

Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 16 January 2023** at **6.30pm**

Members of the Committee present:

Councillor Edward Back, Councillor John Fisher, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Mark Newton, Councillor Keith Robinson, Councillor Rachel Smith-Lyte

Other Members present:

Councillor Russ Rainger, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Ben Bix (Democratic Services Officer), Martin Clarke (Licensing Manager & Housing Lead Lawyer), Matt Makin (Democratic Services Officer (Regulatory))

1 Minutes

Upon the proposition of Councillor Hedgley, seconded by Councillor Back, the Committee

RESOLVED

That the Minutes of the Meeting held on 17 October 2022 be agreed as a correct record and signed by the Chairman.

2 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ashdown, Cooper, Cackett, Coulam, Craig, Goldson, Patience and Wiles. Councillor Rainger was in attendance as substitute for Councillor Goldson.

3 Declarations of Interest

There were no Declarations of Interest.

4 Policy for the Classification of Films

The Cabinet Member with Responsibility for Community Health and the Licensing Manager and Housing Lead Lawyer introduced report **ES/1415** and described how East Suffolk Council was the Licensing Authority under the provisions of the Licensing Act

2003 (the Act). It issued premises licences and club premises certificates which permit licensable activities as defined by the Act. One of the licensable activities was the provision of regulated entertainment which included the exhibition of a film. The Committee heard that that all premises licences that permitted regulated entertainment in the form of the exhibition of a film had a mandatory condition relating to the admission of children to that premises. Consequently, any film not already classified must be classified by the local authority prior to being shown.

The Senior Licensing Officer explained that in recent months the Council had received three last-minute requests for classification, and that it was now necessary to introduce a Policy for applicants to provide 28-days' notice which would provide certainty to applicants and the Council. The Policy would also set out the formal procedure for the Council to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions, or request to reclassify films.

The Chairman thanked the Cabinet Member and Officers for their introduction and invited questions from Members. Councillor Newton asked if there was any reason for the increase in the number of classification requests. Officers explained that film festivals were becoming more popular and that there was greater awareness that films for exhibition had to be classified. In response to Councillor Rainger, Officers stressed that the report set out that whilst the Council would still have the option of considering late submissions on a case-by-case basis, the intention of the Policy was to establish a 28-day notice period. Councillor Fisher was unsure of the wording of clause 4.4 and Officers clarified that the second sentence in 4.4 would be adjusted to read that *'material should not be in breach of the criminal law including material does to be obscene under the current interpretation of the Obscene Publications Act 1959 or the Copyright, Designs and Patents Act 1988 or any other relevant legislation...'*

The Chairman invited the Committee to debate the report. Councillor Newton welcomed the introduction of the Policy, and the Committee expressed its broad support. Accordingly, Councillor Gee proposed, Councillor Hedgley seconded, the Chairman moved to the vote and the Committee unanimously

RESOLVED

To approve the draft policy for dealing with the classification of films for use immediately.

5 Issued Licences in East Suffolk and an Overview of the work of the Licensing Sub-Committees October – December 2022

The Cabinet Member with Responsibility for Community Health introduced report **ES/1416** and in so doing thanked Committee Members for their participation in sub-committee meetings. The Senior Licensing Officer explained that of the 8 applications in consultation set out in paragraph 1.4 of the report, 7 had been granted, and one (Nisa Local, Woodbridge) would proceed to a hearing.

In response to Councillor Newton, Officers explained that the quantity of sub-committee hearings demonstrated the thoroughness of the Council's approach to

Licensing matters, and that applications were determined in accordance with legislation. The requirement and circumstances for public hearings was set out in legislation. The Council’s approach to hearings allowed matters to be determined individually, transparently, and fairly for all parties, rather than how some other councils approached hearings by dealing with more than one matter at the same hearing.

Councillors Hedgley and Gee expressed their contentment with the Council’s approach, and thanked Officers for their guidance and support, Members concurred and by the assent of the meeting, it was

RESOLVED

That the overview of some of the work of the Licensing Team and the Licensing Sub-committees during the final quarter of 2022, be noted.

The meeting concluded at 6.53pm

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Chairman