



DEMOCRATIC AND ELECTORAL SERVICES

Dealt with by: Democratic Services	Switchboard:	01895 837200
My Ref:	e-mail:	democraticservices@southbucks.gov.uk
Date: 21 June 2016	Direct Line:	01895 837225/837224

Dear Councillor

LICENSING COMMITTEE

PLEASE NOTE START TIME OF 5.00PM AND CHANGE OF VENUE

The next meeting of the Licensing Committee will be held as follows:

DATE: **WEDNESDAY, 29TH JUNE, 2016**

TIME: **5.00 PM**

VENUE: **CEDAR ROOM, THE SOUTH BUCKINGHAMSHIRE**

Only apologies for absence received prior to the meeting will be recorded.

Yours faithfully

Jim Burness

Director of Resources

To: The Licensing Committee

- Mr Walters MBE
- Mr D Smith
- Mr Griffin
- Mr Hogan
- Mrs Jordan
- Mr Pepler
- Mr Read
- Mr Samson
- Mr Sandy
- Mr Sangster
- Mrs Lewis

Audio/Visual Recording of Meetings

Please note: This meeting might be filmed, photographed, audio-recorded or reported by a party other than South Bucks District Council for subsequent broadcast or publication.

If you intend to film, photograph or audio record the proceedings or if you have any questions please contact the Democratic Services Officer (members of the press please contact the Communications Officer).

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

- | | (Pages) |
|---|------------------|
| 1. Apologies for Absence | |
| 2. Minutes | |
| To confirm the minutes of the meeting of the Committee held on: | (5 - 10) |
| a) 23 March 2016. | |
| b) 10 May 2016. | |
| 3. Licensing Act 2003 - Officer Determinations | |
| To note the report of the Director of Services. | (11 - 12) |
| <u>Reports likely to lead to the Portfolio Holder making a recommendation to Council</u> | |
| 4. Film classification and reclassification under The Licensing Act 2003 | |
| To consider the report of the Head of Healthy Communities | (13 - 16) |
| <i>Appendix 1</i> | (17 - 26) |
| <u>Reports to Note</u> | |
| 5. Licensing Sub-Committee | |
| Taxi and Private Hire Licensing - Schedule of Licensing Sub-Committee Determinations and Appeals | (27 - 28) |
| To note the report of the Director of Services. | |
| Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations and Appeals | (29 - 30) |
| To note the report of the Director of Services. | |
| 6. Any other Business | |
| To consider any other business the Chairman decides is urgent. | |

The next meeting is due to take place on Wednesday, 5 October 2016

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LICENSING COMMITTEE

Meeting - 23 March 2016

Present: Mr Walters MBE (Chairman)
Mr D Smith, Mr Hogan, Mrs Jordan, Mr Pepler, Mr Read, Mr Sandy
and Mr Sangster

Apologies for absence: Mr Griffin and Mr Samson

24. MINUTES

The minutes of the meeting of the Licensing Committee held on 7 October 2015 were received.

STATUTORY FUNCTIONS

25. LICENSING ACT 2013 - OFFICER DETERMINATIONS

The Committee received a report providing information on Officer Determinations during the period 8 September 2015 to 1 March 2016.

RESOLVED that the report be noted.

26. LICENSING ACT 2003 SCHEDULE OF LICENSING SUB-COMMITTEE DETERMINATIONS AND APPEALS

The Committee received a report providing information on determinations and appeals during the period March 2016 to May 2016.

RESOLVED that the report be noted.

OTHER LICENSING MATTERS

27. REPORT ON TAXI POLICY REVIEW

The Committee considered a report seeking comments on the draft hackney carriage and private hire licensing policy document (attached as an appendix) which was last reviewed fully in April 2011.

The report set out in paragraph 4 the key changes to the adopted Policy and explained that the results of the 12 week consultation would be reported to a future meeting of the Committee before the draft Policy was submitted to Council for adoption.

A further paper was circulated at the meeting proposing the insertion of additional paragraphs in the draft Policy relating to:

1. Removal of Licensing for Q Registration Plates
2. Use of Mobile Applications
3. Fees

Licensing Committee - 23 March 2016

During the discussion members asked for a number of changes to be made to the draft Policy as follows:

Section of Draft Policy	Change Requested
Conviction Policy	<p>Include requirement to declare any alleged offences that are awaiting a Court Hearing/Trial or where a conviction/sentencing is pending. Original Sentence and custodial sentences to be referred to.</p> <p>Also provide a separate paragraph on Domestic Violence.</p>
Use of Mobile Applications	Include the need to seek prior approval.
Penalty Points Scheme	<p>Increase the points for failure to display badge to 3 and obstructing the Licensing Team/Enforcement Officer to 6.</p> <p>Review the Points Scheme including the 12 point contraventions and adjust as appropriate the points for the other contraventions to ensure that their relative weighting is maintained.</p>
CCTV Policy	Vehicle to display a notice when cameras are filming. Further consideration to be given as to contents of this section generally and including security, type of system, Insurance, and retention of the recordings.
Fees	Modify to allow payments by cash or cheque in exceptional cases.
Glazing	Delete first line of paragraph

RESOLVED that authority be delegated to the Head of Healthy Communities, in consultation with the Chairman of the Committee, to amend the draft Policy to reflect the above and then to publish the draft Policy for consultation.

28. TAXI AND PRIVATE HIRE LICENSING - SCHEDULE OF LICENSING SUB-COMMITTEE DETERMINATIONS

The Committee received a report providing information on determinations during the period March 2016 – June 2016,

RESOLVED that the report be noted.

29. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received a report providing details of licences issued during the period 8 September 2015 to 1 March 2016.

RESOLVED that the report be noted

30. **LICENSING OF HOUSE-TO-HOUSE COLLECTIONS**

The Committee received a report showing number of the house-to-house collection permits (7) issued for the period 8 September 2015 to 1 March 2016. The report also showed the number of street collection permits (64) issued during the same period.

RESOLVED that the report be noted

31. **EXEMPT INFORMATION**

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds it involved the likely disclosure of exempt information as defined in Paragraph I of Part 1 of Schedule 12A of the Act.

32. **PART II MINUTES**

The minutes of the Hearing of the Sub-Committee held on 18 November 2015 were noted.

The meeting terminated at 7.11 pm

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LICENSING COMMITTEE

Meeting - 10 May 2016

Present: Mr D Smith, Mr Griffin, Mr Hogan, Mrs Jordan, Mr Pepler, Mr Read, Mr Samson, Mr Sandy and M.Lewis

Apologies for absence: Mr Walters MBE and Mr Sangster

1. ELECTION OF CHAIRMAN

It was moved, seconded and

RESOLVED that Councillor Walters be elected Chairman of the Committee for 2016/17.

2. ELECTION OF VICE-CHAIRMAN

It was moved, seconded and

RESOLVED that Councillor Smith be elected as Vice-Chairman of the Committee for 2016/17.

3. APPOINTMENT OF CONSULTATIVE GROUP

RESOLVED that Councillors Pepler, Sandy, Smith and Walters (MBE) be appointed to the Consultative Body for 2016/17.

4. LICENSING SUB COMMITTEE

RESOLVED that the Licensing Sub-Committee be established for 2016/17.

The meeting terminated at 7.12 pm

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SUBJECT:	Licensing Act 2003 - Officer Determinations
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Healthy Communities

1. Purpose of the Report

1.1 To inform members of Officer Determinations during the period 3rd March 2016 to 7th June 2016

1.2 Personal Licences:

<u>File Reference</u>	<u>Applicants Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
16/01081/LAPER	Mr Richard Neil Coxhead	New	30.05.16	Pending	Pending
16/01073/LAPER	Mr Stephen Robert Hitchcock	New	26.05.15	Pending	Pending
16/01072/LAPER	Mrs Debbie Lyn Morris	New	26.05.16	02.06.2016	Issued
16/00992/LAPER	Mr Jack David Collyer	New	17.05.16		Withdrawn
16/00984/LAPER	Mr Steven Andrew Day	New	16.05.16	Pending	Waiting for documents
16/00729/LAPER	Mr Marc William Owen	New	12.04.16	13.04.2016	Issued
16/00687/LAPER	Jennifer Samantha Smith	New	07.04.16	07.04.2016	Issued
16/00557/LAPER	Mr Awtar Singh Khaira	New	24.03.16	04.04.2016	Issued
16/00624/LAPER	Mr Algirdas Grabskis	New	14.03.16	05.04.2016	Issued

1.3 Premises licence grants and variations:

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
16/00776/LAPRE	Beaconsfield High School	New	19.04.16	02.06.16	Issued
16/00731/LAPRE	Luna Rossa	Variation	13.04.16	12.05.16	Issued
16/00703/LAPRE	The Black Horse	Minor Variation	08.04.16	27.04.16	Issued
16/00702/LAPRE	Shell Maidenhead	Minor Variation	08.04.16	26.04.16	Issued
16/00679/LAPRE	Tao	Minor Variation	05.04.16	05.05.16	Issued
16/00575/LAPRE	Farnham Park Clubhouse	New	30.03.16	07.06.16	Issued
16/00565/LAPRE	Co-operative Food	Minor Variation	21.03.16	07.04.16	Issued
16/00491/LAPRE	Beaconsfield Masonic and Community Centre	Variation	14.03.16	15.04.16	Issued
16/00353/LAPRE	The Crowne Plaza	Minor Variation	17.02.16	03.03.16	Issued
16/00232/LAPRE	Everyman	Variation	03.02.16	16.03.16	Issued

1.4 Premises licence grants and variations pending:

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>
NIL			

1.5 In addition, 76 temporary event notices, 1 notifications of interest, 17 designated premises supervisor variations and 2 transfer of licence have been dealt with.

2. Recommendation

2.2 It is recommended that the information in this report is noted.

Officer Contact:	Nathan March - 01494 732249 - nmarch@chiltern.gov.uk
Background Papers:	Uniform Database

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SUBJECT:	Film classification and reclassification under The Licensing Act 2003
REPORT OF:	Head of Healthy Communities – Martin Holt
RESPONSIBLE OFFICER	Licensing Manager – Nathan March
REPORT AUTHOR	Nathan March, 01494 732249, nmarch@chiltern.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

1.1 For Members to consider a draft policy for adoption with immediate effect regarding the classification of films by the Council attached at Appendix 1.

1.2 RECOMMENDATION

It is recommended that Licensing Committee:-

- i. Approve the draft policy for dealing with the classification of films for adoption with immediate effect
- ii. Agree to adopt the Guidance issued by the BBFC to assist in the classification and re-classification of films.

The Licensing Committee recommend to Council:

- iii. That the Head of Healthy Communities be authorised to determine the classification and re-classification of films including appeals under the licensing legislation in accordance with the Policy.
- iv. That all cases not determined by the Head of Healthy Communities under delegated authority be dealt with by the Licensing Sub-Committee.
- v. To set the level of fee for the classification of films at £47, plus £1 per minute of the full length of the submitted film, plus any costs associated with the hire of any associated venue or equipment costs.

2. Reasons for Recommendations

- 2.1 The adoption of a policy and the BBFC Guidance will mean that the Council will have a policy and procedure in place for determining applications submitted to the Council for classification of films together with a delegation to the Head of Healthy Communities will allow such applications to be dealt with effectively, following the BBFC guidance which is the recognised and accepted approach nationally for the classification of commercially released films.
- 2.2 The recommended fee will ensure that the cost of dealing with any requests will be recovered by the Council.

3. Content of Report

- 3.1 The Council is the classification body for the public exhibition of films shown within its administrative area, by virtue of the Licensing Act 2003. As such the Council has the right to classify films that are shown in premises such as cinemas, hotels, clubs public houses and community premises.
- 3.2 The Council uses the decisions of the BBFC to determine the classification of films. In practice, therefore, the BBFC performs a national film classification role.
- 3.3 Sections 20 and 74 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences and club premises certificates that authorise the exhibition of films. This relates to the restriction of the admission of children (defined as 'persons aged under 18').
- 3.4 Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or, if the Council does not agree with that recommendation, to such other classification recommended by the Council.
- 3.5 If a film has not been classified by the BBFC it must not be shown at a premise without first having been classified by the Council for the area concerned. A typical example of this would be a locally made film to be shown at a local film festival. To cater for this situation it is prudent for a Council to have a formal policy and procedure in place to determine the appropriate classification. As this requirement is placed on the Council to carry out this function it is not proposed to carry out any form of consultation regarding the draft Policy as this is a procedural matter for Licensing Authorities contained within the Licensing Act 2003. If approval is given the Policy will be implemented with immediate effect.
- 3.6 A distributor of a film or other party may appeal to the Council against a decision of the BBFC and request that the Council classifies or reclassifies the film for local screening.
- 3.7 The Licensing Act 2003 also provides for a number of exemptions for certain types of film such as those exhibited for the purposes of advertisement, information, education etc.
- 3.8 A draft policy for the classification of films is set out in Appendix 1.
- 3.9 Fee
 - 3.9.1 The BBFC charges a fee for the classification of films. The standard fee is a £101.50 handling charge plus £7.09 per minute of the full length of the work. A discount of 30% is provided to UK registered charities (making this fee £71.05 and £4.96 per minute).
 - 3.9.2 Commercial releases will be submitted to the BBFC as a matter of course, and therefore submissions to local authorities usually originate from local students and arts groups. A fee of £47 (the average hourly cost of an officer within Healthy Communities) plus £1 per minute of the full length of the film, plus associated equipment and venue hire costs (as appropriate) is proposed as this should allow for full cost recovery.
 - 3.9.3 The proposed fee is considerably lower than that charged by the BBFC which is appropriate given the nature of the films that will be submitted to the Council, to

encourage local film making talent. These films are generally low budget, and would have a very limited release.

4. Options

Members have the following options:

- i. Agree and adopt the draft policy with or without modification,
- ii. Recommend to Council the delegation to the Head of Healthy Communities (or the Licensing Sub-Committee) or alternatively require that the classification or re-classification of films including appeals be determined by the Licensing and Regulatory Committee. However this alternative is not recommended as the practicality of classifying films in accordance with the Policy can be more effectively dealt with by Officers or the Licensing Sub-Committee.
- iii. Recommend to Council the proposed fee plus associated costs or such other fee and associated costs as considered appropriate.

5. Corporate Implications

5.1 Financial

There is a cost to the Council to deal with any film classification requests, the fees proposed will recover this cost.

5.2 Legal

There is no right of appeal when a decision is made by the Council but any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the applicants costs. This risk is minimised by adopting a policy, following the BBFC guidance and ensuring that classification decisions are made in line with the Licensing Act 2003 Section 182 Guidance.

5.3 Crime and Disorder

The policy will ensure that children are not exposed to film material that could cause them harm. The policy will also ensure that any illegal material is not permitted to be shown and will be reported to the appropriate authority, most likely the police.

6. Links to Council Policy Objectives

Adopting the policy will help the Council to meet the policy objectives of delivering cost-effective, customer focused services, and working towards safe and healthier local communities.

7. Next Step

Any changes to the draft policy agreed by Members will be made and the policy will come into immediate effect for use regarding the classification of films by the Council.

Background Papers:	The BBFC Guidance (2014) The Licensing Act 2003 Section 182 Guidance (March 2015) The Licensing Act 2003
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SOUTH BUCKS DISTRICT COUNCIL

Draft Policy and Procedure for determining film classifications

Adopted on *****
Effective from *****

1. Purpose

- 1.1 The Council, as the Licensing Authority, is responsible for authorising the public exhibition of films. Where a premises seeks or intends to exhibit films that venue must be licensed by a premises licence, club premises certificate or temporary event notice under the Licensing Act 2003 unless an exemption applies under the Licensing Act 2003.
- 1.2 Section 20 and 74 of the Licensing Act 2003 provides that where a premises licence or club premises certificate authorises the exhibition of a film(s), it must include a mandatory condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board or the Licensing Authority.
- 1.3 The Licensing Act 2003 defines “children” as any person under the age of 18 years and defines “the exhibition of a film” as the exhibition of moving pictures.
- 1.4 If the premises and/or exhibition of a film is not regulated by the Licensing Act 2003, it may still necessary to comply with the recommendations issued by the BBFC or Licensing Authority regarding classification and the admission of children for example regarding community premises.
- 1.5 In summary, in order to publically exhibit a film, it must either be classified by the BBFC or by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.6 The purpose of this policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the BBFC’s decisions regarding classification or requests to reclassify films. This Policy shall be amended from time to time in accordance with current law, guidance and practice by the Head of Healthy Communities
- 1.7 The Licensing Authority when classifying or re-classifying films shall at all times take into account the guidance issued under section 182 of the Licensing Act 2003 (“the National Guidance”).
- 1.8 The Licensing Authority may be requested to classify or re-classify a film that has already been classified or refused a classification by the BBFC in two different circumstances:
 - (a) A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority classifies or re-classifies the film for local screening (with recommendations on age restrictions) and
 - (b) An independent party may request that the Licensing Authority classifies or reclassifies the film for local screening (with recommendations on age restrictions).

- 1.9 The Licensing Authority may also be requested to classify the showing of an unclassified film(s). This normally occurs in the following cases:
- (a) A film festival covering a specific period of time;
 - (b) A one off screening of a film and
 - (c) A trailer for a film

2. Fees

- 2.1 Unless prohibited by law the Council will always aim to recover the cost of undertaking its licensing functions. The fee for dealing with applications to classify or re-classify a film submitted to the Council will be £47, plus £1 a minute of the full length of the film plus associated equipment and venue hire costs (as appropriate) is proposed as this should allow for full cost recovery.
- 2.2 This fee covers the cost for viewing the film and for determining the application. This fee must be paid prior to a film being considered and is non-refundable once an application has been submitted to the Licensing Authority, including if an application is refused.

3. General policy

- 3.1 In accordance with paragraph 10.17 of the current National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the four Licensing Objectives.
- 3.2 Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the Licensing Objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the protection of children from harm.
- 3.3 Protection of children from harm
- 3.3.1 Paragraph 2.21 of the National Guidance states:

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

3.4 Principles in determining film classifications

- 3.4.1 The BBFC classifies films in accordance with its published guidelines, which are

based on extensive research into public opinion and professional advice. The National Guidance recommends that:

Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film

- 3.4.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to films. However the Licensing Authority is not obliged to follow the BBFC guidelines.
- 3.4.2 Where an Applicant seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to determine the classification of that Film or refuse classification in accordance with the procedures outlined in this Policy.
- 3.4.3 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment and will not normally override this principle. Therefore, applications will not normally be refused but in all cases, the Licensing Authority will expect the applicant to follow the BBFC's guidelines for 18 and R18 restricted films. However, material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or where it has been created through the commission of a criminal offence.
- 3.4.4 Therefore Applicants must ensure that all material that is the subject of their application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 3.4.5 Classifications or re-classifications of films determined by the Licensing Authority shall only apply when those films are exhibited within the Council's administrative area and does not affect the classifications or re-classifications in any other Council area. It will also be assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained prior to showing the films.
- 3.4.6 Once classified or re-classified by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations and conditions imposed by the Licensing Authority (unless a further application for re-classification is made). Details of the classification or re-classification including

any recommendations and conditions will be given to the Applicant and any Licence Holder upon determination of an application and shall also be available from the Council's Licensing service.

- 3.4.7 The Licensing Authority will consider each application for classification or re-classification on its own merit and may impose additional and more specific conditions where it deems this necessary in order to comply with the protection of children from harm licensing objective.
- 3.4.8 Where the Licensing Authority is asked to classify unclassified material the Licensing Authority will require a written undertaking from the Applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 3.4.9 The Licensing Authority shall not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the Applicant to ensure that no film or trailer contravenes the law.
- 3.4.10 Applications must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Applications may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.
- 3.4.11 Applications will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period. Where the Licensing Authority refuses to classify a film clear and concise reasons shall be given.
- 4. Procedure for determining applications regarding (i) the classification of previously unclassified films, (ii) appeals against the BBFC's decisions regarding classification or (iii) requests to reclassify films.**
- 4.1 Applications will be referred to and determined by the Head of Healthy Communities on behalf of the Licensing Authority (or referred to the Licensing Authority's Licensing-Sub-Committee for determination if considered appropriate in all the circumstances by the Head of Healthy Communities).
- 4.2 Applications must be made in writing using the application form on the Council's website and submitted to the Licensing service a minimum of 28 working days before the proposed screening of the film in order for the application to be determined and to ensure compliance with the age restrictions the Licensing Authority may impose.

- 4.3 All applications shall be accompanied by the film(s) in DVD format to avoid delays, the cost to be borne by the Applicant. If DVD format is not possible then arrangements will be made by the Licensing Authority for a suitable venue to view the film.
- 4.4 If the Applicant is an individual or organisation not connected with the film(s) and is not able to provide a copy of the film(s) the Licensing Authority will make suitable arrangements to view the film.
- 4.5 An application must include the following information:
- (a) the name and address of the filmmaker;
 - (b) such recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film;
 - (c) any existing classification issued by an existing classification body, whether within or outside the UK;
 - (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
 - (e) if known, a legitimate and legal internet site where the film or a portion of the film is available to view without charge;
 - (f) any proposals on age restrictions for viewing the film that the applicant intends to impose;
- and
- (g) details of how any age restrictions will be enforced.
- 4.6 The Head of Healthy Communities (or Licensing Sub-Committee as applicable) will view the entire film in private and assess it against the BBFC guidelines and the National Guidance and shall issue a written Notice of Determination of the Application within 5 working days from the date of viewing.
- 4.7 If the film has been given a classification the Notice of Determination will include any recommendation(s) and conditions restricting the admission of children to the film(s) and any other relevant conditions. If an application is refused the Notice of Determination will contain reasons for refusing to classify or re-classify the film. The Notice of Determination will be sent to the Applicant and the Licence Holder (if applicable).
- 5. Age restricted film/s.**

- 5.1 Where a film is classified by the Licensing Authority as falling into an age restrictive category, no person under the age specified by the Licensing Authority shall be admitted to any part of the programme. Where a film is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted to any part of the programme unaccompanied by an adult.
- 5.2 The Notice of Determination will include a condition that no person appearing to be under the age specified shall be permitted to any part of the programme and/or a condition that no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult.
- 5.3 There shall also be displayed in conspicuous positions both inside and outside the premises notices clearly stating the relevant age restrictions and requirements having regard to National Guidance, so that persons entering the premises can readily be made aware of the classification attached to any film or trailer e.g.:
- a) Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme.
 - b) Persons under the age of [insert appropriate age] can only be admitted to the programme if accompanied by an adult.

6. Section 20 and 74 of Licensing Act 2003: Exhibition of films

- 6.1 All premises permitted to exhibit films are subject to the following mandatory conditions:
- 6.1.1 Where a premises licence or club premise certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.
- 6.1.2 Where a film classification body is specified in the licence or certificate, unless paragraph 5.1.3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
- 6.1.3 Where:
- (a) the film classification body is not specified in the licence or certificate
- or
- (b) the Licensing Authority has notified the holder of the licence or the club that holds the certificate that this paragraph applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

6.2 In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984

7. Exemptions under Schedule 1 Part 2 of the Licensing Act 2003.

7.1 The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act 2003 if either:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the Licensing Act 2003 does not define a museum or art gallery so the ordinary meaning of the term is taken)

Or:

Its sole or main purpose is to:

- (a) demonstrate any product,
- (b) advertise any goods or services (excluding the advertising of films), or
- (c) provide information, education or instruction

7.2 In accordance with Schedule 1 Part 2 paragraph 6A Community Premises are exempt from requiring a licence under the Licensing Act 2003 when exhibiting films if specified conditions are satisfied. Accordingly, the admission of children is still subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children. See current National Guidance para 4.37 to 4.41 and 15.22 and 15.24.

8. Requests to waive a film classification

8.1 All requests to waive the film classification will in the first instance be considered by the Head of Healthy Communities under delegated powers. However, any request to waive a Film Classification may be referred by the Head of Healthy Communities at his/her discretion to the Licensing Sub Committee for determination.

8.2 All requests to waive a film classification must be submitted on the Licensing Authority's application form a minimum of 42 days before the proposed screening with confirmation from the applicant that the film is intended to be shown to an audience of persons aged 18 years and over.

- 8.3 Waivers would be issued based on the synopsis of the film and would be appropriate in the following cases:
- a) A foreign or locally made film being shown during a film festival.
 - b) A one-off screening of a film.
 - c) A trailer for a film.
- 8.4 Any classification waiver will have the following conditions attached:
- a) The films must not encourage or incite crime; or lead to disorder; or stir up racial hatred against any section of the public of Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex, or promote sexual humiliation or degradation of or towards women.
 - b) The film must not have the effect such as to tend to deprave and corrupt persons who see them.
 - c) The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
 - D) Persons under the age of 18 years must not be admitted to any such film exhibitions (with or without parental guidance).
- 8.5 If a waiver is not granted either by the Head of Healthy Communities or the Licensing Sub Committee the applicant would be able to apply for classification of the film as described within this policy.

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SUBJECT:	Taxi and Private Hire Licensing - Schedule of Licensing Sub-Committee Determinations and Appeals
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Healthy Communities

1. Purpose of the Report

- 1.1 To inform members of Licensing Sub-Committee determinations during the period 1st March 2016 to 9 June 2016.

<u>File Reference</u>	<u>Applicants Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
None					

- 1.2 To inform members of all pending appeals/recently determined appeals against licensing decisions.

<u>File Reference</u>	<u>Applicants Name</u>	<u>Type of Application</u>	<u>Date Of Appeal</u>	<u>Date of Hearing</u>	<u>Outcome</u>
None					

2. Recommendation

- 2.2 It is recommended that the information in this report be noted.

Officer Contact:	Nathan March - 01494 732056 - nmarch@chiltern.gov.uk
Background Papers:	Service Application Files

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SUBJECT:	Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations and Appeals
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Healthy Communities

1. Purpose of the Report

- 1.1 To inform members of Licensing Sub-Committee determinations during the period 1 March 2016 - 9 June 2016.

<u>File Reference</u>	<u>Applicants/Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
None					

- 1.2 To inform members of all pending appeals/recently determined appeals against licensing decisions.

<u>File Reference</u>	<u>Applicants/Premises Name</u>	<u>Type of Application</u>	<u>Date Of Appeal</u>	<u>Date Determined</u>	<u>Outcome</u>
None					

2. Recommendation

- 2.2 It is recommended that the information in this report be noted.

Officer Contact:	Nathan March 01494 732249 nmarch@chiltern.gov.uk
Background Papers:	Service Application Files

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