

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday, 29th September 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** R.Aveley (Chairman), R.T.Kiernan (Vice-Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, G.P.Hossell, C.N.Mason, C.P.R.Mollett, H.Rhodes, C.F.Smith and A.G.P.Williams.

#### **LC-24      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on the 8th September 2010 be confirmed and signed by the Chairman.

#### **LC-25      APOLOGIES FOR ABSENCE**

Councillors T.J.Hope and A.A.Mackenzie.

#### **LC-26      DECLARATIONS OF INTEREST**

Councillor R.Aveley declared a personal interest in Agenda Item 6 – LC-29 but stated that he would remain in the meeting room during the consideration and determination of this particular item.

#### **LC-27      COMMUNITY GOVERNANCE REVIEW – PARISH WARD OF HADLEY & LEEGOMERY – FINAL APPROVAL OF PROPOSALS DOCUMENT**

The report of the Head of Governance was received which sought Members approval of the Final Recommendations document that had been prepared following the completion of this Review. The document incorporated the final proposals that had been formally approved at the meeting of the Licensing Committee that was held on the 2nd September 2010.

In the conduct of the Review, the Council had been mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference.

The Committee were reminded that the Final Proposals were that the present Hadley and Leegomery Parish Ward be divided into three parish wards – the Hadley Castle, Hadley Manor and Leegomery parish wards – for the purposes of elections to the parish council; that the ward boundaries be as outlined in the map in the List of Annexes Map 1 to the Final Recommendations document; that there should be four councillors for each of the new parish wards, and that the commencement for these new arrangements would be the next ordinary elections of parish councillors in the Borough. It was confirmed to Members that in response to the Council's publication of the Draft Proposals in this Review, no further comments or submissions had been received.

**RESOLVED** – that the Final Recommendations contained within the Final Proposals Document be confirmed and published.

**LC-28      PROCEDURE FOR THE CLASSIFICATION OF FILMS**

Consideration was given to the report of the Service Delivery Manager: Public Protection which requested Members to consider the introduction of the Council's Policy for the Classification of Films. The Committee was advised that currently there was no formal procedure for the Council to deal with the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions, or requests to reclassify films. It was pointed out that as the Council's responsibilities in relation to film classification were incorporated within the Licensing Act 2003 it was necessary to adopt such a procedure.

The British Board of Film Classification (BBFC) was an independent, non-governmental body funded through the fees it charges to those who submitted films, videos, DVDs and digital games for classification. The BBFC classified films intended for public exhibition on behalf of the local authorities that licensed premises for that purpose under the Licensing Act 2003. The BBFC also classified videos, DVDs and digital games under the Video Recordings Act 1984. Whilst the BBFC performed a national film classification role, the Council, as the Licensing Authority, was the classification body for the public exhibition of films shown in the Borough by virtue of the Licensing Act 2003 (LA03). As such the Licensing Authority had the right to classify films that were shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

Section 20 of the LA03 provided that a mandatory condition should be applied to all premises licences that authorised the exhibition of films. This related to the restriction of the admission of children (defined in LA03 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority did not agree with that recommendation, to such other classification recommended by the Licensing Authority.

Members were informed that the Licensing Authority may be required to classify a film that had not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the Borough. It was therefore required for the Licensing Authority to have a formal procedure in place to determine this classification. It was further mentioned that under these provisions a distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority for reclassification of a film for local screening.

In addition to classifying films the Licensing Authority could issue a classification waiver which would permit the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions. These possible exemptions included films that were exhibited for the purposes of advertisement, information, education etc. Films exhibited in a museum or art gallery that consisted of, or formed part of, an exhibit were also exempt from classification

In terms of film exhibitions, the most relevant licensing objective was the protection of children from harm. However it was pointed out that there could be instances where there could be a case for relying on the prevention of crime and disorder

objective. In such a case, evidence would have to be produced that the exhibition of a particular film would lead to crime and disorder.

As a requirement was placed on the Licensing Authority to carry out this function it was not proposed to undertake any form of consultation as this was a procedural matter and if approval was given Members were informed that the proposed procedure would be implemented with immediate effect. There would also likewise be no requirement to change the terms of reference of the Licensing Committee as stated within the Constitution as it was already responsible for all matters relating to the discharge, by the Council, of its functions in relation to licensing under the Licensing Act 2003.

Following a brief discussion, it was;

**RESOLVED –**

- (a) that the proposed procedure for dealing with the classification of films as outlined in Appendix A as attached to the report be approved;**
- (b) that the Guidance issued by the British Board of Film Classification (BBFC) to assist in the determination of classifying films as attached at Appendix B of the report be adopted;**
- (c) that delegated responsibility for the authorisation of films already classified by the BBFC to a Licensing Sub-Committee consisting of three members be granted; and,**
- (d) that delegated responsibility for the authorisation of films which had not already been classified by the BBFC to the Public Protection Team Leader be granted.**

**LC-29      HACKNEY CARRIAGE DRIVER APPLICATION PROCEDURES**

The Committee was referred to the report of the Service Delivery Manager: Public Protection which requested consideration of a request to amend the Council's application procedures in connection with driver training for Hackney Carriage Drivers. Members were reminded that the Council licence application procedures sought to ensure that drivers offered a safe professional service to their passengers.

Members were further reminded of the previous Committee meeting that was held on 29th March 2010, where Members resolved to introduce the requirement for the Driver Standards Agency taxi test as part of the fitness and propriety test for all new Private Hire and Dual Drivers. The Driver Standards Agency taxi test was a practical assessment specifically designed for taxi and private hire drivers and was a nationally recognised safety and service delivery appraisal.

The report that was presented to Licensing Committee requested Members to consider the requirement for all applicants to successfully undertake the Driver Standards Agency (DSA) taxi test prior to a licence being granted and a copy of the report was attached at Appendix A.

Unfortunately it became apparent that the approved minutes of the meeting that was held on the 29th March 2010 did not fully reflect the report which went before Members as they did not address Hackney Carriage applicants. The report which was now submitted to the Committee requested that Members should give consideration to the introduction of the DSA taxi test as part of the procedure for new applications for Hackney Carriage Driver Licences in order to achieve consistency.

Following a discussion by the Members, it was;

**RESOLVED** – that the application procedures for Hackney Carriage Driver Licences to include the requirement for all applicants to successfully undertake the Driver Standards Agency (DSA) taxi test prior to a licence being granted be approved.

**LC-30            EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information, as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

**LC-31            MR.S.D. – PRIVATE HIRE VEHICLE DRIVER LICENCE**

Members were informed that the licensee was not in attendance for the hearing. The Committee were further advised that the licensee had telephoned Democratic Services twice on the morning prior to the commencement of the hearing and stated that he would not be in attendance but that he was content for the matter to proceed in his absence and indicated that he had nothing to add to what was in the papers before the Committee. After receiving the legal advice of the Council's solicitor and following consideration and discussion by the Committee, it was

**RESOLVED** – that the private hearing should proceed in the absence of the licensee.

After hearing the evidence presented by the Council's Public Protection Team Leader in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

**RESOLVED** – that the Committee considered that they were not satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked with immediate effect.

The meeting ended at 11.20 am.

**Chairman:**

**Date:**