

# Licensing & Regulatory Committee

Minutes of the meeting held on Monday 11 April 2016, at the Town Hall, Royal Leamington Spa at 2.30pm.

**Present:** Councillor Illingworth (Chairman); Councillors Ashford, Cain, Mrs Cain, Davies, Mrs Falp, Gifford, Miss Grainger, Mrs Knight, Naimo, Mrs Redford, Mrs Stevens and Weed.

## 30. **Apologies and Substitutes**

Councillor Mrs Naimo substituted for Councillor Gill.

## 31. **Declarations of Interest**

There were no declarations of interest.

## 32. **Minutes**

The minutes of the meeting held on 17 February 2016 were agreed and signed by the Chairman as a correct record.

## 33. **Request to permit the showing of an unclassified film**

The Committee received a report from Health & Community Protection which advised that a request had been received to permit the showing of an unclassified film.

Under the Licensing Act 2003, any film which had not been given a classification by the British Board of Film Classification (BBFC), must receive permission from the Local Authority before it may be shown in that Local Authority.

A film which was locally made or had been submitted for approval by students or art groups, may not have been classified by the BBFC due to the cost of applying for the film to be classified or because the film may have limited release.

On 24 February 2016 the Licensing Department received a request from filmmaker, Mr Charlie Lyne to permit the showing of his film, Fear Itself, at Vue Cinema, Royal Leamington Spa. Officers had spoken with Mr Lyne who confirmed that Carlisle City Council, Hinckley and Bosworth Council and Merton Council, had given permission for the film to be shown in their local authority, however, other Councils were considering the request. Mr Lyne also confirmed to officers that he would recommend the age classification of 18 for the film.

The film was made available for members to view prior to making this decision and the viewings took place on 30 March 2016 and 8 April 2016.

Councillor Ashford proposed that the application be agreed as per the officers' recommendation. This was seconded by Councillor Quinney.

Councillor Mrs Redford raised a concern that the film could be detrimental to some vulnerable people but supported the 18 certificate rating.

The Committee also suggested that when officers bring forward a policy to deal with requests of this nature in the future, the Council should consider charging the applicant. Members felt strongly that the amount of officer time spent preparing the report and Member and officer time taken to view the film should be noted.

It was therefore

**Resolved** that

- (1) permission be given for the showing of the film, Fear Itself, in Warwick District and that the classification of 18 is given; and
- (2) the film is classified in accordance with the BBFC guidelines.

**34. Presentations from Interested Parties**

Representatives from Interested Parties attended the meeting and gave short presentations in relation to the representations their organisations were likely to make at Licensing Panel hearings.

The presentations covered what each responsible authority looked for in an application, why they would be likely to object and the evidence they would consider in reaching their decision.

The aim of the presentations was to enable Members to better understand the information provided in representations and to ask any questions in relation to this at hearings.

Public Health England did not currently submit representations, however, this was something that could increase in the future as Public Health could become a fifth licensing objective.

The following organisations addressed the Committee; Warwickshire Police; Warwick District Council's Health & Community Protection Service Area; Trading Standards at Warwickshire County Council; and the Commissioning and Performance Lead from Public Health Warwickshire.

The Chairman thanked all the representatives for attending the meeting, delivering their presentations and for answering questions from the Committee. In addition, Councillor Illingworth suggested that Members may wish to contact the presenters if they had any further questions.

(Councillor Ashford left during this item and Councillors Cain and Mrs Cain left at the conclusion of this item)

**35. Review of the Management of the Elections held in 2015**

The Committee received a report from the Chief Executive which provided details of the 2015 elections administered by Warwick District Council, the issues that occurred and how they were resolved. It contained feedback from a variety of sources and set out an action plan for improvement in the delivery of future elections in the District.

The 2015 elections brought a unique number of circumstances together for Warwick District Council and its electors which meant it was the biggest set of elections ever administered by this Council. These circumstances were in summary, administering two parliamentary constituencies (over three District/Borough areas), new Ward boundaries for District Council elections, new Parish & Town Council boundaries combined with the effect of Individual Electoral Registration (IER). These particular circumstances were not matched anywhere else in the country.

The Chief Executive presented the report and answered a number of questions from the Committee. Councillors noted that the department had done a good job ensuring people were registered to vote wherever possible and were encouraged that a report had been submitted to Employment Committee to address the understaffing issues within the team.

In response to a question about the length of time it had taken to declare results in May 2015, the Chief Executive reminded Members that the majority of staff involved had already been working over twenty hours by the time the decision was taken to halt proceedings and the District Council did not have the resources to provide a second wave of staff to take over.

The audit report into the 2015 elections had raised an issue regarding the approval of fees. The fees were approved by the Licensing and Regulatory Committee in April 2015. The audit highlighted that there was an unauthorised increase in the fees payable to staff for the elections after the approval of the fees by the Committee. The Committee were informed that the fees had increased twice, firstly in line with the national pay award for staff as set out in the decision of the Committee. The second increase was for presiding officers only, of a £25 Parliamentary election supplement, because of the combined elections, this was agreed by Warwickshire Elections Officers and confirmed by the relevant Acting Returning Officers as it was their decision to take.

Members welcomed the report and thanked officers for the honest feedback about lessons learned. Members were also reminded to contact officers if they were aware of any other venues within their Wards that could be used as potential polling stations.

**Resolved that**

- (1) the unique circumstances of the 2015 elections for Warwick District, as set out in the report are noted;
- (2) the Returning Officer met all the performance objectives for the Electoral Commission for the 2015 elections, as set out at Appendix 11 to the report;
- (3) the Internal Audit report into the 2015 elections, as set out at Appendix 1 to the report, is noted;
- (4) the outcome of the Association of Electoral Administrators (AEA) Peer Review of Electoral Services at Warwick District Council, as set out at Appendix 12 to the report, is noted;

- (5) the planned changes for 2016 and subsequent elections, as set out at Appendix 15 to the report, are supported; and
- (6) Warwick District Council has been selected, by the Electoral Commission, as an example of best practice for the work it undertakes with Nursing Homes and Students.

36. **Urgent Item – Private Hire/Hackney Carriage Drivers Handbook**

The Committee received an urgent report from Health and Community Protection which was presented due to complications with the legal process and the time constraints involved.

The Head of Health & Community Protection introduced the report and explained that all Private Hire drivers were due to renew their licences in June this year. A new policy had been drafted and was due to be sent out for public consultation. It had been agreed, in consultation with the Chairman, that the whole committee should be permitted to see the draft policy before agreeing to it being sent out.

The Head of Health and Community Protection explained that the policy had been worked on by legal representatives and in conjunction with the Drivers’ Forum. Members were advised that there were three missing procedures – Hackney carriage fleet colour, Rank review and an unmet demand survey. This policy contained one new section entitled the Licence Holders Conduct Scheme whereby points could be issued for poor conduct.

The Head of Health & Community protection confirmed that the consultation would be conducted by letter to drivers, private hire operators, the Police, voluntary groups working with the disabled and individuals with specific needs, Councillors, automotive garages, student unions and the town councils. Officers intended to start the consultation as soon as possible for a four to six week period.

The Committee noted the policy and looked forward to receiving the feedback from the consultation.

**Resolved** that the draft policy be noted.

(Councillor Quinney left during this item)

37. **Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
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38                      5            Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The full minute for the following item would be set out in the confidential minutes of the meeting.

38.    **Minutes**

The confidential minutes of the meeting held on 17 February 2016 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 5:24 pm)