condition read as follows:

“Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.”

Members were made aware that, when considering any film which had been put forward for classification, the Licensing Authority would consider it in terms of how the exhibition of the film would impact on the licensing objectives, namely the protection of children from harm. That would apply to any film that had been put forward for a classification that would permit children to watch it. There were seven BBFC classification tiers (U, PG, 12, 12A, 15, 18 & R18) relating to what age a child may be permitted to watch the film on their own or whether there should be any parental or adult supervision.

The Committee learnt that the Licensing Authority deferred to the British Board of Film Classification (BBFC) as the standard classification body for films. However, the Licensing Authority was ultimately able to set film classifications relating to the exhibition of films within the District of Tendring and had the power to classify films away from those adopted by the BBFC. Having said that, it would be unreasonable to disregard any classification applied by the BBFC for a particular film. In addition, when classifying any film, it had been the Licensing Authority’s approval to have regard to the BBFC Guidelines and one element of the proposal in the Officer report was to formally confirm that approach.

Members also were told that, there were specific factors that may influence a classification decision such as:

- Discrimination,
- Drugs,
- Imitable behaviour,
- Language,
- Nudity,
- Sex,
- Threat, and,
- Violence.

Finally, the Committee was reminded that, at its meeting held on 25 March 2024, it had agreed to undertake an 8-week public consultation on the draft policy for Film Classification for the District.

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

RESOLVED that, having considered the outcome of the public consultation on a draft Film Classification Policy, it formally recommends to Cabinet that the policy attached to the Officer report (Appendix A) be adopted.

8. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.3 - LICENSING ENFORCEMENT AND INSPECTION POLICY 2024-2028

The Committee was told that it was best practice that the Licensing Authority kept its policy on enforcement processes under review to ensure that it they were kept up to date with the most current information and that appropriate guidance was made available to applicants, taking into consideration the legislation and resources available. That was then made available to applicants, licensees, those seeking to address issues with licensees, the Licensing Authority's partner agencies and the public.

Keith Simmons (Head of Democratic Services & Elections) made the Committee aware that there were typing errors in the Policy, but that the overall message was still the same and that the Policy would be amended before going out for public consultation.

It was moved by Councillor Davidson, seconded by Councillor Wiggins, and unanimously:-

RESOLVED that:

- a) that the draft revised Licensing Enforcement and Inspection Policy, as set out in Appendix A of the Officer report (A.3) (but subject to the correction of typographical errors) be approved for the purposes of the consultation in resolution b) below; and
- b) the draft revised Licensing Enforcement and Inspection Policy (as duly corrected) be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

9. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.4 - SEX ESTABLISHMENT POLICY

The Committee heard that it was best practice that the Licensing Authority kept its Policy on Sex Establishments under review to ensure that it was kept up to date with the most current information and guidance, legislation and resources available. That was then made available to applicants, licensees, those seeking to address issues with regards to Sex Establishments, the Licensing Authority's partner agencies and the public.

Officers made the Committee aware that there were typing errors in the policy in the Officer report (A.4) but that they would be corrected before going out to public consultation.

It was moved by Councillor Bray, seconded by Councillor Smith and unanimously:-

RESOLVED that:

- a) the draft Sex Establishment Policy, as set out in Appendix A of the Officer report (A.4) (but subject to the correction of typographical errors) be approved for the purposes of the consultation in resolution b) below; and
- b) the draft Sex Establishment Policy, as duly corrected, be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

10. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.5 - GAMBLING ACT 2005 POLICY

The Committee was told that the Council was required to review and renew its Statement of Gambling Policy every three years in accordance with the Gambling Act 2005. The review and renewal of the policy was subject to public consultation and must be adopted by Full Council upon recommendation from both the Licensing and Registration Committee and Cabinet.

Members heard that the Review had been last undertaken three years ago, and that no significant issues had arisen through use of the Policy since that time. The proposed changes were considered minor; however, internal consultation would be undertaken with the Council's Corporate Enforcement Group through that process.

The Committee was informed that the Government had introduced a Gambling White Paper in April 2023. Once that review was concluded, it was likely that there would be changes to the Gambling Commission's guidance issued to Local Authorities, which was likely to have an impact on the Council's Gambling Policy.

Officers also told Members that, the conclusion of the review could fall during the consultation or determination of the Council's Policy review, which might therefore present an unintended clash.

Members also heard that, the Council was unable to extend the existing Gambling Act Policy until the national review had concluded and must review its existing policy within the statutory period.

The Committee was finally told that, it was therefore proposed to undertake a light touch review in 2024 to ensure that the Authority met its obligations to publish its revised policy by 31 January 2025.

It was moved by Councillor A Cossens, seconded by Councillor Bray and unanimously:-

RESOLVED that:

- a) the draft Gambling Policy, as set out in Appendix A of the Officer report (A.5) be approved for the purposes of the consultation in resolution b) below; and

- b) the draft Gambling Policy be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

11. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.6 - PAVEMENT LICENSING POLICY

The Committee was told that under the Business and Planning Act 2020, pavement licensing had been delegated to the Licensing Authority as a temporary measure due to the COVID pandemic. The Levelling Up and Regeneration Act 2023 had now become legislation which superseded the aforementioned Business and Planning Act 2020.

Members heard that the temporary legislation had been due to expire at the end of September 2024; however, the Government had made the scheme permanent, with some amendments, through the aforementioned Levelling Up & Regeneration Act 2023 which had received Royal Assent last year and had come into force on Sunday 31 March 2024.

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

RESOLVED that:-

- a) the changes to temporary pavement licensing as a result of the Levelling Up and Regeneration Act 2023 be noted;
- b) the draft Pavement Licensing Policy, as set out in Appendix A of the Officer report (A.6) be approved for the purposes of the consultation in resolution c) below; and
- c) the draft Pavement Licensing Policy be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

12. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Wednesday, 2 October 2024, commencing at 6.30 p.m.

13. EXCLUSION OF PRESS & PUBLIC

It was **RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 14 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

The Head of Democratic Services & Elections (Keith Simmons) made Members aware that the only reason why the next Agenda Item was being discussed in private, was because it had an individual's private information in the Item and was therefore not for the public record.

14. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

RESOLVED that the exempt minute of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 11 March 2024 be formally received and noted.

The meeting was declared closed at 6.54 pm

Chairman