



MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 10 MARCH 2011
TIME : 4.30 PM

MEMBERS OF THE COMMITTEE

Councillor M P A McMullen (Chairman)
Councillors A L Burlton (Vice-Chairman), W Ashley, P R Ballam,
K A Barnes, R Beeching, Mrs R F Cheswright, J Demonti, N C Poulton,
R A K Radford, P A Ruffles, J J Taylor, R I Taylor, N Wilson and
B M Wrangles

Substitutes:

Conservative Group: Councillors A D Dodd, J Mayes and A L Warman
Liberal Democrat Group: Councillor M Wood
Independent Group: Councillor

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

**CONTACT OFFICER: Linda Bevan -
01279 502175**

PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
 - any other body to which they have been appointed or nominated by the authority
 - any other body exercising functions of a public nature (e.g another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
 - the matter does not fall within one of the exempt categories of decisions
 - the matter affects your financial interests or relates to a licensing or regulatory matter
 - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
 - setting council tax
 - any ceremonial honour given to Members
 - an allowance, payment or indemnity for Members
 - statutory sick pay
 - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
 - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.

8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.

9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Member(s)' declaration(s) of interest

4. Minutes (Pages 7 - 12)

To approve the Minutes of the meeting of the Committee held on 4 November 2011.

5. Licensing Sub-Committee (Pages 13 - 50)

To receive the Minutes of meetings of the Licensing Sub-Committee 14 October 2010, 25 October 2010 and 6 December 2010.

6. Attendance at Licensing Sub-Committee (Pages 51 - 56)

7. Licensing Update - Quarter 4 2010 (Pages 57 - 62)

8. Certification of films (Pages 63 - 110)

9. Licensing implications of Royal Wedding (Pages 111 - 118)

10. Taxi parking enforcement (Pages 119 - 122)

11. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 4 NOVEMBER
2010, AT 4.30 PM

PRESENT: Councillor M P A McMullen (Chairman)
Councillors W Ashley, P R Ballam,
K A Barnes, Mrs R F Cheswright, J Demonti,
N C Poulton, R A K Radford, P A Ruffles,
R I Taylor, J J Taylor, N Wilson,
B M Wrangles and A L Warman

OFFICERS IN ATTENDANCE:

Jeff Hughes	- Head of Democratic and Legal Support Services
Paul Newman	- Interim Licensing Manager

352 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Beeching and A L Burlton. It was noted that Councillor A Warman was attending as a substitute for Councillor R Beeching.

353 FEEDBACK ON STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report advising that the Authority was required to publish, every three years, its Statement of Licensing Policy. The policy detailed the principles the Authority would apply when exercising its function under the Licensing Act 2003.

The Committee recalled that, at its meeting held on 22 July 2010, it had approved a draft revised policy for

public consultation.

The Director reported that no responses had been received during the consultation period.

The Committee noted the lack of public response. It agreed to recommend Council to approve the revised Statement of Licensing Policy.

RECOMMENDED – that the revised Statement of Licensing Policy (as submitted to the Licensing Committee meeting on 22 July 2010) be approved.

354 MINUTES

RESOLVED - that the Minutes of the meeting held on 22 July 2010 be confirmed as a correct record and signed by the Chairman.

355 LICENSING SUB-COMMITTEE

RESOLVED - that the Minutes of the meetings of the Licensing Sub-Committee held on 25 June, 12 July, 12 August, 19 August, 2 September, 13 September and 21 September 2010 be received.

(Note: Councillor Mrs P Ballam questioned the accuracy of the Minutes of the meeting held on 21 September 2010 in so far as they needed to record that Councillor M McMullen substituted for both her and Councillor J Demonti in respect of the items now specified. This information was recorded under Minute 29. It would be for the Licensing Sub-Committee at its next meeting to confirm, or otherwise, the accuracy of the record.)

356 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee held since 12 May 2010.

The Head of Democratic and Legal Support Services stated that the (three) Members of the Sub-Committee were selected from the membership of the parent Licensing Committee on a meeting by meeting basis. The schedules of attendance now submitted detailed Members who had been selected from the parent Committee. Its aim was to provide reassurance that the selection process secured, as far as possible, an even distribution of the Sub-Committee's workload amongst Licensing Committee Members. Future reports on this subject would make this purpose clear.

RESOLVED – that the report be received.

357 LICENSING UPDATE

The Director of Neighbourhood Services submitted a report presenting data for the periods 1 April to 30 June and 1 July to 30 September 2010 on applications for:

- Alcohol, entertainment and late night refreshment licences under the Licensing Act 2003;
- Gaming licences under the Gambling Act 2005, and
- Taxi Drivers, vehicle proprietors and operators licences.

The Director also detailed the number of current licences etc, in respect of the various licensing functions now detailed.

Members expressed concern over the ever increasing practice of queuing taxis being parked by their drivers outside the designated taxi rank area in Railway Street (and Market Street), Hertford. Members observed that these vehicles were partially parked on footways thus posing a safety hazard to pedestrians.

The Committee agreed to request the Director of Customer and Community Services (Parking Manager) to ensure that parking restrictions in this area of Hertford were enforced, particularly through the issue of penalty parking notices to

offending taxi drivers parking unlawfully in the manner now detailed. Members considered that any time leeway for drivers to move their vehicles before a penalty parking notice was issued should be waived. The Director was also requested to liaise with Hertfordshire Constabulary to enlist its support and assistance in enforcing parking restrictions in and around Railway Street.

The Committee agreed that the Director of Neighbourhood Services should be requested to investigate the possibility of issuing penalty points under taxi licensing conditions to taxi drivers unlawfully parked on public highways. Once a predetermined level of points had been accumulated then a driver's fitness to hold a taxi licence could be reviewed.

RESOLVED – that (A) the Director of Customer and Community Services (Parking Manager) be requested:

- (1) to ensure that parking restrictions in the Railway Street area of Hertford were enforced, particularly through the issue of penalty parking notices to offending taxi drivers parking unlawfully in the manner now detailed (and without any time leeway for drivers to move their vehicles before a penalty parking notice was issued); and
- (2) to liaise with Hertfordshire Constabulary to enlist its support and assistance in enforcing parking restrictions in and around Railway Street, Hertford; and

(B) the Director of Neighbourhood Services be requested to investigate the possibility of issuing penalty points under taxi licensing conditions to taxi drivers unlawfully parked on public highways (on the basis that once a predetermined level of points had been accumulated then a driver's fitness to hold a taxi licence could be reviewed).

358 ENFORCEMENT UPDATE - 1 JANUARY - 30 APRIL 2010

The Licensing Manager submitted a report presenting data on licensing compliance and enforcement activity in respect of:

- premises licensed for gambling, the sale of alcohol, regulated entertainment and late night refreshment, and
- Hackney Carriage and Private Hire drivers, vehicles and operators

for the period 1 January to 30 April 2010.

RESOLVED – that the report be received.

359 ENFORCEMENT UPDATE - 1 MAY - 30 AUGUST 2010

The Licensing Manager submitted a report presenting data on licensing compliance and enforcement activity in respect of:

- premises licensed for gambling, the sale of alcohol, regulated entertainment and late night refreshment, and
- Hackney Carriage and Private Hire drivers, vehicles and operators

for the period 1 May to 30 August 2010.

In response to comments from Councillor Mrs P Ballam, the Licensing Manager undertook to liaise with Hertfordshire Constabulary to secure the enforcement of licence conditions requiring licensees to attend local Pub Watch meetings.

RESOLVED – that the report be received.

360 REVIEW OF LICENSING ENFORCEMENT POLICY

The Director of Neighbourhood Services submitted a report on proposed amendments to the Council's Licensing Enforcement Policy.

The Director detailed the reasons for the proposed changes within the report now submitted.

RESOLVED – that the revised Licensing Enforcement Policy, appended to the report now submitted, be approved.

The meeting closed at 5.30 pm

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 14 OCTOBER
2010, AT 2.00 PM

PRESENT: Councillor P Ballam (Chairman)
Councillors K A Barnes and N C Poulton.

ALSO PRESENT:

Councillors M P A McMullen, P A Ruffles and
N Wilson.

OFFICERS IN ATTENDANCE:

Monica Bett	- Legal Services Advisor
Chris Clowes	- Licensing Enforcement Manager
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager
Marie Williams	- Licensing Officer

34 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor N C Poulton and seconded by Councillor K A Barnes that Councillor P R Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor P R Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

35 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
(AS AMENDED) - APPLICATION FOR REVIEW OF
PREMISES LICENCE AT THE SUGAR HUT 11 OLD CROSS
ROAD HERTFORD

The Chairman outlined the procedure to be followed during consideration of the review. Everyone present for it was introduced.

Mr Dadds, barrister for the Sugar Hut, made an application for an adjournment, as the Premises Licence Holder's Director was unable to attend as he had been called to the High Court to represent the Brentwood Sugar Hut premises.

Mr Dadds stressed that the Mr Norcross, Director of the Premises Licence Holder, Willow Leasing Limited, should be present due to his important knowledge of the Sugar Hut in Hertford. He stated that, should the meeting go ahead, he had some suggested conditions for the Sub-Committee to consider. Mr Dadds stressed the importance of a fair hearing. He emphasised that all drinks promotions had ceased at the Sugar Hut and there was no objection to further discussion with the police in relation to this premises.

Sarah LeFevre, solicitor for the Police, addressed the Sub-Committee in opposition to the application for an adjournment. She referred to the considerable notice that had been given for this hearing. She stressed that the hearing should continue as there were two people present responsible for The Sugar Hut in Hertford.

Mr Dadds stated that Mr Banks had only joined the company as General Manager of The Sugar Hut in August 2010 and was not in a position to give him instructions. Miss Hajna was also new to the company. Mr Dadds stressed that Mr Norcross should be present for this hearing to proceed as he was the sole director of the company responsible for this premises.

Claire Eames, on behalf of residents supporting the review, echoed the police position that the hearing should continue. She stated that residents had taken time out of work to be there and the review application had been correctly served.

She commented that noise disturbance had been on going for too long and in fairness to residents, there was no good reason for an adjournment. She requested the hearing continue in the interests on natural justice.

The Interim Licensing Manager advised that the company that owned the premises licence was Willow Leasing Limited.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Advisor and the Democratic Services Assistant to consider the request for an adjournment.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that, after very careful consideration, the application for an adjournment would not be granted due to Mr Norcross being unable to attend. The Sub-Committee appreciated that the High Court took precedence but Mr Norcross was not referred to in any of the papers and did not appear to have been present at the time of any of the alleged incidents. The Designated Premises Supervisor (DPS) shown throughout the papers was Mr Cleary.

Mr Dadds circulated some suggested conditions for the premises licence to the Sub-Committee. He stressed that Mr Banks had only been responsible for The Sugar Hut for two weeks.

The Interim Licensing Manager advised that the Police had applied for this review on the 27 August 2010 on the grounds that all four licensing objectives were being breached. He advised Members that the premises were licensed to sell alcohol until 2 am Thursdays to Saturdays

and until midnight on all other days.

The Sub-Committee was advised that in January 2009 the Premises Licence was transferred to Willow Leasing Limited at an address in Brentwood. All correspondence sent to that address by Officers had been returned undelivered. Copies of the review application had also been served at The Sugar Hut address in Hertford and also on the companies business address in Clacton on Sea, Essex.

The Interim Licensing Manager advised that representations had been received from four interested parties and Claire Eames was present as a representative for those interested parties. He referred to CCTV footage that had been served on all parties as well as extensive supporting information from the Police as the responsible authority. This information was included in the Agenda at page 17 onwards, along with extensive Police logs relating to fighting, incidents of assault and noise nuisance.

The agenda also included information in respect of drinks promotions at The Sugar Hut, as well as extensive representations from residents. Residents' concerns centred on intoxicated young people on the streets in the small hours of the morning, shouting, arguments and anti-social behaviour, anti-social parking and inconsiderate driving, street fouling and vehicle vandalism.

The Interim Licensing Manager stated that one resident was asking for a full revocation of the Premises Licence. The Police were also seeking a revocation on the grounds that the Premises Licence Holder was failing to satisfy the four licensing objectives. If the Sub-Committee was minded to not revoke the licence, the Police had suggested a reduction in hours as detailed on page 24 of the report now submitted.

Sarah LeFevre outlined why the police felt the licence should be revoked. She stressed that the operation of

The Sugar Hut was seriously undermining all four of the licensing objectives. The Police were particularly concerned in relation to crime and disorder between 12 July 2010 and 21 August 2010, as well as a serious incident in September.

The Sub-Committee was referred to a summary of incidents that had been compiled by the Police. Sarah LeFevre stressed that there was extensive evidence of extreme drunkenness, serious fights amongst people under the influence of alcohol, serious disorder and an irresponsible attitude towards the sale of alcohol.

Members were advised that these problems had continued despite additional licensing conditions, as well as advice from Licensing Officers and the Police in relation to drinks promotions.

Sarah LeFevre referred to the summary of incidents and drew attention to the more serious incidents, in particular an instance of Actual Bodily Harm (ABH) and an incident where an individual was losing consciousness due to the level of alcohol that had been consumed. Sarah LeFevre stressed that there were repeated irresponsible drinks promotions being offered despite numerous instances of advice being given to Mr Cleary that this should cease.

The Police were seeking a full revocation of the licence as the licensing objectives were being breached. The conditions on the licence were also being breached, in particular the limit of 150 persons on the premises at any one time. Sarah LeFevre stated that the guidance was clear in that revocation was a serious option where there was repeated crime and disorder. She invited Inspector Paul Burnage to address the Sub-Committee.

Inspector Burnage reported that he was responsible for the Officers that Police Hertford and Ware. He stated that his Officers worked closely with licensed premises, in collaboration with PC Leslie O'Connell as the dedicated Licensing Officer for the Constabulary.

Inspector Burnage advised that the drinks promotions often in place at The Sugar Hut were fuelling crime and disorder. He stressed that most licensed premises were willing to work with the Police to prevent problems occurring.

He explained, however, that staff at The Sugar Hut had so far not worked effectively with the Police and crime and disorder continued to be a serious concern. Inspector Burnage stated that where advice was given to a licensed premises he expected this advice to be acted upon. He stressed that this was not the case at The Sugar Hut and the irresponsible drinks promotions had continued and he fully supported the revocation of the premises licence.

PC Leslie O'Connell, applicant for the review, advised that she had gathered her extensive evidence from Police logs, e-mails from Police Officers and general intelligence. She advised that the DPS was Mr Simon Cleary. PC O'Connell introduced CCTV evidence of an incident on 12 June 2010. The Sub-Committee viewed this evidence.

The Sub-Committee was advised that one of people involved had been arrested for affray and admitted to being so drunk he had not remembered anything the morning after the night in question. He had admitted to the Officers at the time of his arrest that he had consumed 10 pints and a number of shots of Vodka and Red Bull.

PC O'Connell advised that on the 18 June 2010 there had been call to the Police in relation to excessive behaviour of the door staff at The Sugar Hut. She referred to an instance where the DPS had stated that drinks promotions for free alcohol for girls on Fridays had been withdrawn.

The DPS had also incorrectly thought that the maximum

allowed in the premises was 170 when the maximum permitted by the Licence was 150. The Sub-Committee was shown examples of the promotional literature in use at The Sugar Hut. PC O'Connell summarised some of the drinks promotions that had been in place.

PC O'Connell commented that PC Palfreyman had highlighted an incident where there had been 260 people in the premises, when only 150 were permitted by the license. She stressed that such overcrowding increased the likelihood of jostling inside the premises and would make evacuation challenging.

PC O'Connell stated that the Police were concerned that there was no dispersal plan in place once the premises had closed. She advised Members that the door staff at The Sugar Hut were largely ineffective. She referred to a fight on Maidenhead Street where the males involved had admitted to drinking in The Sugar Hut that same evening.

The Sub-Committee was shown further CCTV evidence of fighting outside the premises. PC O'Connell advised that the Police were increasingly concerned about people suffering serious injuries through drunkenness and a general lack of control. Officers were very concerned in relation to the operation of The Sugar Hut and the impact on the Town Centre of Hertford.

The Police were concerned about the use of drinks promotions such as £15 entry including drinks for the whole night or buy one drink and get a second free, particularly at times such as The World Cup. Licensed Premises were often asked to suspend drink promotions during such events, 99% of premises followed this advice and suspended promotions.

Sarah LeFevre stated that the Police, as the applicant felt that removing drinks promotions was essential to resolve problems of crime and disorder. She stressed that the Licence was inappropriate for this premises and should be revoked. She also stated that the premises could not

currently operate under any conditions.

Sarah LeFevre advised that problems were wider than drinks promotions as drinkers were being attracted from a considerable distance. She stressed that the premises attracted crime and disorder, 70% of which occurred after midnight.

Councillor K A Barnes commented on whether there had been any liaison between the door staff and the Police. PC O'Connell stressed that Officers were in regular contact with door staff and they try to build bridges as far as possible.

She advised that there was frequent contact between neighbourhood and intervention officers and licensed premises. The Town Link Radio system was often used as the Police had access to this and CCTV footage could be requested via this system.

In response to a query from Claire Eames, PC O'Connell confirmed that residents' concerns were well known to the Police. In response to a query from Mr Dadds, PC O'Connell stressed that although there had been some recent improvements, there had still been incidents of concern for the Police. She advised that it had been difficult to contact the DPS and Willow Leasing Limited.

PC O'Connell advised that some of the incidents known to the Police were very serious, particularly so given that the premises was only open three nights a week.

PC Bullen summarised a number of incidents he had attended, that were covered by Police logs detailed on pages 86 - 90 of the agenda papers. He stressed that The Sugar Hut often caused problems with fights and a general rough atmosphere that often tied up significant Police resources and could take a significant amount of time to bring under control.

PC Bullen stated that Officers received very little help

from door staff at The Sugar Hut. He had asked on one occasion to be taken to see the duty manager. The staff member concerned had refused. He emphasised that the staff often had the attitude that once drinkers were outside they were no longer their responsibility. He commented that gathering information on events outside was difficult as people often did not wish to engage with the Police.

Police Sergeant Tom Turner, Hertford Safer Neighbourhoods Team, summarised his own concerns in relation to The Sugar Hut. He stressed that the Police could apply for to the Magistrates Court for a section 19 closure notice due to breaches of licence conditions and ignoring police advice in relation to drinks promotions.

Police Sergeant Turner stated that despite advice being given to Mr Cleary in relation to ceasing drinks promotions, these often went ahead anyway.

Claire Eames stated that she was a director of a management company that represented seven residents living opposite The Sugar Hut. Although the premises was not in direct view, the residents were aware of when licensed premises were open and were in no doubt that much of the crime and disorder witnessed could be directly attributed to The Sugar Hut.

Claire Eames stated that residents frequently suffered from public nuisance, crime and disorder and anti-social behaviour. She stated that patrons of The Sugar Hut often became so intoxicated that both men and women urinating in the street was a common occurrence. Abusive language was commonplace as was more extreme behaviour such as acts of indecency between couples in public.

Claire Eames stated that being woken repeatedly on week nights due to noise from inside the premises and on the street was not funny. She stressed that some of the fighting and disorder took place directly under people's

bedroom windows. She referred to the intimidating behaviour of drinkers, as well as blatant disregard for what was acceptable behaviour.

Claire Eames also referred to a disregard for the licensing objectives on behalf of the management of The Sugar Hut. She stated that the premises should not be permitted to continue trading.

Claire Eames stated that should the Licence not be revoked the hours must be reduced. A majority of the disturbances took place after midnight. She fully supported the Police application for the review and revocation of the Premises Licence.

At 4.50 pm, the Chairman, with the consent of Members suggested a thirty minute recess. The meeting reconvened at 5.25 pm.

Mr Dadds stated that Mr Norcross had undertaken an active role in managing The Sugar Hut since 10 March 2010. He had been a silent partner and had become more directly involved in the operation of the premises.

Mr Dadds advised that Mr Cleary would soon be removed as the DPS. Mr Banks had some oversight at The Sugar Hut in his current capacity as the general manager. Mr Dadds stressed that there were no pints served and shots were always 25 ml and other drinks were always served in the smaller bottles available.

He commented that many of the drinks promotions were above the minimum pricing guidelines of 50 pence a unit. He stressed that controls were in place to ensure responsible drinking. The company responsible for the premises had accepted a failing of this control on one occasion.

Mr Dadds gave a commitment that all drinks promotions would cease and all drinks would be served in polycarbonate containers. He referred to a set of conditions that could be attached to the Premises Licence. He advised that there was

a new door team in place and Mr Banks would oversee the management of the premises.

Mr Dadds indicated the steps that would be taken to ensure the licensing objectives were met in future. He commented that with these controls, there should be improvements in relation to the problems experienced by residents. He stressed that Mr Banks was a very experienced licensee and all conditions on the Licence would be strictly adhered to.

Mr Dadds questioned whether the CCTV evidence should be given significant weight due to the length of time since it was recorded. He argued that it was disproportionate and unfair to consider evidence from a considerable time ago.

Mr Dadds stated that Mr Banks was happy to work with the Police. He emphasised that fights did occur and this could not always be avoided. He stressed that dispersal should be managed more effectively with the new door team. This aspect of the venue's operation would be similar to that employed at The Sugar Hut in Brentwood.

Mr Dadds suggested that there should be a necessary and proportionate response to the problems encountered by residents.

Councillor N C Poulton sought and was given clarification as to how long Mr Norcross had been the Premises Licence holder. Mr Dadds advised that Mr Norcross had been the Premises Licence holder since March 2010. Mr Norcross was the director of Willow Leasing Limited.

Anna Hajna was working under the control of the current DPS, Mr Simon Cleary. In response to queries from Members, the Sub-Committee was advised that Mr Banks lived in Sidcup and would commute to The Sugar Hut in Brentwood everyday. He would be liaising with Anna Hajna everyday by phone in relation to the Hertford Sugar Hut venue.

Mr Banks would be holding weekly meetings with Anna and the Police and Council Officers would be invited. Following a

question from a Member, Anna Hajna confirmed that she lived in Ware.

In response to a question from Councillor Poulton regarding the protection of children from harm, Mr Dadds confirmed that the suggested conditions mirrored those in place at the Brentwood Sugar Hut. Mr Dadds confirmed that a female door supervisor was included in the conditions to facilitate the searching of female customers.

Councillor Barnes commented on how the door staff monitored the 150 limit for persons on the premises. Mr Dadds confirmed that the capacity was dictated by the means of escape. He advised that this was monitored by the use of clicker devices to accurately measure the number of people in the premises.

Councillor Barnes queried whether proof of age was sought prior to serving alcohol. Mr Dadds confirmed that the Challenge 21 scheme could be operated at the premises. In response to a query from a Member of the Sub-Committee, Mr Dadds confirmed that Mr Cleary was still the DPS, but only as a point of contact. The daily running of the Sugar Hut was now in the hands of Mr Banks and Anna Hajna.

In response to questions from Sarah LeFevre in relation to the management of the premises, Mr Dadds recognised that the premises could have been managed better. He stated however that there had been some improvements in the situation at The Sugar Hut.

Sarah LeFevre stated that it was imperative that Members consider the experience of Mr Banks and Anna Hajna when determining this application. She referred to the lack of experience of Anna in supervising bar staff.

Anna Hajna confirmed that she had taken the exam to act as Premises Licence holder, she was awaiting her ID card application to be processed. Sarah LeFevre stated that the Sub-Committee must consider that Anna Hajna had less than a year's experience.

In response to a question from a Member in relation to under 18s, Mr Banks confirmed that no one under the age of 18 would be permitted in the premises. He stressed that anyone without a wrist band to indicate they were over 18 would not be served alcohol.

In response to a question in relation to the operation of the premises, Mr Dadds confirmed that there would be a wind down period where music would be played more quietly.

He confirmed that drinkers would be asked to leave quietly and there were barriers in place to assist the door staff in getting people out of the premises safely rather than simply letting drinkers flood out onto the street.

Mr Dadds stressed that door staff would be ultimately responsible for ensuring people leave in an orderly manner. Mr Banks would visit the premises on a regular basis but would not be present all of the time. In response to a query from Councillor N C Poulton, Mr Dadds confirmed that the original CCTV was in place at the premises.

In response to a query from Claire Eames, Mr Banks confirmed that there would no food served from The Sugar Hut. There was an area for dancing for 50 people; there was also a seating area for about the same number.

Mr Dadds indicated that conditions about residents meetings, a contact number in case of problems and ID scan were acceptable to the Premises Licence holder. In response to a query from Claire Eames, Mr Dadds confirmed that there would be a new Premises Licence holder.

Sarah LeFevre stressed that the Police still felt that revocation of the Licence was the only way forward. She stated that Mr Banks and Anna Hajna lacked the appropriate experience to run The Sugar Hut. She commented that the conditions put forward by the premises were only draft conditions which had been poorly thought through.

Sarah LeFevre referred to the conditions of operation suggested by the Police as being the ones that the Licensing Sub-Committee should apply if Members were minded not to revoke the licence.

Claire Eames stated that nothing that had been said in this meeting had allayed her concerns on behalf of residents. She stated that Anna Hajna and Mr Banks were ill equipped to manage this premises.

Claire Eames commented that the Licence should be revoked or suspended to enable the Police and the Premises Licence holder to agree a set of workable conditions. She stressed that the hours of operation must also be looked at as the current hours were too late.

Mr Dadds stressed that the conditions he had circulated almost mirrored those that were in place for the Brentwood Sugar Hut. These were robust conditions that had been discussed with Essex Constabulary. Mr Dadds stated that Anna Hajna was competent and there was a new door team in place at The Sugar Hut. He concluded that the conditions he had circulated along with the change of door team would improve the situation for residents.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Advisor and the Democratic Services Assistant to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the premises license be suspended for 4 weeks to get agreement between The Sugar Hut, the Police, residents and Licensing Officers on the terms and conditions of operations as detailed below.

The Chairman said the Sub-Committee expected the Police to monitor the situation and should the conditions not improve the Police or residents could ask for a review. If there was a failure to reach an agreement, the matter could be referred back to the Sub-Committee.

RESOLVED - that the premises licence be suspended for four weeks to get agreement between the Sugar Hut, the Police, residents and Licensing Officers on the terms and conditions of operation.

The proposed hours of operation to be:

Monday - Thursday and Sundays 10:00-23:30:

Live Music

Recorded Music

Performance of dance

other similar entertainments

Making Music

Facilities for dance

Other similar activities

Sale alcohol for consumption on and off the premises 10:00 - 23:00.

Opening hours 1000 - 0000.

On, Friday and Saturday 10:00 - 01:00:

Live Music

Recorded Music

Performance of Dance

Other similar entertainments

making music

Facilities for dance

other similar activities

Sale of alcohol for consumption on and off the premises 10:00 - 00:30.

Opening hours 1000 - 01:00.

In addition, the Sub-Committee would like to see the following added as conditions:

Residents Meetings

ID Scan

Contact Details for the Premises made available to residents

The SIA door supervisors be increased to 3, one of

which must be female

Reason: To satisfy the four licensing objectives.

The meeting closed at 7.00 pm

Chairman

Date

		MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON MONDAY 25 OCTOBER 2010, AT 2.00 PM
	<u>PRESENT:</u>	
		Councillors P R Ballam, K A Barnes and J Demonti.
	<u>ALSO PRESENT:</u>	
		Councillors M P A McMullen and P A Ruffles.
	<u>OFFICERS IN ATTENDANCE:</u>	Linda Bevan, Paul Newman, George Robertson

<u>APPLICATION FOR STAGE OF TAXI DRIVER'S LICENCE</u>

	Mr J	- Applicant
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36 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Demonti and seconded by Councillor P R Ballam that Councillor K A Barnes be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED - that Councillor K A Barnes be appointed Chairman of the Licensing Sub-Committee for the meeting.

37 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended to exclude the press and public during consideration of the business referred to in Minute 38 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

38 CONSIDERATION OF STAGE OF APPLICATION FOR PRIVATE HIRE TAXI DRIVER'S LICENCE - MR J

The Chairman outlined the procedure to be followed during consideration of the application. Everyone present for it was introduced. He also explained that the Sub-Committee had excluded the press and public but Members of the Licensing Committee were present. On being asked, the applicant agreed that the Members should be allowed to stay.

The Interim Licensing Manager explained that the applicant had two unspent convictions relating to a serious assault, and a number of spent convictions which the Sub-Committee should also consider when deciding if the application should proceed to the next stage. He circulated the applicant's Criminal Records Bureau (CRB) record and application form. The applicant had given an explanation of the circumstances of the more recent offences as detailed in the agenda. He had asked that the Sub-Committee consider the circumstances that provoked the assault.

The applicant said he had been made redundant, and the owner of a local taxi firm, who he had known for a number of years, had offered him a job as a taxi driver if he obtained his licence. He needed the job to earn a living and pay his mortgage. He said he had worked as a milkman before the offence, dealing with the public regularly. More recently he had worked as a delivery driver in London. This involved meeting the public on a daily basis and dealing with stressful city traffic. He had also been responsible for large amounts of money in this job. He would be working during the day as a private hire vehicle driver rather than plying for hire late at night. He said he had attended anger management training because of his convictions.

The applicant, Councillors McMullen and Ruffles and the Interim Licensing Manager left the Chamber during the Sub-Committee's consideration of the representations.

Following this, they returned and the Chairman announced the decision of the Sub-Committee as detailed below.

RESOLVED - that the application be allowed to proceed to the next stage subject to the following comments from the Sub-Committee:

The applicant be informed that the Sub-Committee was concerned about the seriousness of the offence but was prepared to trust the applicant in the knowledge that he had received anger management training. It was pointed out that to allow the applicant to proceed does not prevent any licence that is granted from being suspended or revoked if new evidence comes to light that the applicant is not a fit and proper person to be a taxi driver.

The meeting closed at 2.30 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE WAYTEMORE ROOM, COUNCIL
OFFICES, THE CAUSEWAY, BISHOP'S
STORTFORD ON MONDAY 6 DECEMBER
2010, AT 10.00 AM

PRESENT:

Councillors M P A McMullen (Chairman), J
Demonti and A L Warman

ALSO PRESENT:

Councillors K A Barnes, Mrs M H Goldspink
and R I Taylor.

OFFICERS IN ATTENDANCE:

Nick Egerton	- Environment Health Manager (Environment)
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager
Douglas Ochiltree	- Environmental Health Technical Officer
George Robertson	- Legal Services Manager
Maria Williams	- Licensing Officer

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (as amended) –
APPLICATION FOR A PREMISES LICENCE, AT UNIT 1, ANCHOR STREET,
BISHOPS STORTFORD CM23 3BP

Mr David Bowden	- Applicant
Mr David Clifton	- Solicitor
Mr Sean Ferguson	- Witness
Mr Rod Walker	- Applicant

Mr Chris Beardmore	- Objector
Mr Wayne Collings	- Objector
Mr Martin Humphreys	- Objector
Mr Shane Ruffell	- Objector
Mrs Martha Ruffell	- Objector
Mr Bob Shillito	- Objector
Mr Caroline Smith	- Objector

LICENSING ACT 2003 – LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (as amended) – APPLICATION TO VARY A PREMISES LICENCE, AT MASTERS HOUSE, 88-96 FORE STREET, HERTFORD SG14 1AB

Mr Martin Charles - Applicant

39 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Demonti and seconded by Councillor A L Warman that Councillor M P A McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M P A McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

40 MINUTES

RESOLVED – that the Minutes of the meetings of the Licensing Sub-Committee held on 2 September, 13 September, 21 September and 25 October 2010 be confirmed as correct records and signed by the Chairman.

41 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR A PREMISES LICENCE AT UNIT 1, ANCHOR STREET, BISHOP'S STORTFORD CM23 3BP

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was for a new premises licence at Unit 1, Anchor Street, Bishop's Stortford for Breeze Bars Ltd. He advised that there had been discussions between the applicant and the Police prior to this meeting.

Mr David Clifton, solicitor for Breeze Bars Ltd, advised that there had been discussions between the applicant and Environmental Health in respect of conditions should the premises licence be approved.

Mr Clifton stated that, following these discussions, condition 10 had been amended as follows:

'On nights when licensable activities are provided beyond 12 midnight, there will be from 8pm until 30 minutes following the time at which the sale of alcohol finishes:

- (a) a minimum of 3 SIA registered door supervisors on duty (when up to 300 people are on the premises) or more if the licence-holder's risk assessment for a particular event requires more, of whom at least one must be male and one must be female and
- (b) when the numbers on the premises exceed 300 – there will be additional such door supervisors on duty at a ratio of 1:100 in respect of that excess.

In each case with door supervisors assisting as street marshals:

- (i) to aid the safe dispersal of customers,
- (ii) to encourage customers to turn left out of the premises and not right in the direction of the residential area, and
- (iii) to organise taxi movements and activities to minimise disturbance and to discourage taxis from dropping off and picking up in Anchor Street and John Dyde Close.'

Members were also advised that Condition 18c had been amended as follows:

‘not permitting persons out of the building to smoke in the defined smoking area after the terminal hour for the sale of alcohol.’

Mr Clifton stressed that risk assessments would be carried out to ensure that appropriate numbers of door staff were on duty when the premises were particularly busy. Risk assessments would also ensure compliance with the other conditions should the Premises Licence be approved.

The Interim Licensing Manager detailed the history of this new application for a Premises Licence at Unit 1, Anchor Street, Bishop’s Stortford for Breeze Bars Ltd. He stated that a fresh application had been necessary as the previous licence had been surrendered by J D Wetherspoons.

The Sub-Committee was advised that when the Chicago Rock Café had opened, the surrounding area had been an industrial area and railway yard. This area was now largely residential and two nearby business premises had suffered closures in that the Lakeside Bowl had closed and McDonalds was due to close in mid December.

The Interim Licensing Manager stated that the applicant had entered into an agreement with the Police that alcohol would not be served beyond midnight on Tuesdays, Wednesdays and Sundays. The applicant had applied to serve alcohol until 2 am on Thursdays, Fridays and Saturdays.

Members were advised that the mandatory times for the provision of SIA door staff would be 8 pm until 30 minutes after the premises had closed. There had been 18 objections from local residents and the East Herts Environmental Health Department had also objected to the application. In addition, a petition against the application had been submitted to the Council.

Members were also advised that the applicant was the person responsible for running JR's Bar in Water Lane Bishop's Stortford. There had been a number of complaints relating to these premises.

The Interim Licensing Manager detailed the steps the applicant had undertaken to put in place to ensure the provisions of the licensing objectives were met should this Premises Licence be approved.

Residents had written to Officers and had raised concerns relating to noise, litter, footway obstructions, loud music including base notes being audible from outside the premises, after-parties in nearby streets, assaults and vandalism, vomiting and urinating in the street, emptying of bottle skips and sleep deprivation.

Members were advised that one resident had stated the venue should only be open until 2 am on Fridays and Saturdays. Other resident had asked that the application be refused outright. A number of letters of support had been received from nearby businesses.

The Interim Licensing Manager referred the Sub-Committee to page 45 of the agenda for the residents' objections, with a letter at page 50 being the most representative of residents' concerns. Members were shown a layout of the venue, which would be much the same as when the premises were open as Chicago Rock Café.

The petition that had been received had arrived at the East Herts Council Offices in time to be considered valid, although Licensing Officers had not had sight of this until just prior to this hearing. The Petition had been defaced with offensive language by a supporter of the application.

Mr Nicholas Egerton, Environmental Health Manager (Environment), referred to the former Chicago Rock Café, in particular to the complaints made in relation to that

premises. He stressed that it was likely that this application would result in similar complaints.

Members were reminded that the residential units close to these premises were a mix of owner occupied dwellings, private rents and housing association properties. Since an amendment to Chicago Rock Café's Premises Licence in 2008, there had been many incidents of noise complaints, some of which would have been made by the same person.

The Sub-Committee was advised that some of the residents' concerns could not be controlled by Environmental Health Officers.

Members were referred to paragraph 3.7 of the report now submitted for the conditions that had been requested by Environmental Health Officers. Some of the other concerns of Environmental Health Officers had been included in the draft conditions referred to by Mr Clifton.

Mr Clifton clarified the position of his client in that the applicant intended to implement an appropriate operating schedule in discussion with the Police and Environmental Health Officers. Risk assessments would cover the late operations of the premises.

Mr Shane Ruffell, a resident of Eider Court, addressed Members in opposition to the application. He referred to significant objections to the application from residents, many of whom sought to defend their right to live in peace. He acknowledged the right of the applicant to be given the chance to run the premises responsibly.

Mr Ruffell stated that the premises were only 7.5 metres away from Eider Court and he had frequently suffered the effects of noise from smokers outside the premises and also from patrons of the premises making significant noise entering and leaving the area.

Mr Ruffell explained that the likely impact of the application would be a reoccurrence of unacceptable

impacts on residents. He referred to instances of cars driving along Anchor Street with loud stereos, dangerous circuit driving, car doors slamming and general loud talking from people outside the venue.

Mr Ruffell commented that the premises was larger than JRs and was adjacent to a residential area. He stressed that the application was for a 7 day operation and this venue was not fit for purpose as a nightclub. There was no proper smoking shelter and residents had a right to live without disturbance.

Mr Ruffell emphasised that the area surrounding Anchor Street should either be for residential use or for a nightclub but not both. He stated that the conditions suggested by the applicant, police and Environmental Health Officers did little to address the concerns of residents.

Mr Ruffell stated that he was not against new businesses but he was when this adversely affected his health. He stressed that he felt threatened by this application, which would turn this part of Anchor Street into a no go area for residents.

Mr Ruffell commented that none of the suggested conditions would prevent patrons with a careless attitude to alcohol from getting intoxicated and causing problems for residents. He advised that the Police and the applicant should have engaged with residents far earlier in the application process.

The Sub-Committee was advised that many residents were not in support of the application. He commented that if this application was to be approved, he would like to see conditions preventing opening on Sunday and Monday to allow some respite for residents.

Mr Ruffell stated that the bar should close 30 minutes before the venue closed and there should be no more than 10 persons permitted in the smoking area. He

stressed that Police should always be available at closing time to prevent anti-social behaviour.

He commented on whether barriers could prevent cars exiting onto Anchor Street with an alternative exit onto Station Road. Mr Ruffell stated that speed humps would prevent drivers speeding along Anchor Street. He concluded by expressing his concern that the onus was on the residents to prove to the Licensing Sub-Committee that they were suffering problems of noise and disturbance.

Mr Clifton commented that it was not inevitable that this application would be approved by the Sub-Committee. He reminded residents of the review process. He stated that an open meeting had been arranged for residents in the bar area of the premises. Mr Clifton advised that the applicant was more than happy to arrange further meetings as required. The applicant was happy to take steps to improve the situation for residents should the application be approved.

Mr Martin Humphreys, a local resident, addressed the Sub-Committee in opposition to the application. He stated that he often got up early as he worked in the city. He explained that problems from when the premises was open as Chicago Rock Café, such as sleep deprivation, adversely affected his ability to carry out his job.

Mr Humphreys commented that there had been a raft of social problems when the premises were open as Chicago Rock Café. He referred to vandalised vehicles, intimidation of residents through intoxicated patrons staring into flat windows and occupying a private seating area within the flats adjacent to the premises.

Mr Humphreys advised that residents had recently had some success at controlling anti- social activities in collaboration with the Police. He stated that approving this application would be a step back in terms of progress that had been made.

Mr Chris Beardmore advised that residents had suffered a very distressing time when the premises were open as Chicago Rock Café. He referred to the smoking ban resulting in noise from an outdoor smoking shelter that could not be moved.

Mr Beardmore referred to the fact that Environmental Health Officers were powerless to act as it had proved difficult to isolate where the noise was coming from. He stated that people tended to talk very loudly when leaving the premises whilst intoxicated. Members were advised that residents did not want the venue to re-open and felt the application should be refused.

Mr Beardmore stressed that if the application was approved, only two nights a week should be permitted for late opening. The drinking up time must be included in the operating schedule and residents would like some respite at least one day a week with the premises closing earlier.

The Sub-Committee was requested to restrict the smoking area to a maximum of 10 persons permitted at any one time, as this 19.2 square metre area was not large enough for 25 people. Mr Beardmore stated that 18 - 21 year olds would have a significant presence at this premises as other venues in the town had an over 21s policy. The 18 - 21 age range was often responsible for a significant amount of noise.

Mr Beardmore suggested a condition that no bottles be emptied from the premises between the hours of 9 pm and 9 am. He also commented that a Police presence financed by Breeze Bars Ltd should be considered by the applicant.

In relation to the smoking area, Mr Beardmore stated that a poster of club rules must be displayed and rules must be enforced by door staff or patrons would have to leave the premises.

In response to a question from Mr Clifton, Mr Beardsmore stated that the meeting at Chicago Rock Café had not resulted in any real agreement on an acceptable way forward. He expressed concerns that Environmental Health Officers could not act in assisting residents with their concerns.

Mr Beardsmore commented that this premises should be opened as a more beneficial community use and the applicant should re- focus his efforts away from this location in support of an area more suitable for a nightclub.

Councillor A L Warman stressed that the Sub-Committee had not in anyway prejudged this application. Mr Clifton emphasised that the applicant had not made any comment to suggest the applicant was a prejudged approval.

Councillor K A Barnes, as a local ward Member, stated that this application could not be judged based on previous problems experienced with Chicago Rock Café. He endorsed the suggestions of Mr Beardsmore and the suggested conditions. He welcomed the possibility of residents' meetings.

Councillor Barnes referred to problems of vomit and urine from intoxicated patrons being a problem close to what was a public right of way through the adjacent flats. He referred to the need for a range of sound and sensible conditions should the application be approved. Councillor Mrs M H Goldspink, as a local ward Member, referred to the intolerable problems experienced by the 200 residents who occupied the flats adjacent to this premises.

Councillor Goldspink suggested the Sub-Committee consider restricting the hours that had been applied for and consider giving residents some respite on Sundays with the venue closed or closing far earlier than other nights of the week. She requested that Members impose

as strong a condition as possible in relation to the smoking shelter.

She also requested that Members strengthen the conditions if the Sub-Committee was minded to approve this application, in particular in relation to residents meetings.

The Legal Services Manager stated that the conditions had already been subject to discussion and agreement between the Police, the applicant and Environmental Health Officers.

Councillor Goldspink stressed the importance of negotiations between the applicant and the car park operator regarding barriers preventing vehicular access onto Anchor Street. Councillor Warman commented that the issue of the smoking shelter's location was a highways matter.

Mr Ruffell advised that double parking was a significant problem on Anchor Street with residents often having to walk on the road. Mr Egerton reminded the Sub-Committee that the smoking shelter would have to be 50% open to comply with smoking legislation.

Mr Clifton introduced the applicant as Mr Rod Walker, he also introduced Mr David Bowden of Breeze Bars Ltd and Mr Sean Ferguson as Head of Security at JRs Bar. He stressed that the applicant and the owners of Breeze Bars Ltd were all local men who would be in a better position to manage this premises than the national company that ran Chicago Rock Café.

Mr Clifton stressed that the applicant acknowledged the concerns of residents and advised that the extensive conditions contained solutions intended to address residents' concerns. He provided a background to the application and commented that the owners of Breeze Bars Ltd hoped that this application would encourage some form of regeneration for the area.

Mr Clifton advised Members that Mr Walker was the owner and manager of JRs Bar on Water Lane and Mr Bowden was a former director of a national company with vast experience of the leisure industry. Mr Ferguson was acknowledged to be responsible for the best door staff in Bishop's Stortford.

Mr Clifton emphasised that the numbers of door staff provided would be risk assessed and the assessments would determine the number of staff on duty on any given night of operations. Members and the public were reminded once again of the review process.

The applicant remained keen to meet with any resident who had concerns about the application or operation of the premises. A meeting had been arranged after the application had been submitted.

The Sub-Committee was advised that negotiations had commenced with the operator of the car park and barriers could be installed as suggested by residents. A pedestrian access might also be possible between the car park and Anchor Street.

Mr Clifton advised that the applicant had been in liaison with the owner of Fishy Biz, due to open in the former KFC premises, in relation to joint efforts to control litter in the area. Licence plates of vehicles that were driven dangerously would be taken and passed to the Police. The owners of these vehicles could be identified and then banned from the premises.

Mr Clifton stated that pub watch could also result in members of the public being banned from these premises and from all licensed premises in the town if rules were flouted on a regular basis. Taxis could be encouraged to not pick up from Anchor Street and Mr Ferguson's door staff would escort patrons to the end of Anchor Street to waiting taxis, the Police and the taxi companies had proved receptive to this idea.

Mr Clifton commented that the applicant proposed a fresh approach to managing this premises and, subject to the outcome of this hearing, hoped to open the premises in March following refurbishment works. There would be no irresponsible drinks promotions as these were now illegal as part of mandatory conditions on all Premises Licences.

Mr Clifton stressed that the applicant had considered the commercial viability of the premises when making this application. The applicants all lived locally so could be confronted by the local community in relation to the operation of the premises. A number of letters in support had been received from J Day and Sons, Daniel Robinsons and Sons and from the owners of Bishop's Stortford Football Club.

Mr Rod Walker, applicant, explained that his security firm from JRs would provide security door staff for this premises. Sean Ferguson's door team had set the standard in the town and many other firms had changed their door teams as their security had not been good enough.

Mr Walker explained that any one who flouted the rules of his premises would be dealt with on a "one strike and you're out" policy. Mr Sean Ferguson detailed the security operation in place at JRs in Water Lane. He explained this was very successful as everyone who came to the venue knew what would be acceptable and what would result in being asked to leave.

Mr Walker explained the practices in place at JRs in that a member of door staff was outside at all times to oversee those who had gone outside to smoke. No taxis were permitted to wait in Water Lane and passengers were escorted to waiting taxis in North Street. He had an exception relationship with nearby residents at JRs and hoped to adopt similar arrangements in Anchor Street.

Mr Ruffell expressed concerns that new licensing

regulations would not allow the applicant to prevent intoxicated people gaining entry to the premises. He referred to the commercial viability issue and stated that consideration must be given to the viability of the area as a safe area for residents.

Mr Ferguson explained that all door staff would be SIA trained in identifying people who were intoxicated on entry to the premises. He reiterated that residents could approach his team at anytime with any concerns. He stated that his staff would do all they could to be helpful to users of the premises, such as escorting them to taxis or the station and providing umbrellas and capes if required.

Members were advised that the Police often wrote to repeat offenders to warn them that re-offending would result in immediate bans from all Pub Watch premises in the town. Mr Walker stated that he hoped to relocate the smoking area to the other side of the entrance of the premises, away from residential flats.

Mr Clifton summarised the applicant's position in that the hours applied for had been agreed with the Police. He referred to the commercial viability of the hours applied for.

He also commented that the premises were falling into a state of dereliction and alternative applicants could come forward in future, in the form of a national company that did not have such a strong local connection as Mr Walker and Breeze Bars Ltd. Mr Walker and Mr Bowden were socially responsible people who lived locally and had extensive experience of this type of business.

Mr Egerton advised that conditions 1 and 2 should address noise issues relating to patrons entering and leaving the premises. Mr Walker stressed that he would have more door staff in place at this premises than were in place at JRs.

Mr Egerton stressed that people exiting a nightclub whilst

intoxicated were by their very nature loud and were very prone to committing violent acts of anti-social activity. Mr Doug Ochiltree stated that action taken by Environmental Health Officers would only occur after people have been woken up by noise.

Mr Egerton commented that although the applicant had done as much as possible to satisfy residents' concerns, he didn't think the solutions put forward would fully address the problem of residents being woken up. Mr Clifton reiterated that the applicant understood residents' concerns and the concerns of Environmental Health Officers and these had been taken seriously. He advised that although the applicant acknowledged that problems would occur, he felt that solutions were available to address residents' concerns.

Mr Clifton reiterated the local knowledge of the applicant and Breeze Bars Ltd. Mr Walker was keen to work with residents in mitigating any problems that arise. Mr Clifton reiterated the significant sanctions available to Members, the Police and residents via the review process.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Assistant to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the application for a Premises Licence at Unit 1, Anchor Street, Bishop's Stortford, be approved, subject to the agreed conditions with the amendments to hours of operation and conditions now detailed.

RESOLVED - that the application for a Premises Licence at Unit 1, Anchor Street, Bishop's Stortford, be approved, subject to the agreed conditions with the following amendments to hours of operation and conditions:

Day	End of alcohol	Close/end of activities*
Monday	11:30 pm	12 Midnight
Tuesday	11:30 pm	12 Midnight
Wednesday	11:30 pm	12 Midnight
Thursday	01:30 am	02:00 am
Friday	01:30 am	02:00 am
Saturday	01:30 am	02:00 am
Sunday	10:00 pm	10:30 pm

*Except where earlier times for end of activities are specified on the application, e.g. films; 02:00 Thursday – Saturday.

Condition 18b be amended to read 'not permitting more than 15 people to exit at any one time for smoking purposes'.

Condition 23 be amended to read 'Waste will not be emptied into external bins or bottle banks between the hours of 9 am and 9 pm'.

The position of the no smoking area and it's structure continue to be negotiated.

42 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION TO VARY A PREMISES LICENCE AT MASTERS HOUSE, 88-96 FORE STREET, HERTFORD SG14 1AB

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was to vary a Premises Licence at Masters House, 88 - 96 Fore Street, Hertford. He referred to correspondence that had been received from the sole objector to this application.

The applicant had applied to extend alcohol hours from 1 am to 2 am on Friday and Saturday, and to permit music and dance with DJ on Friday and Saturday until 1.30 am.

Members were advised that the objector had complained in relation to loud music, street fouling, noisy customers arguing to an unacceptably late hour. The objector was happy to attend a future hearing if the Sub-Committee resolved to defer the matter to a later date.

The objector had also expressed concern that noise could still be heard from the premises when the doors were closed. Noise was also audible from the smoking shelter. Concerns had also been raised that a later clientele would drink more and the commercial needs of the applicant must be weighed against the needs of residents.

The Licensing Process Manager advised that the applicant did not accept that the noise referred to by the objector was from the Masters House but was linked to people migrating from other premises and walking past residents' houses.

In response to a query from Councillor J Demonti, the applicant confirmed that door staff always ensured that doors were closed save for ingress and egress. The rear doors had auto closures installed. The applicant also advised Members that the air conditioning system had been updated to ensure a higher input into the building.

The applicant, Mr Martin Charles, advised that he took the residents' concerns very seriously. He had installed a new sound system that allowed a better sound distribution throughout Masters House, the volume was actually lower as a result. Mr Charles stated that he had put an over 21s policy in place. He commented that in practice most people who came to the Masters House were 30 plus. There was a taxi rank directly outside the premises which helped a lot with dispersing people who frequented the Masters House.

At the conclusion of the representation the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Assistant to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the application to vary the Premises Licence be approved and the objector be reminded that he can contact Environmental Health Officers if there were any noise and nuisance problems.

RESOLVED - that the application to vary the Premises Licence at Masters House, 88 – 96 Fore Street, Hertford be approved.

The meeting closed at 2.30 pm

Chairman
Date

EAST HERTS COUNCIL

LICENSING COMMITTEE - 4 NOVEMBER 2010

REPORT BY DIRECTOR OF INTERNAL SERVICES

ATTENDANCE AT LICENSING SUB-COMMITTEES

WARD(S) AFFECTED: None

Purpose/Summary of Report

Members have asked for details of attendances at Licensing Sub-Committees including Members attending as observers. These are provided in Essential Reference Paper 'B'.

<u>RECOMMENDATION FOR DECISION</u>
that the report be received

1.0 Background

1.1 Members of Licensing Sub-Committees are drawn from the Members of the Council's Licensing Committee. These Members are required to complete appropriate training and attend meetings before serving on Licensing Sub-Committees.

2.0 Report

2.1 The tables in Essential Reference Paper 'B' give details of attendances at Licensing Sub-Committee during the current civic year.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Licensing Sub-Committee minutes

Contact Member: Councillor M Alexander, Executive Member for
Community Safety and Protection.

Contact Officer: Jeff Hughes, Head of Democratic and Legal
Support Services – Extn: 2170.

Report Author: Linda Bevan, Committee Secretary - Extn: 2175.

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	None
Legal:	The Council is required to ensure that licensing matters are dealt with by suitably qualified Members in an impartial manner.
Financial:	No financial implications
Human Resource:	No Human Resource implications
Risk Management:	The Council's reputation could be at risk if licensing matters are not dealt with in a correct manner.

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ESSENTIAL REFERENCE PAPER 'B'

Licensing Committee Members attending as Members of Sub-Committee									
Members	Total	From 12 May 2010							
Ashley W	2	19/8	13/9						
Ballam P	3	21/9	14/10	25/10					
Barnes K	4	3/6	14/6	14/10	25/10				
Beeching R	3	12/7	21/9	25/10					
Burlton A	2	14/6	25/6						
Cheswright R Training needed									
Demonti J	5	12/8	2/9	21/9	25/10	6/12			
McMullen M	4	12/7	19/8	13/9	6/12				
Poulton N	1	14/10							
Radford R Attendance needed(1)	1	12/7							
Ruffles PA Training needed									
Taylor J	5	3/6	14/6	25/6	19/8	13/9			
Taylor R	3	3/6	25/6	2/9					
Wilson N									
Wrangles B	2	12/8	2/9						

Substitutes:									
Vacancy									
Dodd T Training/attendance needed									
Mayes J Training/attendance needed									
Warman A	2	12/8	6/12						
Wood M									

Licensing Committee Members attending as Observer

Members	Total	From 12 May 2010							
Ashley W	1	12/7							
Ballam P									
Barnes K	1	6/12							
Beeching R									
Burlton A									
Cheswright R Training needed	2	12/7	19/8						
Demonti J	2	19/8	13/9						
McMullen M	6	3/6	14/6	12/8	21/9	14/10	25/10		
Poulton N									
Radford R Attendance needed									
Ruffles PA Training needed	4	12/8	19/8	14/10	25/10				
Taylor J									
Taylor R	1	6/12							
Wilson N	2	3/6	14/10						
Wrangles B									

Substitutes:									
Vacancy									
Dodd T Training/attendance needed									
Mayes J Training/attendance needed									
Warman A									
Wood M									

EAST HERTS COUNCIL

LICENSING COMMITTEE – 10 MARCH 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

LICENSING UPDATE QUARTER 4 2010

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To update members on activity in the licensing department:

- processing licences,
- enforcement activity, and
- other implementation of the Service Plan.

<u>RECOMMENDATION FOR DECISION – that the report be received.</u>
--

1.0 Background

1.1 This report presents data by full quarters on processing and enforcement data, and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003,
- Gaming under the Gambling Act 2005,
- Taxi drivers, vehicle proprietors, and operators.

1.2 This report also records developments in the service that implement the Service Plan.

2.0 Report

2.1 Data is presented in Essential Reference Paper B for Q4 1 October – 31 December 2010, for the numbers of applications or notices received, and totals of current licences.

2.2 During this quarter the enforcement team has undertaken 98 visits or inspections. These have been analysed further and are recorded as:

- Taxi Inspections and Investigations 42
- Premises Complaints and Visits 21
- Gambling Premises visits 0
- Blue Notice visits 7
- Invoice Visits/chase ups 28
- House to House Collection complaints 0
- Taxi Camera Investigations 0
- TENS Complaints and Investigations 0

All complaints regarding taxis and premises have been fully investigated.

- 2.3 In respect of premises, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. In the previous report mention was made of a pending prosecution.
- 2.4 During the previous reporting period a large amount of effort had been made by the team to recover annual fees from licensed premises. During this period the number of visits has fallen dramatically. Invoices are still being collected at a rate of over 95%. Currently at the time of reporting there are two outstanding invoices.
- 2.5 Resident complaints have fallen very slightly, and 22 complaints were received compared to 24 in the last period. All resident complaints were investigated and action taken. These included visits, letters, joint action with partners or enforcement in accordance with the East Herts Licensing Enforcement Policy. Significant complaints received during this period include a resident complaint regarding the Brown Bear, Braughing.
- 2.6 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles are current and licences are valid. During this four month period 75 letters were produced. Where delay occurs without valid reason, it is hoped that the new proposed 'penalty points' system will improve drivers' and proprietors' behaviour. It was not necessary to bring any existing taxi drivers to Licensing Sub-Committees for decision during this quarter.
- 2.7 In order to reduce service costs in line with the service plan, applicants for taxi driver licences are being made to wait for the next available Licensing Sub-Committee that is needed to hear a premises licence application or other urgent matter if there is one, and if not, to wait for a Sub-Committee to be held on the date of the next Licensing Committee. One taxi driver applicant during this period has been deferred for a decision in the next quarter.
- 2.8 Efforts are being made to secure continuing funding for Taxi Marshalls. Hertford Town Council has been requested in writing whether they are willing to contribute to the marshal scheme in Hertford.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Protection

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing – Extn 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

Essential Reference Paper B

Licensing Act 2003		
Premises Licences		
Variation;	2	
<i>Masters House Hotel Fore Street Hertford</i>		
<i>Midwest Kebabs (Parliament Square Hertford)</i>		
Reviews;	1	
<i>Sugar Hut</i>		
Minor Variation	1	
<i>Prezzo (Fore Street Hertford)</i>		
Other Processes;		
Disapply DPS	0	
Transfer	4	
Change DPS	14	
Total number of premises licences re-issued		22
New;		5
<i>Breeze Bars (Anchor Street Bishops Stortford)</i>		
<i>Café Rouge (North Street Bishops Stortford)</i>		
<i>Hoops Inn (Much Hadham)</i>		
<i>Prezzo (North Street Bishops Stortford)</i>		
<i>Hockerill Anglo European College</i>		
Club Certificates		0
Other licences and notices		
Personal Alcohol Licence		
New applications	21	
Other processes	10	
		31
Temporary Event Notices		
1 January to 31 March 2010		
Served	169	
Police Objections	0	
Objections upheld	0	
		169
Gambling Act 2005		
New and varied premises;	0	
Gaming Machine Notices	2	
Small Society Lotteries – New and renew	4	
		6

Taxis		
	New Dual Drivers	5
	Renewed Dual Drivers	7
	New Private Hire Drivers	4
	Renewed Private Hire Drivers	87
	Total driver applications processed this quarter	103
	New Operators	6
	Renewed Operators	4
	Total Operator applications processed this quarter	10
	New Hackney Carriage	6
	Renewed Hackney Carriage	46
	New Private hire Vehicles	6
	Renewed Private hire Vehicles	11
	Change of Vehicle	16
	Total vehicle applications processed this quarter	85
	All applications this quarter	431

Sub Committee hearings arranged this quarter;

Review	Sugar Hut, Old Cross Hertford
Taxi applicant with convictions	Taxi applicant
New Premises Licence	Breeze Bars (Since called Nowhere Bar, the former Chicago Rock Café premises) Anchor Street, Bishops Stortford.
Variation of Premises Licence	Masters House, Fore Street, Hertford.
Variation of Premises Licence – Late Night Refreshment	Midwest kebabs WITHDRAWN application with POLICE AGREEMENT

EAST HERTS COUNCIL

LICENSING COMMITTEE – 10 MARCH 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

CERTIFICATION OF FILMS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform Members about Licensing Authority Powers under the Licensing Act 2003 to authorise public screenings of films that do not have British Board of Film Censor Certificates, and to present options for exercising those powers.

<u>RECOMMENDATION FOR DECISION:</u>	
	That the Licensing Committee delegate to Officers and the Licensing Sub-Committee the power to issue certificates authorising film exhibitions.

1.0 Background

1.1 This report presents information about Licensing Authority powers to issue Film Certificates.

2.0 Report

2.1 The Council as Licensing Authority has responsibilities for authorising public film exhibitions.

2.2 Premises Licences and Club Premises Certificates that authorise film exhibition must include a condition that the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority (Licensing Act 2003 s. 20) (the Act).

Therefore admission of children to the exhibition of any film(s) must be restricted in accordance with:

- EITHER the BBFC classification;
 - OR where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.
- 2.3 Venues that exhibit or intend to exhibit films have a Premises Licence, Club Premises Certificate, or Temporary Event Notice issued under the Act.
- 2.4 'Children' means all people under 18 years old.
- 2.5 'Exhibition of a film' means the exhibition of moving pictures.
- 2.6 The Licensing Authority must take Statutory Guidance into account when authorising films (Section 182 of the Act) ('the Guidance').
- 2.7 The Licensing Authority may consider a request to authorise a film that has already been classified by the British Board of Film Classification (BBFC), in various circumstances:
- a) a distributor of a film may appeal against the decision of the BBFC, and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
 - b) An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).
- 2.8 In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:
- A film festival covering a specific period of time
 - A one off screening of a film
 - A trailer for a film
- 2.9 To comply with the Guidance (para. 10.31), the Licensing Authority should be primarily concerned with the protection of children from harm. It should not use its powers to censor films except where it believes that this is necessary to promote the licensing objectives.
- 2.10 The objective of protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes 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. (Paragraph 2.41)

- 2.11 The principles to be applied in determining film classifications are those listed below at 2.12 and 2.13.
- 2.12 The BBFC classifies films following its own Guidelines, which are based on extensive research into public opinion, and on professional advice. The Guidance recommends:
- “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”
- 2.13 The classification system used by the BBFC is nationally understood and accepted. While Licensing Authorities are not obliged to follow BBFC classification guidelines, they should normally refer to that system to determine recommendations on the restriction of access of children to films.
- 2.14 Where a licensed premises wants to show a film that has not been classified by the BBFC, then the Licensing Authority is responsible for authorising that film. This document sets out alternative suitable procedures that may be followed.
- 2.15 In accordance with Human Rights Act principles, adults should be free to choose their own entertainment. However, material should not breach the criminal law. This includes material that is obscene according to the Obscene Publications Act 1959, or which has been created through the commission of a criminal offence. It also includes material in breach of the Copyright Design and Patents Act 1988, and all other relevant legislation.
- 2.16 It is the applicant’s responsibility to ensure that all material complies with the criminal law, and to obtain all relevant third party consents and licences in respect of copyright, confidential information, and any other intellectual property rights. Authorisation by East Herts is for the screening only, and in no way guarantees that the applicant has fulfilled their other obligations.
- 2.17 Film exhibition authorisations issued by the East Herts Licensing Authority will only apply to exhibitions of that film inside the East Herts geographical area.
- 2.18 The Licensing Authority may authorise a film for specified festival or showing(s), and may impose age admission restrictions (unless further application for re-classification is made). It is suggested to

Members that details of any authorisation, including any restrictions should be listed on the Council's website.

- 2.19 Each application for authorisation should be consider on its own merits. More specific restrictions may be imposed where it is necessary to uphold the Protection of Children from Harm Licensing Objective.
- 2.20 Where the Licensing Authority authorises unclassified material to be shown, it is suggested that the Licensing Authority should require the applicant to supply a copy of the material in DVD format, and require an 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.
- 2.21 It is the responsibility of the applicant to ensure that no film or trailer contravenes the law. The Licensing Authority will not be liable for any material that it certifies as suitable for viewing, which has been created through the commission of a criminal offence.
- 2.22 If the Licensing Authority decides to refuse authorisation of a film(s), full reasons must be given.
- 2.23 Licensing Committee is invited to decide whether authority to issue film certificates should be delegated to Officers and the Licensing Sub-Committee in accordance with the draft procedure in Essential Reference Paper B.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

BBFC Guidance

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Protection

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing – Extn1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

Essential Reference Paper B – Draft procedure

PROCEDURE FOR AUTHORISATION OF FILMS WHICH HAVE NOT BEEN CLASSIFIED BY THE BBFC OR EAST HERTS DISTRICT COUNCIL

Applications for authorisation will in the first instance be considered by Officers under delegated powers. Any request to authorise an unclassified film may however, be referred by the Officer or at his/her discretion to the Licensing Sub Committee for determination.

Applications should be made in writing at least **28 days** before the proposed screening. The Licensing Authority will not guarantee to issue a determination if less than 28 days notice is given.

Authorisation applications must include information about:

- (a) the film maker;
- (b) recommendations about age limits of the intended audience, made by the film maker;
- (c) existing classifications issued by existing classification bodies, whether within the UK or not;
- (d) a synopsis of the material in the film that the exhibitor considers relevant to the age limit of the intended audience. The synopsis need not be detailed where the applicant seeks authorisation for exhibition of the film to persons 18 years and over only;

- (e) a copy of the material in DVD format, or arrangements whereby Officers and/or Sub Committee may view the film or trailer, the cost to be borne by the applicant..
- (f) any proposals on age restrictions for viewing the film that the applicant intends to impose; and
- (g) details of how age restrictions will be enforced.

Where officers at their discretion determine it is possible to formulate recommendations to the licence holder in relation to the exhibition of the film on the basis of information provided, recommendations may be made without viewing the material.

Officers or Sub Committee while viewing the film(s) shall have regard to BBFC Guidelines and National Guidance, and shall issue a Notice of Determination of the application within 5 working days from the date of the viewing.

When considering all such requests Officers or Sub Committee will pay particular attention to the Protection of Children from Harm Licensing Objective.

In line with Annex D Part 5 of the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) 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 unaccompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the example as laid out in the National Guidance:

“PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME”

Or

““PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CAN ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”

To ensure the promotion of the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and applicant of any recommendation(s) on the restriction on the age of access for children to the film(s). This may also include any relevant notices required to be displayed by the licence holder inside and outside the premises. The licensed premises hosting the exhibition of film will be expected to comply with these recommendations.

Where requests are made to the Licensing Authority to exhibit a film(s) to be shown to persons 18 and over, and Officers under delegated powers decide the material need not be viewed, the licence holder will be required to display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) but has not viewed it. This statement should be incorporated within any promotional literature and on any relevant web site including where relevant the licence holder’s web site.

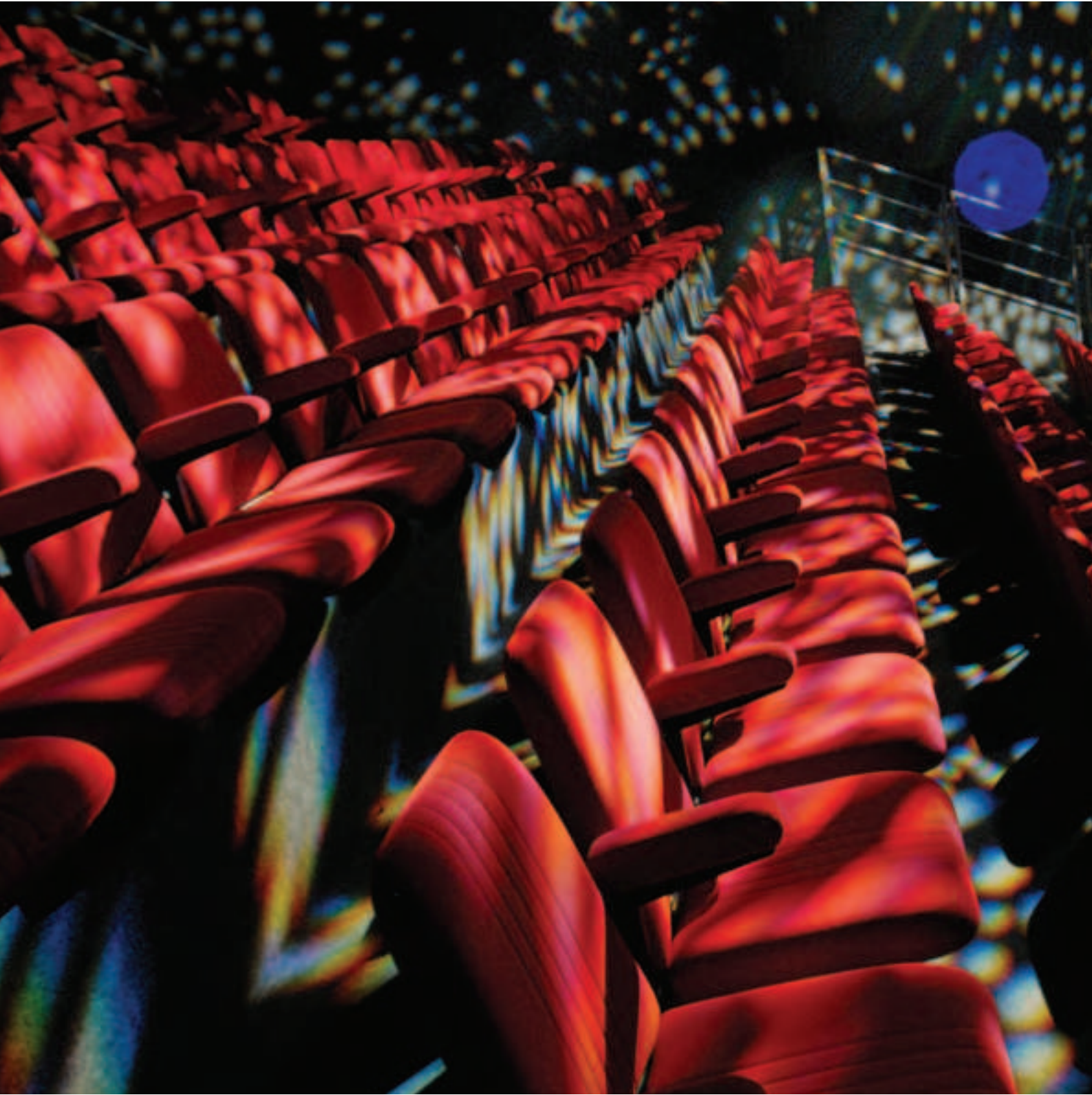
The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle, and such requests

will not normally be refused. However, in all cases the Licensing Authority will require the applicant to follow the BBFC's Guidelines for 18 and R18 restricted films.

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The Guidelines





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June 2009

Introduction

1. The British Board of Film Classification (BBFC) is an independent, non-governmental body funded through the fees it charges to those who submit films and video works for classification. Here, and throughout the Guidelines, video works are taken to include video games, and films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

2. The BBFC classifies films on behalf of the local authorities who license cinemas under the Licensing Act 2003.

3. The BBFC classifies video works which are released as video recordings under the Video Recordings Act 1984. (The video games covered by the VRA are those whose exemption is forfeited under section 2(2) because they depict human sexual activity, gross violence or other matters of concern.)

4. The BBFC classifies video works which are distributed other than as a video recording (for example, by means of download or streaming over the internet) under a voluntary scheme called BBFC.online.

5. The BBFC will not classify material which it believes to be in breach of the criminal law.

6. Where possible the BBFC will carry out its responsibilities through appropriate use of the classification categories, particularly in order to protect children from any harm which may be caused. If necessary, however, the BBFC may cut or even reject a film or video work. The BBFC's approach to material which is unacceptable at any category is set out in the 'Intervention' section of these Guidelines on page 32.

7. In line with domestic administrative law principles and the requirements of the Human Rights Act 1998, there is a particular need to make the classification criteria clear. This is fulfilled by the publication of these Guidelines and their availability on the BBFC website (www.bbfc.co.uk) or directly from the BBFC. (Contact details can be found on the back cover.)

8. The BBFC Classification Guidelines reflect all these considerations and are the product of public consultation with children and adults, research and the accumulated experience of the BBFC over many years. The Guidelines, and the BBFC's practice in applying them, have particular regard to any changes in public taste, attitudes and concerns; changes in the law; or new evidence from research or expert sources; and will be reviewed periodically.

9. The Guidelines, however, are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter. They cannot be a comprehensive account of everything that may at any time be of concern. Should issues arise which are not specifically covered here, they will be dealt with by the BBFC on their merits and in line with the standards expressed and implied in these Guidelines.

10. Responsibility for the Guidelines and for their interpretation rests with the BBFC and is subject to normal considerations of fairness and reasonableness.

11. The BBFC undertakes to provide guidance on the interpretation of these Guidelines on request.

12. Before allowing a child to view a work, parents are advised to consider carefully the classification, together with any accompanying Consumer Advice.

General Principles

The detail of the Guidelines is contained in the following pages. But it is right to set out here the general underlying grounds on which the BBFC exercises the broad discretion conferred on it. There are two guiding principles:

- that works should be allowed to reach the widest audience that is appropriate for their theme and treatment
- that adults should, as far as possible, be free to choose what they see, provided that it remains within the law and is not potentially harmful.

When applying these guiding principles, there are three main qualifications:

1. whether the material is in conflict with the law, or has been created through the commission of a criminal offence
2. whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be

caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion

3. whether the availability of the material, at the age group concerned, is clearly unacceptable to broad public opinion. It is on this ground, for example, that the BBFC intervenes in respect of bad language.

In assessing legal issues, potential harm or acceptability to broad public opinion, the BBFC takes account of relevant research and expert opinion. However, such research and expert opinion is often lacking, imperfect, disputed, inconclusive or contradictory. In many cases the BBFC must therefore rely on its collective experience and expertise to make a judgement as to the suitability of a work for classification, or for classification at a particular category.

Legal Considerations

Human Rights Act 1998

Among the rights established under this Act are the right of respect for private and family life, and the right to freedom of expression. When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person. The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The Licensing Act 2003

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (under 18) to any film to be restricted in accordance with the recommendations of the BBFC or the licensing authority.

The objectives of the Licensing Act are:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

The Video Recordings Act 1984

Video works (including films, TV programmes and video games) which are supplied on a disc, tape or any other device capable of storing data electronically must be classified by the BBFC unless they fall within the definition of an exempted work.

When considering whether to award a classification certificate to a work, or whether to classify a work at a particular category, the BBFC is required by the Act to have special regard (among the other relevant factors) to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- **criminal behaviour**
- **illegal drugs**
- **violent behaviour or incidents**
- **horrific behaviour or incidents**
- **human sexual activity.**

In considering these issues the BBFC has in mind the possible effect not only on children but also on other vulnerable people.

The Obscene Publications Act 1959 & 1964

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt (ie, make morally bad) a significant proportion of those likely to see it. However, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

Criminal Justice and Immigration Act 2008

It is illegal to be in possession of an extreme pornographic image. An extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which: threatens a person's life; results, or is likely to result, in serious injury to a person's anus, breasts or genitals; involves

sexual interference with a human corpse; or involves bestiality. Works classified by the BBFC under the Video Recordings Act are excluded from the scope of the offence.

The Protection of Children Act 1978

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). A child is defined as a person under the age of 18.

The Sexual Offences Act 2003

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. The Act also prohibits a person recording the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

The Public Order Act 1986

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are

threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

The Cinematograph Films (Animals) Act 1937

It is illegal to show any scene 'organised or directed' for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but the BBFC also applies the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as 'animals'.

The Animal Welfare Act 2006

It is illegal to supply, publish or show or possess with intent to supply a video recording of an 'animal fight' that has taken place within Great Britain since 6 April 2007.

The Tobacco Advertising and Promotion Act 2002

It is illegal, in the course of a business, to publish a tobacco advertisement.

Other unlawful material

In carrying out its responsibilities, the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

Consumer Advice

The BBFC's Consumer Advice enables the public to make informed choices about the films, DVDs and interactive works available to them.

Consumer Advice is a brief description of the content which determined the classification of a film, DVD or video game. As well as noting particular issues such as violence, sex, language, drugs or any other matters likely to be of concern, it can also highlight themes, such as suicide, or contexts, such as comedy or fantasy, which can influence the strength of the material. At the junior categories Consumer Advice can also warn of behaviour which may be potentially harmful if copied, or highlight content, such as characters in dangerous situations, which might frighten or upset younger viewers.

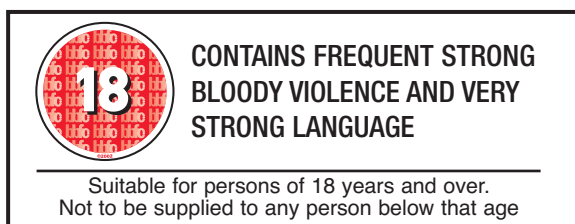
Consumer Advice indicates the strength of individual issues by using the terms 'mild', 'moderate', 'strong' and 'very strong', across the categories. For example, language at 'U' and 'PG' is likely to be 'mild' while at '15' and '18' language can be 'strong' and 'very strong'. Where relevant, the frequency with which the issue appears in the work is also indicated.

With the co-operation of the film and video industry, Consumer Advice is routinely displayed on both film advertising, including posters, on print media and television, and on packaging for video works.

On film posters, the Consumer Advice should be found in a box near the film's title, alongside the classification, for example:



On DVDs or video games classified by the BBFC, Consumer Advice should be found on the back of the packaging, alongside the classification symbol, for example:



Consumer Advice is also available on the BBFC websites, www.bbfcc.co.uk and www.pbbfc.co.uk.

Extended

Classification Information

For cinema films classified after July 2007, and video games classified after September 2007, the BBFC website also carries Extended Classification Information (ECI).

ECI provides, over several paragraphs, a more detailed explanation of the classification issues that defined the work's category. It also notes any additional content which did not determine the classification but may be of interest to the likely audience.

The Parents BBFC website also provides detailed content information tailored specifically for parents and guardians. It is designed for adults who want a more detailed understanding of the issues they are likely to find in a film, DVD or video game before they allow a child to see or play it. Parents BBFC can be found at www.pbbfc.co.uk.

Overarching Factors

There are certain overarching factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two categories. The guidance set out under ‘The Categories’ should therefore be read in the light of the more general advice offered here and under ‘Main Issues’ and ‘General Principles’.

Context

The context in which an issue (such as sex, language or violence) is presented is central to the question of its acceptability.

When considering context, the following factors, amongst others, may be taken into account:

- **the expectations of the public in general and the work’s audience in particular**
- **the work’s genre. For example, a realistic or contemporary approach may intensify the effect. By contrast a historical or fantasy setting, or comic presentation, may soften the effect**
- **the manner in which an issue is presented. For example, language used aggressively may be dealt with more stringently than the same terms used in a comic way**
- **the apparent intention of the film maker, as reflected in its effect. For example, whether the work is intended to be educational**

- **the original production date of the work. For example, outdated attitudes which might be considered offensive in a contemporary work may be treated more leniently in a much older, and obviously dated, work**
- **any special merits of the work.**

Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, if the work has a generally dark or unsettling tone that may disturb the audience at that category, then it may receive a more restrictive classification. At the junior categories, and on the borderline between categories, such considerations as the degree of fantasy; the level of connection to the real world; and the extent to which the work presents a despairing view of the world or lacks a clear moral perspective may be important factors. The impact of a work (ie, how it makes the audience feel) is also taken into account, for example in relation to horror films where threat may be more significant than violence.

Release format

Classification decisions may be stricter on video works than on film. This is on account of the increased possibility of under-age viewing or game playing recognised in the Video Recordings Act, and of works being replayed or viewed out of context. Accordingly, a video work may occasionally receive a higher classification than on film, or require new or different cuts.

Main Issues

This section of the Guidelines identifies some concerns which apply, to a greater or a lesser degree, at all classification levels. It sets out the general approach taken with regard to such concerns, given the general principles set out earlier.

The pages following this section provide specific guidance for ‘U’ through to ‘18’ under the heading ‘The Categories’. The guidance there should be read in the light of the more general advice offered here and under ‘Overarching Factors’ and ‘General Principles’.

Discrimination

Potentially offensive content, relating to such matters as race, gender, religion, disability or sexuality, may arise in a wide range of works, and the classification decision will take account of the strength or impact of its inclusion. The context in which such content may appear also has a bearing on the classification. Works with such content may receive a less restrictive category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work as a whole seeks to challenge such attitudes, or is obviously dated.

Drugs

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote or glamorise the activity may be cut. Works which show drug misuse while emphasising the dangers may receive less restrictive classifications than works that present drug misuse in a neutral manner.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in the Consumer Advice and/or Extended Classification Information.

Classification decisions will also take into account any promotion or glamorisation of such activities.

Horror

The use of frightening elements which might scare or unsettle an audience is part of a long tradition of story telling and film making. Many children enjoy the excitement of scary sequences, but, where films are targeted at a younger audience, classification decisions will take into account such factors as the frequency, length and detail of scary scenes as well as horror effects, including music and sound, and whether there is a swift and reassuring outcome.

Older audiences often pay to see horror films because they like being frightened or shocked and such works are classified at an appropriate category to ensure that the young and vulnerable are protected from too intense an experience.

Imitable behaviour

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and any glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a more restrictive classification. Works which, taken as

a whole, actively promote illegal behaviour will be cut or rejected.

Portrayals of potentially dangerous behaviour (especially relating to hanging, suicide and self-harm) which children and young people are likely to copy, will be cut if a more restrictive classification is not appropriate.

Language

Many people are offended, some of them deeply, by bad language. This may include the use of expletives with a sexual, religious or racial association, offensive language about minority groups and commonly understood rude gestures. The extent of that offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work, as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

Nudity

Natural nudity with no sexual context is acceptable at all classification levels, but will not occur more than occasionally in the lowest category.

Nudity with a sexual context will receive a more restrictive classification and strong detail in such a context will only be passed in the adult categories.

Sex

The portrayal of sexual activity can range from kissing and verbal references to 'making love', to detail of real sex. This is reflected in the classification system, in which progressively stronger portrayals are allowed as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) are likely to be passed only in the adult categories. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. 'R18' video works may be supplied only in licensed sex shops which no one under 18 may enter.

'R18' films may be shown only in specially licensed cinemas.

These Guidelines will be applied to the same standard regardless of sexual orientation.

Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. However, the most problematic themes (for example, drug abuse, sexual violence, paedophilia, incitement to racial hatred or violence) are unlikely to be appropriate at the most junior levels of classification. Correspondingly, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allowed classification at '18' or even '15'.

Violence

Violence has always been a feature of entertainment for children and adults. Classification decisions will take account of the degree and nature of any violence in a work.

Works which feature the following are likely to receive more restrictive classifications: portrayal of violence as a normal solution to problems, heroes who inflict pain and injury, callousness towards victims, the encouragement of aggressive attitudes, and content which depicts characters taking pleasure in pain or humiliation.

Sexualised violence or works which glorify or glamorise violence will receive a more restrictive classification and may even be cut.

A strict policy on sexual violence and rape is applied. Content which might eroticise or endorse sexual violence may require cuts at any classification level. This is more likely with video works than film because of the potential for replaying scenes out of context. Any association of sex with non-consensual restraint, pain or humiliation may be cut.

Titles

If the title of a work incites hatred on grounds of race, religion or sexual orientation, or incites other criminal behaviour; or encourages an interest in abusive or illegal sexual activity, changes will be required as a condition of classification.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, the distributor will be advised to consider carefully the places in which it is likely to be seen and to take appropriate action, for example by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to works classified 'R18' as such works can only be supplied or offered for supply in a licensed sex shop.) In extreme cases, assurances on public display of the full title, or changes to the title, may be required as a condition of classification.

Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. In addition, some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in

which such issues may arise and to ensure that, when required, appropriate warnings are given to viewers.

Such effects are therefore not normally taken into account when reaching a classification decision. However, if it is obvious during viewing that the work is highly likely to affect a significant number of viewers, the BBFC may advise the distributor of the need to ensure that appropriate warnings are in place. In extreme cases, assurances regarding the display of appropriate warnings may be required as a condition of classification.

Trailers/advertisements

Audiences actively choose to see a full length feature based on expectations of the particular genre at the given classification and on the Consumer Advice and Extended Classification Information provided by the BBFC. In contrast, audiences have no choice about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, borderline material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature, for example:

- strong language is not permitted in trailers or advertisements at any category below '15'
- only one use of strong language is permitted in a trailer or advertisement at '15' and must be neither threatening nor aggressive.

Advertisements for alcohol of any type can be passed at any category. However, these may receive a more restrictive classification if there are overt attempts to associate alcohol with sexual prowess and/or a glamorous or successful lifestyle.

Advertisements for tobacco are prohibited by law.

The BBFC is not responsible for the exhibition of cinema trailers and advertisements, including alcohol advertising, and has no involvement in deciding which films they appear before. This process is the responsibility of the cinema.

Public information advertisements/charity advertisements

Where an advertisement is part of a public information campaign or has a charitable purpose, the more restrictive approach set out above will not normally apply. However, potentially shocking or offensive content in such advertisements must not go beyond what is likely to be acceptable to the particular audience.

Video games

Video games are classified under the same Guidelines and using the same categories as 'linear' works such as film or DVD.

The BBFC acknowledges the difference between watching a film or DVD and the more interactive experience of playing a game but recognises that, to date, limited research has been done into whether 'interactivity' has any significant effect on the potential for harm.

In addition, the interactivity inherent in video games may, in certain contexts, lead to a greater potential for some content to be considered unsuitable for certain age groups. The ability of a game to make a young player complicit in behaviour involving, for example, sex, drugs or

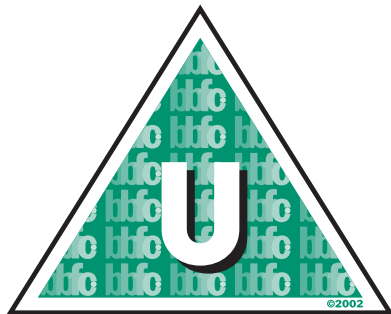
realistic violence, may be as important as the level of detail shown, especially where such behaviour forms a major component of the game, and where the level of interactivity is high.

In a video game, the frequency with which an issue occurs is also often difficult to quantify, as it will depend on how the player chooses to play the game, and how many times a particular level is attempted before completion. Where frequency is a category defining issue (for example, with respect to strong language), the BBFC bases its judgement on an assessment of the frequency with which a player is likely to encounter the issue during normal gameplay.

Given the lack of research, especially in relation to harm, and given the rapid developments in the sophistication of video games, the BBFC may take a more cautious approach when a video game lies on the borderline between two categories, or contains material which raises issues of acceptability at the adult categories.

The Categories

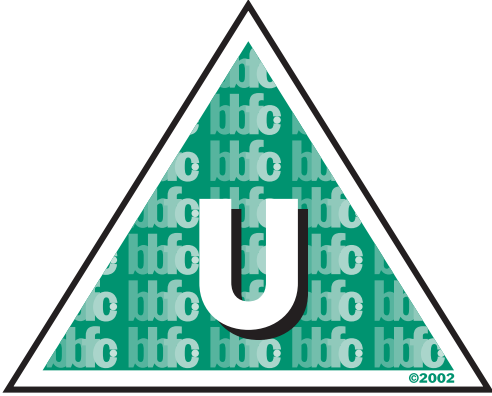
The BBFC endeavours to classify submitted works in one of the following categories:



The following pages set out guidance on how the main issues (for example, sex and violence) are specifically applied from 'U' through to 'R18'. The criteria should be read in the light of the general approach set out earlier under 'General Principles', 'Overarching Factors' and 'Main Issues'.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.





U Universal – Suitable for all

It is impossible to predict what might upset any particular child. But a ‘U’ film should be suitable for audiences aged four years and over. ‘U’ films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

If a work is particularly suitable for a pre-school child to view alone, this will be indicated in the Consumer Advice.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous, or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional natural nudity, with no sexual context.

Sex

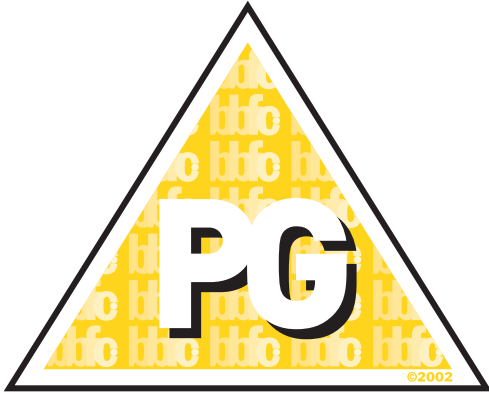
Mild sexual behaviour (for example, kissing) and references only (for example, to ‘making love’).

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children.

Violence

Mild violence only. Occasional mild threat or menace only.



**PG Parental Guidance –
General viewing, but some
scenes may be unsuitable
for young children**

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

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context.

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example, domestic violence) nothing in their treatment should condone unacceptable behaviour.

Violence

Moderate violence, without detail, may be allowed, if justified by its context (for example, history, comedy or fantasy).



12A/12 – Suitable for 12 years and over

Exactly the same criteria are used to classify works at ‘12A’ and ‘12’. These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Works classified at these categories may upset children under 12 or contain material which many parents will find unsuitable for them.

The ‘12A’ category exists only for cinema films. No one younger than 12 may see a ‘12A’ film in a cinema unless accompanied by an adult, and films classified ‘12A’ are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances, responsibility for allowing a child under 12 to view lies with the accompanying adult.

The ‘12’ category exists only for video works. No one younger than 12 may rent or buy a ‘12’ rated video work.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied, or appear pain or harm free. Easily accessible weapons should not be glamorised.

Language

Moderate language is allowed. The use of strong language (for example, ‘fuck’) must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.

Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.



15 – Suitable only for 15 years and over

**No one younger than 15 may
see a '15' film in a cinema.
No one younger than 15 may
rent or buy a '15' rated
video work.**

Discrimination

The work as a whole must not endorse discriminatory language or behaviour.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example, 'fuck'). The strongest terms (for example, 'cunt') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

Theme

No theme is prohibited, provided the treatment is appropriate for 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is also unlikely to be acceptable.

There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.



Suitable only for adults

**No-one younger than 18 may see an '18' film in a cinema.
No-one younger than 18 may rent or buy an '18' rated video.**

In line with the consistent findings of the BBFC's public consultations and The Human Rights Act 1998, at '18' the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to the BBFC to risk harm to individuals or, through their behaviour, to society – for example, any detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault
- where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in 'R18' works, and in 'sex works' (see below) would normally be confined to that category.

In the case of video works (including video games), which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'.



R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years

The 'R18' category is a special and legally restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. 'R18' video works may not be supplied by mail order.

The following content is not acceptable:

- any material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959
- material (including dialogue) likely to encourage an interest in sexually abusive activity (for example, paedophilia, incest or rape) which may include adults role-playing as non-adults
- the portrayal of any sexual activity which involves lack of consent (whether real or simulated). Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- any sexual threats, humiliation or abuse which does not form part of a clearly consenting role-playing game. Strong physical or verbal abuse, even if consensual, is unlikely to be acceptable.

These Guidelines will be applied to the same standard regardless of sexual orientation.

Intervention

Where possible, the BBFC deals with any issues raised in a submitted work through classification at the appropriate category. In some cases, however, assurances, cuts or other changes (for example, the addition of warning captions) will be required as a condition of classification, or as a condition of classification at a particular category. In some circumstances a work may be rejected, ie refused a classification at any category. The General Principles under which such decisions are made are set out on page 4. Details of interventions are published on the main BBFC website.

Cuts for category

If the submitted work is suitable for classification, but only at a category higher than that requested by the submitting company, the BBFC will consider whether a lower category could be achieved through relatively minor or simple changes. If so, the BBFC may offer the submitting company a choice of accepting the higher category or making defined changes to achieve a lower category.

The decision to offer such ‘cuts for category’ is at the discretion of the BBFC and this option is unlikely to be available if the required changes would be extensive or complex, or if the effect of possible changes would be difficult to predict. In such circumstances, the submitting company may choose to make a new submission of a different version of the work at a later date.

Compulsory cuts

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular category, cuts or other changes may be required as a condition of classification. Such intervention is most likely with regard to the following:

- material which may promote illegal activity**
- material which is obscene or otherwise illegal**
- material created by means of the commission of a criminal offence**
- portrayals of children in a sexualised or abusive context**
- sexual violence or sexualised violence which endorses or eroticises the behaviour**
- sadistic violence or torture which invites the viewer to identify with the perpetrator in a way which raises a risk of harm**
- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes**

- sex works which contain material listed as unacceptable at ‘R18’.**

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the submitting company will normally be given an opportunity to present evidence before a final decision is reached.

Rejects

If a central concept of the work is unacceptable (for example, a sex work with a rape theme); or if intervention in any of the ways noted above is not acceptable to the submitting company; or if the changes required would be extensive or complex; the work may be rejected, ie refused a classification at any category.

Advice viewings

A distributor may submit works for advice at any stage of the production process. Advice given in such circumstances is not binding and the BBFC reserves the right to reach a different decision when the work is submitted for classification in finished form. If the version of the work submitted for classification differs in any significant respect to that seen for advice, and if the changes appear to reflect advice given by the BBFC, then details of the changes will be noted on the main BBFC website.

Appeals

The BBFC offers a formal 'reconsideration' procedure which is open to any distributor dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take less than 10 working days.

A distributor may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, a request for reconsideration by the BBFC. In the case of films, the distributor (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works (including DVDs, video games, etc) a distributor may appeal to the Video Appeals Committee which is independent of the BBFC and can be contacted by post at: VAC, PO Box 6949, London, W1A 3TZ or by email at enquiries@vacappeal.co.uk

Distributors should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

The public can make its views known to the BBFC at any stage of the classification process.

Websites



The main BBFC website www.bbfc.co.uk is designed to keep the public and the industry informed about the work of the organisation. It includes up to the minute information about classification decisions; the policies and Guidelines used by the BBFC when classifying a work; how to submit a film, DVD or video game for classification; as well as general information about the BBFC.

There is a page for each work classified by the BBFC, giving details of the classification together with Consumer Advice (for most works classified since 1996) and Extended Classification Information (for most video games and cinema films classified since mid-2007). If a work has been cut, or subject to some other form of intervention as a condition of the classification awarded, this will be shown. Details of works refused classification ('Rejects') are also displayed.

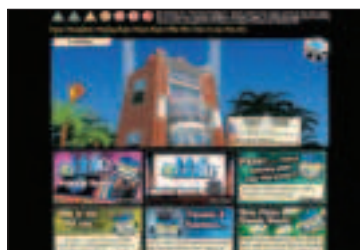


The Parents BBFC website www.pbbfc.co.uk provides parents with clear, concise, specially tailored information about films, video games and classification, helping them make informed choices about what is suitable for their children. This information includes the relevant Consumer Advice, a brief summary of the film or video game, and several paragraphs of Extended Consumer Advice. For cinema films, the site also offers the opportunity to watch the trailer and find out where the film is showing.



Students' BBFC

www.sbbfc.co.uk is our educational website for teachers and students from GCSE to postgraduate levels. The site contains information and news about classification; timelines; case studies on controversial, famous and historical classification decisions; regularly updated articles; and study guides. There is also a special area for teachers.



Children's BBFC

www.cbbfc.co.uk is our fun website for younger children offering games, puzzles, information about films and video games, news, and a chance to classify trailers.





British Board of Film Classification
3 Soho Square
London
W1D 3HD

T 020 7440 1570
F 020 7287 0141
e-mail: contact_the_bbfc@bbfc.co.uk

EAST HERTS COUNCIL

LICENSING COMMITTEE – 10 MARCH 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

LICENSING IMPLICATIONS OF ROYAL WEDDING

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform members about waiver of licensing restrictions in alcohol licensed premises on 29 – 30 April 2011.

<u>RECOMMENDATION FOR DECISION – that the report be received</u>

1.0 Background

1.1 This report presents information about the relaxation of licensing restrictions on 29 and 30 April 2011, and some ancillary information about road closures for street parties.

2.0 Report

2.1 The Home Office held a public consultation between 12 and 26 January to seek the views of the public on whether the usual restrictions on alcohol licenses should be relaxed on the evenings of Friday 29 April, and Saturday 30 April 2011, to facilitate extended public celebration of the royal wedding scheduled to take place on 29 April.

2.2 The weight of public opinion from respondents was indifferent or opposed to the relaxation of restriction; approximately two thirds of respondents were against relaxing restrictions, and approximately one third were in favour.

2.3 The Government has chosen to relax the licensing restrictions on these two evenings, and additional permitted hours for alcohol sales will be allowed on alcohol licensed premises until 1 a.m. both evenings.

2.4 East Herts Council may receive a few applications for Temporary Event Notices in respect of Street Parties. However, the majority of

these are expected to be informal, without the supply of alcohol or regulated entertainment. Street parties may require temporary road closures, and there could have been an administrative burden in respect of these. However, following negotiations with Hertfordshire County Council, all the road closures for street parties to celebrate this event will be administered by the County Council.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Report on consultation (Home Office)

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Protection

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing – Extn 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	This report is for information on the results of Home Office public consultation, and no further consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

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**RELAXATION OF LICENSING HOURS
FOR THE ROYAL WEDDING:
ANALYSIS OF CONSULTATION
RESPONSES**

RELAXATION OF LICENSING HOURS FOR THE ROYAL WEDDING: ANALYSIS OF CONSULTATION RESPONSES

PROPOSAL

1. On 12th January 2011 the Government published the consultation document, 'Relaxation of licensing hours for the Royal Wedding'. This document included a proposal to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the wedding of Prince William and Catherine Middleton on 29th April 2011. The order would extend opening hours on the night of Friday 29th April to 1am (on Saturday 30th April) and hours on the night of Saturday 30th April to 1am (on Sunday 1st May) for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

2. The Home Office ran a public consultation for two weeks between 12th January and 26th January 2011 inviting the general public and key interested parties to provide feedback on this proposal. The consultation covered England and Wales, where the proposal would apply.

BACKGROUND

3. During the consultation process, people were invited to submit formal responses to the six questions outlined in the consultation document using either the online form or by submitting responses via post or email.

4. The Home Office received a total of 713 responses to the consultation – 667 responses were submitted online; 43 were submitted by email; and 3 were sent by post. Data was not collected on respondent organisations. However, responses received by post and email included responses from individual members of the public; those involved in the retail or manufacture of alcohol or their trade associations; those involved in enforcement, licensing and health; and responses from other groups including legal specialists, those involved in the entertainment industry, village halls and charities.

2. RESPONSES TO SPECIFIC CONSULTATION QUESTIONS

5. The consultation document included six questions on the proposed order. These six questions had closed yes or no response options. Responses to these questions are summarised below.

6. Some respondents also provided additional comments on the proposal. Key additional comments are highlighted in the analysis below.

Question 1: Do you agree that the order should apply to all licensed premises in England and Wales?

7. Thirty-seven per cent of respondents (255) agreed that the order should apply to all licensed premises in England and Wales. Sixty-three per cent (429 respondents) disagreed with this proposal.

Question 2: Do you agree that the order should extend licensing hours until 1am?

8. Thirty-nine per cent of respondents (266) agreed that the order should extend licensing hours until 1am with 61% (418 respondents) disagreeing with this proposal.

Question 3: Do you agree that the order should apply on Friday 29th April?

9. Thirty-nine per cent of respondents (264) agreed that the order should apply on Friday 29th April whereas 61% (420 respondents) disagreed.

Question 4: Do you agree that the order should apply on Saturday 30th April?

10. Thirty-three per cent of respondents (227) agreed that the order should apply on Saturday 30th April and 67% (457 respondents) disagreed.

Question 5: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

11. Forty-three per cent of respondents (291) agreed that the order should apply to the sale of alcohol for consumption on the premises. Fifty-seven per cent (393

respondents) disagreed with this proposal.

12. Some additional responses noted that not extending the order to late-night refreshment venues may cause problems for restaurants or pubs that may provide food or hot drinks late at night. Under the current proposed order these premises would be able to continue to serve alcohol, but not food, to customers remaining on the premises.

Question 6: Do you agree that the order should apply to the provision of regulated entertainment?

13. Forty-four per cent of respondents (301) agreed that the order should apply to the provision of regulated entertainment whereas 56% (383 respondents) disagreed.

14. Several respondents requested clarification on this proposal as to whether this would include the provision of entertainment, making music and dancing. These respondents suggested that these activities should be added to the proposed order to avoid confusion.

Question 7: Do you agree with the impact assessment outlined above?

15. Forty-four per cent of respondents (299) agreed with the impact assessment that was given in the consultation document. Fifty-six per cent of respondents (383) did not agree with the impact assessment. An additional two respondents gave mixed responses to this question.

Additional responses

15. In addition to those respondents who specifically answered the questions in the consultation document, the Home Office also received 27 other responses. Two of these generally supported the proposal; 19 responses generally opposed the proposal; and six gave mixed responses.

16. Of the small number of respondents who provided additional comments, those opposing the proposed order raised concerns around a number of issues including:

- The potential impact of the extension of licensing hours on police and emergency services and the cost of additional policing;
- The potential impact of related noise nuisance and alcohol-related anti-social behaviour on residents living near licensed premises;
- That the extension of licensing hours may be seen to encourage binge drinking.

17. A small number of respondents who supported the proposed order noted the potential for the extension of licensing hours to allow local pubs to increase their income. At the same time they acknowledged that this would reduce the burden on business and licensing authorities to process a greater number of individual Temporary Event Notices to extend opening hours for the Royal Wedding.

EAST HERTS COUNCIL

LICENSING COMMITTEE – 10 MARCH 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

TAXI PARKING ENFORCEMENT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform members about feedback from the Parking Manager about taxi parking on Bircheley Green and Railway Street.

<u>RECOMMENDATION FOR DECISION – that the report be received.</u>
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1.0 Background

- 1.1 This report presents information from the Parking Manager following Members concern at Licensing Committee in November 2010 about queuing taxis outside the designated taxi rank area in Railway Street (and Market Street), Hertford. Members observed that these vehicles were partially parked on footways thus posing a safety hazard to pedestrians.
- 1.2 The Director of Customer and Community Services/Parking Manager was requested to ensure that parking restrictions in this area of Hertford were enforced, particularly through the issue of penalty parking notices to offending taxi drivers parking unlawfully. Members requested that time leeway for drivers to move their vehicles before a penalty parking notice was issued, should be waived. The Director was also requested to liaise with Hertfordshire Constabulary to enlist support and assistance in enforcing parking restrictions in and around Railway Street.

2.0 Report

- 2.1 The Parking Manager suspended the five minute observation period in Railway Street, and has since provided the following information;

- 2.2 Parking enforcement against taxi drivers in Railway Street and elsewhere has been in the face of considerable hostility and even threats against the Civil Enforcement Officers (CEOs), however all parking enforcement is conducted without fear or favour.
- 2.3 CEOs actively patrol the area at least once per working hour.
- 2.4 This has not yielded any Penalty Charge Notices (PCNs) against taxi drivers as they simply move away when approached – only to return a short time later.
- 2.5 Since January 2011 three PCNs have been issued in this area but none to taxi drivers. One Blue badge holder (day) and two regular motorists (evenings) were issued with notices.
- 2.6 Parking Services plan to advertise a Traffic Regulation Order this year proposing to make the Fore Street rank the main town taxi rank facility and convert the existing parking bay to loading, blue badge and “limited waiting” bays i.e. free parking for short period – expected to be 30 minutes or less. This may assist in traffic management and alleviate the current parking problem with taxi drivers.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

Background Papers

None

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Protection

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing – Extn 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

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