



## Licensing Act 2003 Committee

<b>Date:</b>	<b>Tuesday, 2 June 2015</b>
<b>Time:</b>	<b>5.30 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

**2. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 25 March 2015.

**3. APPOINTMENT OF VICE CHAIR**

The Committee is invited to appoint a Vice-Chair for the ensuing municipal year.

**4. APPOINTMENT OF LICENSING ACT 2003 SUB-COMMITTEE**

The Committee is requested to appoint the Licensing Act Sub-Committee for the ensuing year.

In 2014/15, each Licensing Act 2003 Sub-Committee was comprised of three members and one reserve member drawn from the pool of fifteen Committee members. The Chair was appointed on the day of each meeting.

5. **CLASSIFICATION OF A FILM IN ACCORDANCE WITH GUIDANCE ISSUED BY THE BRITISH BOARD OF FILM CLASSIFICATION (Pages 5 - 8)**
6. **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

7. **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

## LICENSING ACT 2003 COMMITTEE

Wednesday, 25 March 2015

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock	M Sullivan
		D Roberts	G Ellis
		J Salter	P Williams
		H Smith	D Mitchell
<u>Apologies</u>	Councillors	E Boulton	M Hornby
		A Hodson	

### 6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

### 7 MINUTES

**Resolved – That the accuracy of the minutes of the meeting held on 18 June 2014 be approved.**

### 8 PERIODIC REVIEW OF GAMBLING ACT 2005 LICENCE FEES

The Strategic Director of Regeneration and Environment reported upon the Gambling Act 2005 and the Regulations made under this Act which prescribe that the Licensing Authority may determine the fees for Premises Licences up to a maximum level set out in the Regulations.

The Licensing Manager outlined the Premises Licence fee levels as set out within Appendix 1 of the report. Members were advised that the Gambling Act 2005 states that the Licensing Authority:

‘...shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates...’

It was reported that in 2007 the fees were set at 20% below the maximum fees that could be applied to reflect the projected cost of providing the service at that time. These fees, which were the fees currently charged, were set out in Appendix 2 of the report.

The Gambling Act 2005 requires the Licensing Authority to ‘...publish the amount of the fee as determined from time to time...’. A review of the costs of providing

services required under The Gambling Act 2005 had been undertaken and it had been identified that the income received from Gambling fees showed a small projected excess over expenditure in the sum of £908.22 for the financial year 2014-2015.

From January 2015 the licensing function would be subject to at least a 2.2% increase in staffing costs. Members were therefore asked to maintain the current fees for Premises Licences as set out in the Table in Appendix 2 of the report.

In response to questions from Members, the Licensing Manager confirmed that the projected excess of £908.22 should be sufficient to cover the 2.2% increase in staffing costs. It was acknowledged that staffing was only one element of the costs. In response to questions from Members, the Committee were advised that the fees varied in comparison with other Local Authorities, however, it was important that fees were set in line with costs.

**It was moved by Councillor S Niblock and seconded by Councillor J Salter that**

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“under the Gambling Act 2005, the Premises Licence fees be approved as set out within Appendix 2 of the report”.

**Resolved – That, under the Gambling Act 2005, the Premises Licence fees be approved as set out within Appendix 2 of the report.**

## 9 PERFORMANCE UPDATE

The Strategic Director of Regeneration and Environment reported upon the number of licences that had been issued and varied under the Licensing Act 2003 since 1 April 2014. Members were provided with details of the number of licences that had been surrendered, lapsed or been subject to Review as well as the number of Temporary Event Notices that had been submitted to the Licensing Authority since 1 April 2014.

The Licensing Manager reported upon the number of licences that had been granted or varied from 1 April 2014 to 5 March 2015 and the total number of licences that were currently in force. It was reported that 497 Temporary Event Notices had been given to the Licensing Authority during the period 1 April 2014 to 5 March 2015 and that 21 applications had been considered by the Licensing Act 2003 Sub-Committee during this financial year which included 15 new Premises Licence applications which were granted, one new Premises Licence which was refused and three variations to Premises Licences which were all granted.

Members were further advised that applications to Transfer a Premises Licence and to change a Designated Premises Supervisor had both been refused. A Temporary Event Notice had also been listed but had been withdrawn during the proceedings and an application for a Personal Licence had been refused.

It was reported that there had been a total number of 30 Premises Licences that had been surrendered or lapsed during the period 1 April 2014 to 5 March 2015. This figure included six Premises Licences that lapsed after the Open Golf Championship. Details were also provided in respect of two premises which had been subject to

review. Three applications to Review Premises Licence that had been received from Merseyside Police would be considered by the Licensing Act 2003 Sub-Committee during March/April 2015.

The Licensing Manager advised that statutory timescales had to be met when applications must be considered and thanked Members for their support in sitting on Licensing Act 2003 Sub-Committees.

Members also expressed their thanks to the Licensing Manager and the Licensing Team, Solicitors and Committee Clerks.

In response to questions from Members, the Licensing Manager advised that she would provide regular updates to the Committee in order that Members may compare trends with licensed premises.

The Licensing Manager also provided some clarification regarding issues that had arisen in respect of Temporary Event Notices. She informed Members that these Notices were not granted by the Authority but were served on Merseyside Police and Environmental Health who could object to the Notices which would result in the matter being considered at a hearing. The Licensing Manager advised that licensing and planning were two separate processes and confirmed that the Licensing Department notified the Planning Department in respect of any Temporary Event Notices that had been received. The Licensing Manager advised that she would provide an update of the legislation to the first meeting of this Committee to be held in the forthcoming municipal year.

**Resolved – That the report be noted.**

10 **COUNCILLORS HARRY SMITH AND MIKE HORNBY**

The Chair expressed his thanks to Councillors Harry Smith and Mike Hornby for their work on the Committee in view of their impending retirement from the Council.

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## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE

**2 JUNE 2015**

<b>SUBJECT:</b>	<b>CLASSIFICATION OF A FILM IN ACCORDANCE WITH GUIDANCE ISSUED BY THE BRITISH BOARD OF FILM CLASSIFICATION</b>
<b>WARD AFFECTED:</b>	<b>NEW BRIGHTON WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### **1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to inform Members of a decision made by Members of the Licensing Act 2003 Sub-Committee to classify a film which is to be shown at Light Cinema, Marine Point, Kings Parade, New Brighton.
- 1.2 Members are also asked to note the previous decisions made by Members of the Licensing Act 2003 Sub-Committee to classify films in accordance with the British Board of Film Classification Guidelines.

#### **2.0 BACKGROUND AND KEY ISSUES**

- 2.1 The Licensing Act 2003 provides that where a Premises Licence authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 specified in the licence or by the Licensing Authority itself.
- 2.2 The Light Cinema currently has a Premises Licence which permits the exhibition of a film. The following mandatory condition is imposed on the Licence:  
  
 "...admission of children must be restricted in accordance with any recommendation made by the Licensing Authority".
- 2.3 If a classification is not specified on a film, the Licensing Authority has a responsibility to protect children from harm and impose a classification if it is appropriate.
- 2.4 The following is a list of categories devised by the BBFC together with a brief description of that category:

## **‘U’ – Universal**

A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror. If a work is particularly suitable for pre-school children, this will be indicated in the BBFC insight.

## **‘PG’ – Parental Guidance**

A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger, or more sensitive, children.

## **‘12A/12’ – Suitable for 12 years and over**

Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the BBFC insight for that film in advance. No one younger than 12 may rent or buy a 12 rated video work.

## **‘15’ – Suitable only for 15 years and over**

No one younger than 15 may see a 15 film in a cinema.

## **‘18’ – Suitable only for adults**

No one younger than 18 may see an ‘18’ film in a cinema.

- 2.5 The following films have previously been classified by Members of the Licensing Act 2003 Sub-Committee, all of which have been screened at the Light Cinema:

<b>Name of Film</b>	<b>Date of Classification</b>	<b>Classification</b>
Verity’s Summer	25 April 2013	15
Derby Baby	27 September 2012	12A
Small Creatures	29 November 2012	15

- 2.6 The Licensing Authority received a request to classify a film entitled ‘Tigers’, from the Infant Feeding Lead for Wirral Community NHS Trust as they wish to show the film at the Light Cinema on 25 June 2015. The film is based on a true story of a former salesman in the formula milk industry in Pakistan. The film is to be screened on 25 June as part of Breastfeeding awareness month.
- 2.7 On 13 May 2015 Members of the Licensing Act 2003 Sub-Committee viewed the film ‘Tigers’. Members had reference to the BBFC guidance and resolved to classify the film with the PG classification.



### **3.0 RELEVANT RISKS**

3.1 There are none arising directly from this report.

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 There is no provision for other options to be considered.

### **5.0 CONSULTATION**

5.1 Statutory consultation has been undertaken in respect of this application.

### **6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

6.1 There are no previously approved actions outstanding.

### **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

7.1 There are no specific implications arising from this report.

### **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 There are no specific implications arising from this report.

### **9.0 LEGAL IMPLICATIONS**

9.1 A decision of this Committee can be subject to Appeal.

### **10.0 EQUALITIES IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

### **11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

11.1 There are no specific implications arising from this report.

### **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no planning implications arising from this report.

### **13.0 RECOMMENDATIONS**

13.1 The Licensing Act 2003 Committee are asked to note the recommendation by the Sub-Committee in relation to the film named Tigers to be screened at the Light Cinema and also note the previous recommendations.

## 14.0 REASONS FOR RECOMMENDATIONS

14.1 That the Licensing Act 2003 Committee are updated on the activity of Members of the Licensing Act 2003 Sub-Committee in relation to the administration of functions under the Licensing Act 2003 in respect of classification of films.

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## APPENDICES

- None

## BACKGROUND PAPERS/REFERENCE MATERIAL

- None

## BRIEFING NOTES HISTORY

- None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date