
**MINUTES OF THE MEETING OF THE GENERAL PURPOSES SUB-COMMITTEE,
HELD ON MONDAY 5 JUNE 2017 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors V E Guglielmi (Chairman), Cossens (Vice-Chairman), J Henderson, Watson, White and Winfield
In Attendance:	Linda Trembath (Senior Solicitor - Litigation and Governance), Simon Harvey (Licensing Manager), Michael Cook (Licensing Assistant) and Katie Sullivan (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

Councillor M Brown was absent.

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Sub-Committee, held on 20 March 2017, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none.

4. REPORT OF 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 23 May 2017, which was submitted for information only.

5. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - ADULT CENTRE, 28 ORWELL ROAD, CLACTON-ON-SEA

The Sub-Committee considered an application (A.2) 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 (Simon Harvey) informed Members that the Applicant proposed that trading would take place between 10.00am and 8.00pm on Monday to Saturday and he also advised that the premises complied with the current conditions imposed, as set out in Appendix 'A' to item A.2 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 the Local Government (Miscellaneous Provisions) Act 1982.

It was unanimously **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.2 of the Report of the Corporate Director (Operational Services).

6. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.3 - APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILMS

The Sub-Committee had before it a report (A.3), which advised it of an application for the grant of permission to show unclassified films at the Harwich Electric Theatre.

The applicant (Mr Offord) and one of his colleagues (Mr Theobald) were in attendance for this item and confirmed that a copy of the report had not been received. The Licensing Manager issued a copy of the report to Mr Offord and Mr Theobald and they were given some time to read it.

The Licensing Manager informed Members that the applicant, Mr Offord, who was the General Manager of the Harwich Festival, which would run from 22 June until 2 July 2017, 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 ran 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 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 containing a synopsis of the short films had been submitted by Mr Offord and was attached as Appendix E.

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.

Members were 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 F 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.

A number of Members raised concerns in regards to the content of the film 'Life in Eden' as they felt that this could be misinterpreted by young persons as glorifying knife crime and so this was re-watched by Members in order to establish what action to take, if any in respect of any change to the age classification recommended by Officers for the film.

Mr Offord and Mr Theobald advised the Sub-Committee that 'Life in Eden' had been made by a young person and showed their view of post-apocalyptic life along the lines of 'live by the sword, die by the sword'. Their view was that the showing of such films, particularly when made by a young person, opened up the possibility of having a discussion about matters such as the use of knives and knife crime.

Mr Offord confirmed that there would be four 'one hour' slots at the Harwich Electric Theatre to show the films which would start at midday, on the Saturday and Sunday of the two weekends of the Festival. Mr Offord also confirmed that there would be an age check policy put in place to ensure that underage persons would not be permitted to view the films. He advised that the films had to be shown at midday because this was the only timeslot that the Electric Palace had available to offer them. Mr Offord further advised that they proposed showing the films on disc 1 on the Saturday and the films listed on disc 4 on the Sunday one weekend, and the following weekend they would reverse the order of the discs and that if any film on disk 4 were to be listed as an '18', the whole disc would be treated as rated '18': there would be an 'age check' policy in place. Discs 2 and 3 were no longer listed to be shown as there had been some difficulty in putting the film on the discs and one film by Larain Briggs 'Are we lost?' on the original list for disc 1 was also withdrawn.

Following discussion, it was moved by Councillor V E Guglielmi, seconded by Councillor Cossens and unanimously **RESOLVED** that:

- (a) the Officers recommendation be adopted for disc 1; and
- (b) the Officers recommendation be adopted for disc 4 with the exception of the film 'Life in Eden' which the Sub-Committee agreed should be given an age rating of 18.

7. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that 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, as amended, of the Act:

- (a) Exempt Minutes of the Last Meeting of the Sub-Committee held on 20 March 2017;
- (b) Report of Corporate Director (Operational Services) - B.1 - Applications for the Renewal of Hackney Carriage/Private Hire Drivers' Licences;
- (c) Report of Corporate Director (Operational Services) – B.2 – Applications for the Grant of Hackney Carriage/Private Hire Drivers' Licences; and
- (d) Report of Corporate Director (Operational Services) – B.3 – Application for the Review of a Hackney Carriage/Private Hire Driver's Licence.

8. EXEMPT MINUTES OF THE LAST MEETING

The Exempt Minutes of the last meeting of the Sub-Committee, held on 20 March 2017, were approved as a correct record and signed by the Chairman.

9. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1 - APPLICATIONS FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee considered applications for the renewal of Hackney Carriage/Private Hire Drivers' Licences. The Sub-Committee's resolutions are detailed in the exempt minutes of this meeting.

10. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) – B.2 – APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee reviewed applications for the grant of Hackney Carriage/Private Hire Drivers' Licences. The Sub-Committee's resolutions are detailed in the exempt minutes of this meeting.

11. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) – B.3 –
APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER’S LICENCE**

The Sub-Committee reviewed a named individual’s Hackney Carriage/Private Hire Driver’s Licence. The Sub-Committee’s resolutions are detailed in the exempt minutes of this meeting.

The meeting was declared closed at 1.35 pm

Chairman