
CENTRAL LICENSING COMMITTEE, 20.06.16

Present :

Councillors Annwen Daniels, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Eryl Jones-Williams, Tudor Owen, Angela Russell, Ann Williams, Elfed W. Williams and John Wyn Williams

Also in Attendance: Gareth Jones (Senior Planning and Environment Manager), Gwenan Mai Roberts (Licensing Manager), Rhun ap Gareth (Senior Services Solicitor), Eirlys Jones (Licensing Officer) and Lowri Haf Evans (Member Support Officer)

Councillor Eryl Jones Williams took the opportunity to thank members and officers for their support during his period as Chair.

1. ELECTION OF CHAIR

Resolved to elect Councillor Tudor Owen as Chair of this Committee for the period of 2016 - 2017.

Councillor Eryl Jones Williams was thanked for his work as Chair of the Committee for 2014 - 2016.

2. ELECTION OF VICE-CHAIR

Resolved to elect Councillor Annwen Hughes as Vice-chair of the Committee for the period of 2016 - 2017.

3. APOLOGIES

Apologies were received from Councillors Peter Read and Wyn Williams and Geraint Brython (Solicitor).

4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

5. URGENT ITEMS

None to note

6. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the previous meeting of this committee that took place on 7 March 2016, as a true record subject to noting that Councillor Angela Russell was present.

7. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEE

Submitted - for information, the minutes of the meetings of the Central Licensing Sub-committee held on

07.03.16

05.04.16

8. FILM CLASSIFICATION POLICY

- a) Submitted – a report by the Head of Regulatory Department recommending that the Committee adopted the Film Classification Policy and that it approved charging a fee for the classification of films and administrating the process for the purpose of cost recovery only.

It was highlighted that Gwynedd Council as the Licensing Authority was responsible for authorising the public exhibition of films and in accordance with Section 20 of the Licensing Act 2003. It was noted that where a Premises Licence or Club Premises Certificate authorised the exhibition of film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC), or by the Licensing Authority. It was emphasised that the public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

It was noted that the purpose of the Film Classification Policy was to formulate a formal system for the Licensing Authority to classify films. The most relevant main licensing objective was Protecting Children from Harm. Relevant guidelines to classify films as well as different situations where an application could be received were highlighted in the report.

In terms of order, it was noted that the power to authorise film classifications would be delegated by the Central Licensing Committee to the Head of the Regulatory Department. Once authorised by the Licensing Authority, a film would be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification was made).

In the context of setting fees, it was highlighted that no statutory fee had been specified in legislation for the purpose of film classifications and that some Local Authorities charged fees for cost recovery only. It was considered reasonable to introduce a fee for the process which would reflect the cost of the time spent by an officer viewing the film as well as the cost of producing and processing the certificate.

- b) In response to a question, it was noted that the fee would vary and measured in the context of the film's duration. In terms of principle, there was no need to set a fee that was too high as there was a need to promote the exhibition of films but the principle of cost recovery must again be considered. It was

suggested to charge a fee of £30 for producing and processing the certificate as well as the time spent by an officer viewing the film.

- c) In response to a question, it was noted that the policy would not have an impact of film nights in community halls provided that the hall had a licence. It was highlighted that it was the licence holder's responsibility to ensure that the licence was valid or to apply for a temporary event licence as well as deciding how the event would be managed.
- ch) In response to an observation that there was a need to hold a discussion about managing films / clips of films of digital devices, it was noted that members and officers had a moral responsibility to monitor this. It was noted that the policy allowed for a film to be refused classification (due to contentious reasons, unsuitable for children or causing concern to a society), even if it had been classified by the BBFC.
- d) In response to a suggestion should a decision go to appeal and that a sub-committee was formed to discuss reasons for objecting to seek understanding, it was highlighted that this was a fair suggestion but that there was no statutory system for this. Should a contentious application be submitted, the Solicitor highlighted that the Head of the Regulatory Department would use discretion to submit a report to the Central Licensing Committee as well as a recommendation.
- dd) It was proposed and seconded to adopt the policy
- e) During the ensuing discussion, the following points were highlighted by individual members:
 - the capacity of the Licensing Department must be considered should the number of applications increase
 - it would be possible to adapt the policy should several contentious applications be submitted
 - child safety must be ensured
 - a need to refer the decision to the Cabinet Member to ensure approval

RESOLVED to adopt the policy and approve charging a fee for the classification of films for the purpose of cost recovery only

9. GAMBLING POLICY

- a) An oral update from the Licensing Manager was received, highlighting that the Gambling Policy had been completed (draft version). It was highlighted that area profiles had been created and submitted as an appendix to the policy. It was noted that no policy was available to be submitted to members as there was a need to ensure consistency with other councils in north Wales. It was noted that policies would be discussed at a regional meeting in order to ensure consistency and that work moved in the same direction.

- b) In the context of area profiles, it was revealed that these had not highlighted substantial problems such as crime and disorder hotspots as a result of gambling.
- c) During the ensuing discussion, the following points were highlighted by individual members:
 - Poor areas witnessed the biggest impact
 - Concern that gambling was easy to access
 - Too much advertisements involved with gambling on television that encouraged people to use their mobile phones to place a bet.
- ch) It was proposed and seconded to place an item on the Committee's agenda to encourage a discussion on gambling concerns with the aim of referring the observations to the Gambling Commission.

The observation was accepted and members were reminded that the minutes of this Committee would be made public. When the policy would be published, it was noted that individual members and/or the Committee would have the opportunity to submit observations.

RESOLVED to accept the information.

The meeting commenced at 10:00am and concluded at 10:50am.