
Licensing Committee

Report of the meeting held on 21st October 2015.

Matters for Decision

3. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Further to Item No. 2 of their previous report to Council and with the assistance of a report by the Head of Community (reproduced as Annex 1 hereto) the Committee has reviewed the contents of a proposed new Statement of Principles for the District Council under the Gambling Act 2005. The current Statement is due to expire on 30th January 2016 and a new version must be place to set out how the Council will exercise its functions under the Act in advance of this date.

The revised Statement has been drafted to take into account the relevant provisions of the draft fifth edition of the Gambling Commissions Guidance to Local Authorities and appropriate comments received from the public consultation which ran from 26th June to 4th September 2015. It must comply with the Gambling Act 2005, codes of practice and guidance issued by the Gambling Commission and be consistent with the licensing objectives. As approval of the Statement is reserved to Full Council, the Committee therefore

RECOMMEND

that the revised Statement of Principles be approved with effect from 31st January 2016 for a period of three years.

4. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Following a period of public consultation and with the aid of a report by the Head of Community (reproduced as Annex 2), the Committee has reviewed the contents of a draft Statement of Licensing Policy for the District Council. The Policy sets out how the Council will exercise the statutory duties relating to its licensing function and must be reviewed every five years.

The revised Statement has been re-drafted in its entirety to take into account substantial changes in legislation, updated Government Guidance, a new best practice framework for the review of licensing policy statements and the appropriate comments from the consultation. In reviewing the consultation response, the Chairman expressed his disappointment at the limited number of responses received from Town and Parish Councils and it was suggested that future consideration could be given to the methods of engagement with other local authorities.

Having acknowledged that the Council has a statutory duty to adopt and publish a new Statement of Licensing Policy in order for the Council to fulfil its legal obligations, the Committee

RECOMMEND

that the Licensing Act 2003 – Statement of Licensing Policy be approved for a period of five years with effect from 7th January 2016.

Matters for Information

5. CLASSIFICATION OF FILM

The public exhibition of film on licensed premises must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003. Under the Act, the Council as the Licensing Authority is the classification body for the public exhibition of unclassified films shown in the District. In addition the Authority may also be asked to reclassify films or receive appeals from distributors against decisions by the British Board of Film Classification (BBFC).

To enable the Council to perform its statutory responsibilities relating to the exhibition of film and subject to an amendment to make clear that the determination of any requests must be undertaken by three individuals at all times, the Committee has approved a policy and procedure for determining matters relating to film classification.

Having a procedure in place will ensure that films are classified appropriately and negate the risk of moral or psychological harm being caused to members of the public, in particular children by film exhibitions containing strong language, horror / violence or sexual expletives. It will also aid consistency of practice.

As part of the procedure and in the interests of speed and efficiency, the Committee has authorised the Head of Community (or in his absence the Licensing Manager) to determine requests to amend the classification of films by the BBFC and to classify films that have not been classified which are intended for public exhibition in the District. This must be undertaken in consultation with the Chairman and Vice-Chairman of the Panel (or a nominated representative if one of the two is unable to attend).

6. LICENSING SUB COMMITTEES

The Committee has noted details of the two meetings of the Licensing Sub Committee that took place between and 1st July and 20th October 2015.

R Fuller
Chairman