

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 20 October 2015.

PRESENT: Councillor R Fuller – Chairman.
Councillors K M Baker, D Brown,
Mrs S Conboy, J W Davies, R S Farrer,
D J Mead and P D Reeve.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors R Harrison, Ms L Kadic, S M Van De Kerkhove and R J West.

8. MINUTES

The Minutes of the meeting held on 23rd June 2015 were approved as a correct record and signed by the Chairman.

9. MEMBERS INTERESTS

No declarations of interest were received.

10. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2015

Consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached a revised draft Statement of Principles under the Gambling Act 2005.

The draft Statement had been approved for public consultation by the Licensing Committee at its meeting on 23rd June 2015. Consultation had taken place over a 10 week period between 26th June and 4th September 2015 and Members were advised that the Statement had now been amended to take into account where appropriate, consultation responses and the draft fifth edition of the Gambling Commissions Guidance to Local Authorities. Member's attention was also drawn to the addition of a new section within the Statement to reflect the forthcoming introduction of a new Social Responsibility Code.

Having been advised that the current Statement was scheduled to expire on 30th January 2016 and that the Council was required to adopt and publish a new Statement in advance of that date or it would be unable to fulfil its licensing duties, it was

RESOLVED

that the Council be recommended to approve the Statement of Principles under Section 349 of the Gambling Act 2005 as set out in Appendix 1 of the report now submitted, for a period of three years commencing on 31st January 2016.

11. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached a revised draft Statement of Licensing Policy under the Licensing Act 2003. The Statement sets out how the Council will exercise its statutory duties and had been re-drafted in its entirety to incorporate changes in legislation, Government Guidance and the Local Government Association Best Practice Framework for the review of licensing policy statements.

The draft Statement had been approved for public consultation by the Licensing Committee at its meeting on 23 June 2015. Consultation had taken place between 26th June and 4th September 2015 in accordance with the Cabinet Office guidelines and Members were advised that the Statement had now been amended to take into account, where appropriate, consultation responses.

In reviewing the consultation responses, the Chairman expressed his disappointment at the limited number of responses received from Town and Parish Councils. Having discussed possible reasons for this, it was suggested that future consideration could be given to the methods of engagement with other local authorities.

In response to a specific question regarding the planning and licensing regimes, the Panel were reminded that these were separate regimes and that Licensing Committees were not bound by decisions made by a planning committee and vice versa. The Head of Community outlined the benefits of the Licensing Committee in being able to review and amend conditions attached to a licence at a later date.

Having been advised that the current Statement was scheduled to expire on 6th January 2016 and that the Council was required to adopt and publish a new Statement in advance of that date or it would be unable to fulfil its licensing duties under the Licensing Act 2003, it was

RESOLVED

that the Council be recommended to approve the Statement of Licensing Policy under the Licensing Act 2003 as set out in Appendix 1 of the report now submitted, for a period of five years commencing on 7th January 2016.

12. CLASSIFICATION OF FILM

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel considered a draft policy and procedure for dealing with matters relating to film classification.

By way of background, Members were advised that the Council's responsibilities relating to film classification had been amended and incorporated into the Licensing Act 2003. Under the Act, the Council as the Licensing Authority is the classification body for the public

exhibition of unclassified film 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). The purpose of the new policy was to establish a consistency of practice and promote efficiency and speed up the determination period for applications.

In considering the contents of the proposed policy, a Member expressed concern at the proposal to delegate the determination of requests for the classification or re-classification of films. In response, Members were reminded that such requests were infrequent, that the proposal represented best practice from other authorities, it enabled the Authority to respond more efficiently and that such decisions were not currently made by the full Committee. In addition the Head of Community reiterated that if Members were unhappy with the decisions that were being made, there was always the opportunity to refer the matter back to the full Committee. In response to other comments that the proposed policy made no provision for applicants to appeal against the Council's decision, Members were informed that this replicated current practice.

Whereupon and subject to amendment to paragraph 4.2 of the proposed policy, to make clear that the determination of any requests must be undertaken by three individuals at all times and that either the Chairman or Vice-Chairman must be involved, it was

RESOLVED

- (a) that the policy and procedure for the classification of film (as set out in Appendix 1 of the report now submitted) be adopted; and
- (b) that the Head of Community, or in his absence the Licensing Manager, in consultation with the Chairman and Vice-Chairman of the Licensing Committee (or nominated representatives of the Committee) be authorised 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.

13. LICENSING SUB COMMITTEES

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Panel noted the details of the two meetings of the Sub-Committee that had taken place between 7th July and 21st September 2015.

Chairman