

MINUTES

of the

LICENSING COMMITTEE

held on 3rd October 2024 at 7pm

Present:

Councillor R. Lee (Chair)

Councillors D. Clark, H. Clark, A. Davidson, J. Frasca, J. Hawkins, L. Mascot, S. Scott and P. Wilson

1. Apologies for Absence

Apologies for absence were received from Councillors Chambers, Davis, John and Pappa.

2. Declaration of Interests

All Members were reminded to declare any interests where appropriate in any items of business on the meeting's agenda. None were made.

3. Minutes

The minutes of the meeting held on 13th September, were approved as a correct record.

4. Public Question Time

No public questions were asked at the meeting.

5. Gambling Act 2005 – Statement of Principles 2025-2028

The Committee considered a report on the revised statement of principles to the Statement of Gambling Policy under the Gambling Act 2005. The Committee was asked to agree the consultation process for adopting the revised policy prior to its adoption in early 2025 by the Council.

The Committee were informed that under legislation the policy had to be reviewed every three years and that a comprehensive review had been carried out in 2021/2022. The Committee heard that since 2022 there had been proposed and implemented changes to Gambling policies and legislation, covering Player Protection Measures, Land-Based Gambling Charges and Age Verification, which were detailed at paragraph 3.4 of the report. The Committee were also reminded that with the recent change in Government, there had been a delay in the much anticipated release of updated guidance from the Gambling Commission. The Committee noted that when this was available, a more comprehensive review of the policy could be undertaken. It was noted that the revised statement would be

advertised on the Council's website, a local newspaper and brought to the attention of other stakeholders. The Committee heard that if no responses were received the policy would next be considered by the Cabinet, but if adverse comments were received then they would be considered by the Chair in consultation with officers under delegation, before going to Cabinet.

In response to questions from the Committee, officers confirmed that;

- The consultation would run for four weeks.
- The amounts of £150 and £500 for light-touch financial vulnerability checks had been proposed by the Gambling Commission.
- Licence holders would have to be aware of and implement the measures mentioned to assist with protecting vulnerable individuals and the Licensing Authority would be able to request evidence that the monitoring or checks were taking place appropriately.

RESOLVED that;

1. The revised Statement of Principles be agreed as fit for purpose and public consultation take place and
2. Following the public consultation
 - (i) If no adverse comments were received, the policy be forwarded direct to the Cabinet for consideration and recommendation for formal adoption by Full Council; but
 - (ii) If adverse comments were received these be considered by the Chair of the Committee, in consultation with the Public Health and Protection Services Manager, to consider and make any changes ahead of the Cabinet meeting.

(7.01pm to 7.13pm)

6. [Licensing Act 2003 – Delegation of Powers for Section 20 Film Classifications](#)

The Committee considered a report on the possible delegation of power to the Public Health and Protection Services Manager for determining Film Classifications under Section 20 of the Licensing Act 2003. The Committee were provided with three options to delegate the function to officers or a fourth option of no change i.e. classification of all films to be referred to the Committee, as is the current position.

The Committee heard that the report had been produced, in relation to an upcoming Pan-Essex Film Festival organised by Essex County Council. The Committee heard that in recent years, the Council had not received many requests to classify films, so the workload for the Committee had been light, but due to the film festival, there would be a significantly increased number of films requiring local classification. Therefore, officers saw the delegation as an opportunity to streamline the process for the upcoming film festival. The Committee were advised that the delegation could be made under Section 10(1)(b) of the Licensing Act 2003. It was confirmed therefore, that the function could lawfully be delegated to officers.

The Committee heard that Tendring District Council had agreed in principle to take the lead on rating the films, due to their experience in doing so. The Committee were informed that Colchester Council, as the other Council involved with classifying and having the films shown in their district, already had a delegation to officers for the classification of films. The Committee were advised that as detailed in the report, Colchester Council planned for their officers to watch the films and charge an hourly rate for officer time.

In response to questions from the Committee, officers informed them that;

- Tendring District Council had not indicated that they would charge either Chelmsford or Colchester for the reports.
- The reports provided by Tendring, would highlight any specific areas that needed to be watched in detail, allowing a local decision on the classification to be made.
- It would be significantly quicker for the Council, if a delegation was to be agreed, due to not having to convene Committee meetings to watch and classify the films.
- If the delegation was not made and the Committee remained responsible for viewing and classifying the films, then Officer's and Councillors time could in effect be duplicated as officers would need to support the meetings.
- The current cost of £180 per film classification, would not be viable for the Festival, therefore the joint approach with Tendring had been considered.
- The films would generally be short in length and from amateur film makers, but there could be up to 105 hours of film, although it was not clear which films would be shown in each individual district.

Members of the Committee, raised concerns about the amount of officer time that could be required to watch the films and how the Council would be reimbursed for classifying the films. In response, officers stated that if the delegation was granted, then discussions could be held by officers and the Cabinet Member to ensure that any officer time spent classifying the films was suitably reimbursed.

The Committee discussed the proposals and agreed in principle, that they were happy for the delegation to be made to officers, specifically for the Film Festival, therefore the first option provided in the report. The Committee felt that this would allow the approach to be trialled and support the festival, before a decision could potentially be made on a wider delegation in the future. The Committee were also informed by their Legal Advisor, that even with the delegation in place, officers could still if required, refer any classifications back to the Committee for a decision.

RESOLVED that;

1. The power to classify films specifically for the 2025 International Film Festival be delegated to the Public Health and Protection Services Manager and;
2. Officers discuss with the Cabinet Member for Safer Chelmsford, a suitable approach for the reimbursement of officer time when classifying the films.

(7.14pm to 8.06pm)

7. Urgent Business

There were no items of urgent business.

The meeting closed at 8.07pm

Chair