

Date: 6<sup>th</sup> January 2015

Dear Sir/Madam,

GENERAL PURPOSES COMMITTEE & LICENSING COMMITTEE

Notice is hereby given that a meeting of the **General Purposes Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 15<sup>th</sup> January 2015 at 5.30pm.

Notice is hereby given that a meeting of the **Licensing Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 15<sup>th</sup> January 2015 immediately following the General Purposes Committee.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

1. Apologies

Page Nos.

**GENERAL PURPOSES COMMITTEE**

2. Declarations of Interests from Members and Officers
3. Declaration of Any Intention to Record Meeting
4. Minutes of the Meeting held on 20<sup>th</sup> November 2014

3 - 8

	Page Nos.
<u>PART 1 – ITEMS FOR DECISION</u>	
5. Street Collections 2015	9 - 12
6. Byelaws for the Regulation of Cosmetic Piercing and Semi-Permanent Skin Colouring Businesses	13 - 22

PART 2 – ITEMS FOR INFORMATION

None

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS

None

**LICENSING COMMITTEE**

1. Declarations of Interests from Members and Officers	
2. Declaration of Any Intention to Record Meeting	
3. Minutes of the Meeting held on 24 <sup>th</sup> July 2014	23 - 26

PART 1 – ITEMS FOR DECISIONS

4. Film Classification	27 - 44
5. Development a Strategic Approach to Licensing and the Night Time Economy	45 - 48

PART 2 – ITEMS FOR INFORMATION

None

PART 3 – STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS

None

**Note: Refreshments will be provided in the Meeting Room at 5.00pm.**

**GENERAL  
PURPOSES  
COMMITTEE**



NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **GENERAL PURPOSES COMMITTEE** held on Thursday, 20<sup>th</sup> November 2014 in Room G21, Kelham Hall at 5.30pm

PRESENT: Councillor I. Walker (Chairman)  
Councillor Mrs L.M.J. Tift

Councillors: Mrs B.M. Brooks, Mrs C. Brooks, G. Brooks, Mrs R. Crowe, P.R.B. Harris, Mrs S. Soar and Mrs M. Tribe.

ALSO IN  
ATTENDANCE: Councillor R. Shillito

14. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: R.L. Bradbury, Mrs I. Brown, Mrs S.M. Michael, D.R. Payne and Mrs L.A. Shilling.

15. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

16. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that Councillor Harris declared his intention to record the meeting.

17. MINUTES OF MEETING HELD ON 22<sup>ND</sup> MAY 2014

AGREED that the Minutes of the meeting held on 20<sup>th</sup> November 2014 be approved as a correct record and signed by the Chairman.

18. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee considered the report presented by the Business Manager – Democratic Services in relation to the representations received during the Review of Polling Districts and Polling Places. The report also sought approval for recommendation of the final scheme to Council.

The report set out the consultation process and highlighted the specific proposals requiring changes to the current polling stations.

In relation to Southwell East Ward, it was noted that Southwell Town Council had requested that an alternative Polling Place be found to Easthorpe Hall. They had suggested a return to the previously used station at the ACF Centre, or as an alternative the Hearty Goodfellow or the Lecture Room at Southwell Fire Station.

The Local Member for Southwell West advised that he was not entirely in accord with the Town Council's views due to the continuing issues with accessibility of the ACF Centre as the only access to the building was over a gravelled drive. It was noted that when the building had been used previously, the Returning Officer had received complaints in this regard.

The Local Member advised that the Fire Station was in the best location but envisaged that the use of the building would be likely to be problematic as the voter would have to pass through two doors and down a corridor before entering the actual polling station. He added that in his opinion, the continued use of Easthorpe Hall was marginally favourable to that of returning to the ACF Centre.

The Local Member for Edwinstowe advised that she was in favour of the proposed relocation of the two currently used stations at King Edwin Primary School and St. Mary's Church Rooms to Edwinstowe Village Hall as the building was sufficiently large to adequately house two polling stations.

The Local Member for Rainworth advised that she was in favour of the proposed relocation of the current stations at Python Hill Primary School to Rainworth Village Hall as the building was again sufficiently large enough to adequately house three polling stations.

All Members agreed that, wherever possible and practical, the use of schools as polling stations should be avoided as closure caused disruption to both the parents of pupils and the teaching staff alike.

In relation to the use of Coddington Community Centre and the issues caused by parents dropping off and collecting their children at the nearby school, Members were advised that the Head Teacher of the school had indicated that they would be willing to do a leaflet drop to parents about the issue. It was, however, noted that the issue only lasted for a short period of time during the day and that there was very little other opportunity to park elsewhere.

AGREED that:

- (a) the proposals, as set out in the Appendix to the report, be recommended to Council for approval; and
- (b) such proposals to include the outcome of the review into the suitability of the use of Southwell Fire Station as a replacement for Easthorpe Hall.

#### 19. CHARITABLE COLLECTIONS AND RETURNS

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the House to House and Street Collections that were carried out between 1<sup>st</sup> April and 31<sup>st</sup> October 2014 within the district and the monies collected therefrom.

The report provided information as to the legislation under which the collections were undertaken, where they were held, what charities collected, the monies collected and the percentage of those collections that was passed to the charity.

Members expressed their concern in relation to the information provided as to the low level of percentage returns from the House to House collections, suggesting that these should be published on the Council's website or within their publication, the Voice. They acknowledged that some of the costs for collection were understandable, e.g. vehicles, fuels, sorting and staffing.

Members were advised that each year in January a report was presented to Committee which sought approval for the granting of the applications for both Street Collections and House to House Collections. They were further advised that subsequent to the collections taking place, the organisation had a period of one month to submit their returns.

It was noted that some charitable organisations received a Home Office Order of Exemption which removed the necessity for them to apply for a permit to the local authority whose area they were collecting in.

AGREED that:

- (a) the charitable returns information and guidance relating to street collections and house to house collections be noted; and
- (b) if permissible, the charitable returns for street collections and house to house collections be published on the Council's website and placed in the Council's publication, the Voice.

20. SCRAP METAL DEALERS ACT 2014 – UPDATE ON IMPLEMENTATION AND ENFORCEMENT

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the progress made during the first twelve months of the Scrap Metal Dealers Act 2013.

It was reported that since its introduction the authority had approved 36 applications for site licences and 8 applications for collector's licences. The report also contained information as to the summary of enforcement actions taken.

Members queried what happened to any scrap metal that was seized from an unlicensed trader. In response they were advised that it would be taken to be weighed following which the monies therefrom would be used for further enforcement action.

Members agreed that the Act was having a positive effect and all agencies concerned should be praised for their efforts. It was also noted that there had been a reduction in the theft of metal.

AGREED that the progress made on the implementation and enforcement of the Scrap Metal Dealers Act 2014 be noted.

21. FURTHER ELECTORAL REVIEW OF NOTTINGHAMSHIRE COUNTY COUNCIL

The Committee considered the report presented by the Business Manager – Democratic Services in relation to the Further Electoral Review of Nottinghamshire County Council.

The report set out that the Review would seek to correct some imbalances between the numbers of electors which each Councillor represented and the process of the review.

Members noted that some divisions of the county had large multi-member wards and agreed that these should be avoided wherever possible.

AGREED that:

- (a) the process for the Further Electoral Review be noted; and
- (b) the comments in relation to multi-members wards be added to the Council's submission.

22. UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the activities and performance of the Licensing Team between 1<sup>st</sup> July to 30<sup>th</sup> September 2014.

In considering the report, Members raised the ongoing issue of taxi drivers refusing to take short fare journeys. The Business Manager advised that negotiations were ongoing with the owners of the Northgate Station in relation to this issue. Officers had requested sight of their CCTV recordings but they were reluctant to release these.

It was noted that a 'day of action' had recently taken place, the results of which would be reported to the next meeting of the Committee.

Members noted their concerns about the ongoing issues on Middlegate, especially on a Friday morning. In response, they were informed that discussions had taken place with the Civil Parking Enforcement operatives who were advised to issue a ticket to drivers who either parked in loading bays or who were deliberately driving slowly.

Members also expressed concern about the lack of available spaces on the taxi rank on Castlegate stating that an extension to this would be required should the newly licensed late night venue on Castlegate open to the public. It was noted that problems existed as privately owned vehicles parked on the rank after 20:00 hours when it was solely for the use of hackney carriages. It was again noted that Civil Parking Enforcement operatives had been directed to issue tickets accordingly. It was further noted that any extension to the size of the rank would be difficult due to restrictions imposed by the County Council.

AGREED (unanimously) that the report be noted.

The meeting closed at 6.17pm

Chairman



**STREET COLLECTIONS 2015**

**1.0 Background**

1.1 A street collection permit is required to collect money or sell articles for the benefit of any charitable, benevolent or philanthropic purpose in any street or public place. Collectors should have sealed collecting tins stating which organisation they are collecting on behalf of and should not act in any such manner as to cause, or likely to cause danger, obstruction, inconvenience or annoyance to any person. Street collections are governed by Section 5 of Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by Section 251 and Schedule 29 to the Local Government Act 1972.

**2.0 Information**

2.1 The Council allows a total of 19 street collections to take place in Newark throughout the year. In addition it also allows 12 in Ollerton and 13 in Southwell.

2.2 A list of applications received so far has been forwarded to Newark Town Council, Ollerton & Boughton Town Council and Southwell Town Council. These are listed in **Appendix A** detailing those charitable organisations wishing to make a street collection within these areas 2015. Members will note that the number received is below that maximum allowed and therefore it is anticipated that further applications will be made.

2.3 Ollerton & Boughton Town Council are considering the applications in respect of Ollerton Town Centre and Boughton (*a decision has not been received from Ollerton & Boughton Town Council's regarding applications 1, 2 and 3.*

2.4 Southwell Town Council Members noted the applications in **Appendix A** that are proposed for Southwell and have raised no comments in respect of Southwell Town Centre applications, these being 4, 5, 6, 7 and 8.

2.5 Newark Town Council considered applications in respect of the Newark Town Centre. Newark Town Council have supported the applications numbered 11, 13, 14 and 15. Application numbers 9 and 10 were recommended to be refused and application numbers 12 and 16 are awaiting consideration.

2.6 Newark Town Council's Policy attached at **Appendix B** states that the Council would generally not support requests for a Street Collection from those outside the area or where the proceeds are not likely to benefit the community.

**3.0 Proposals**

3.1 It is proposed that the Director – Safety be authorised to issue the licences for the applications supported by the Town Councils together with any further licences subsequently received under delegated powers after, and in the cases of Newark, Ollerton and Southwell Town Centres, having considered the recommendation of the relevant Town Councils.

3.2 It is further proposed that the applications not supported by the Town Councils be offered an alternative location within the Newark & Sherwood District.

**4.0 RECOMMENDATIONS that the Committee:**

- (a) consider the applications for Street Collections along with the comments of the relevant Town Councils and identify the street collections that shall be granted within the District of Newark & Sherwood during the year 2015; and**
- (b) after consultation with the Chairman of the General Purposes Committee the Director - Safety be authorised to approve and issue licences for all additional applications received for street collections within the District of Newark & Sherwood during the year 2015.**

Background Papers

Nil

For further information please contact Nicola Kellas on extension 5894.

Karen White  
Director - Safety

**OLLERTON & BOUGHTON TOWN COUNCIL**

1. R.A.F.A.  
**September 20, 2014 – 8 a.m. to 6:30 p.m.**
2. The Royal British Legion Poppy Appeal  
**November 1, 2014 to November 8, 2014 inclusive - 8 a.m. to 8 p.m.**

**SOUTHWELL TOWN COUNCIL**

3. Framework  
**January 18, 2014 – 9 a.m. to 5 p.m.**
4. Clic Sargent Cancer Care for Children  
**June 14, 2014 - 9 a.m. to 2:30 p.m.**
5. Save the Children  
**April 26, 2014 - 8 a.m. to 3 p.m.**
6. Beaumont House Community Hospice  
**October 4, 2014 – 8.30 a.m. to 1:30 p.m.**
7. The Royal British Legion Poppy Appeal  
**November 1, 2014 to November 8, 2014 inclusive – 8 a.m. to 8 p.m.**
8. R.A.F.A.  
**September 20, 2014 – 8 a.m. to 6:30 p.m.**

**NEWARK TOWN COUNCIL**

9. Save the Children  
**July 5, 2014 – 9 a.m. to 4 p.m.**
10. Newark Community First Aid  
**August 10, 2014 – 9 a.m. to 4 p.m.**
11. R.A.F.A.  
**September 20, 2014 – 8 a.m. to 6:30 p.m.**
12. Beaumont House Community Hospice  
**September 27, 2014 – 8.30 a.m. to 1:30 p.m.**
13. The Royal British Legion Poppy Appeal  
**November 1, 2014 to November 8, 2014 inclusive – 8 a.m. to 8 p.m.**
14. Newark and District Round Table  
**December 13, 2014 – 9 a.m. to 5 pm.**

**NEWARK TOWN COUNCIL**  
**STREET COLLECTION POLICY**

1. The Town Council's policy will be to support locally based charities whose fund raising activities are for the benefit of those living within the local community.
2. This support will be extended to include local branches of national charities where funds are sought for use within the community.
3. The Town Council will also consistently support national appeals such as the Wings Appeal and the Poppy Appeal, where monies are collected on a branch basis.
4. The Town Council would generally not support requests for street collections from those outside the area or where the proceeds are not likely to benefit the community.

In exceptional circumstances, however, the Town Council may support such requests and in such cases would provide Newark & Sherwood District Council with additional information to explain such decision.

Finance & Policy Committee  
22.09.04

**BYELAWS FOR THE REGULATION OF COSMETIC PIERCING AND SEMI-PERMANENT SKIN COLOURING BUSINESSES**

**1.0 Purpose of Report**

- 1.1 To seek the comments of the General Purposes Committee on the adoption of model Byelaws for the control of cosmetic piercing and permanent skin colouring businesses.

**2.0 Background**

- 2.1 The power to make, amend, revoke, re-enact or adopt byelaws is reserved in the Council's constitution to the full Council.
- 2.2 General Purposes are able to make recommendations to Council on the adoption of byelaws.

**3.0 Introduction**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 provided powers to local authorities to regulate ear piercing, tattooing, acupuncture and electrolysis by requiring registration and observance of byelaws.
- 3.2 The District Council has previously adopted the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) with effect from 16<sup>th</sup> February 1984, the resolution of such adoption being advertised on 10<sup>th</sup> January 1984. This includes provisions to regulate acupuncture, tattooing, ear piercing and electrolysis businesses. The District Council made three sets of relevant byelaws which came into force 1<sup>st</sup> February 1985.
- 3.3 To reflect current trends and practices that involve piercing the skin the Local Government Act 2003 (the 2003 Act) has amended the 1982 Act by removing the term 'ear piercing' and replacing it with 'cosmetic piercing' (piercing of the body including the ear), and introducing the term 'semi-permanent skin colouring' (including micro pigmentation, semi-permanent make up and temporary tattooing).
- 3.4 To aid consistency on a national scale, model byelaws for cosmetic piercing and semi-permanent skin colouring have been drafted by the Department of Health. These byelaws have been reproduced in draft format with reference to Newark & Sherwood District Council and are attached as an **appendix** to this report.
- 3.5 The new byelaws relate to the registration of premises and of persons operating premises, and to the cleanliness and hygiene of premises, practitioners and equipment. The purpose of the byelaws is to increase health protection and reduce the risk of transmission of blood borne virus infections such as HIV, Hepatitis B, Hepatitis C and other infections.
- 3.6 The Council is required to advertise a notice of the Council's intention to apply for confirmation of the byelaws for one calendar month prior to confirmation, which must be given in one or more local newspapers circulating the area to which byelaws will apply.

3.7 The Secretary of State must confirm the byelaws before they are in force.

#### **4.0 Proposals**

4.1 It is proposed to seek Council's approval to adopt the model byelaws as set out in **Appendix A** and authorisation for officers to carry out the necessary procedure and apply to the Secretary of State for confirmation.

#### **5.0 Financial Implications**

5.1 The cost of advertising the byelaws will be met from the existing Environmental Health and Licensing Business Unit budget. It is anticipated that the cost will be approximately £1,000. There is sufficient budget to cover these costs

#### **6.0 RECOMMENDATIONS that:**

- (a) Committee recommend to Council the adoption of byelaws for cosmetic piercing and semi-permanent skin colouring businesses; and**
- (b) Officers carry out the necessary procedure and apply to the Secretary of State for confirmation.**

#### **Background Papers**

Nil

For further information please contact Alan Batty on Ext 5467

Karen White  
Director – Safety

## Cosmetic Piercing

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of cosmetic piercing made by ..... in pursuance of Section 15(7) of the Act.

1. Interpretation:

- a. In these byelaws, unless the context otherwise requires –  
“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;  
“Client” means any person undergoing treatment;  
“Operator” means any person giving treatment;  
“Premises” means any premises registered under Part VIII of the Act;  
“Proprietor” means any person registered under Part VIII of the Act;  
“Treatment” means any operation in effecting cosmetic piercing;  
“The treatment area” means any part of the premises where treatment is given to clients.
- b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that –

- a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
- b. All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority;
- c. All needles used in treatment are single-use and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority;
- d. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
- e. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
- f. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;

- g. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, “No Eating or Drinking” is prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment –
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment –
    - i. is clean and in good repair, and, so far as is appropriate, sterile;
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
  - b. An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in the treatment is in a sterile condition and kept sterile until it is used;
  - c. A proprietor shall provide –
    - i. adequate facilities and equipment for the purpose of sterilization (unless pre-sterilized items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for all items mentioned in byelaw 3 a and b above, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators –
- a. A proprietor shall ensure that –
    - i. any operator keeps his hands and nails clean and his nails short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii. any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - v. any operator does not smoke or consume food or drink in the treatment area.
  - b. A proprietor shall provide;
    - i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water and sanitising soap or detergent;
    - ii. suitable and sufficient sanitary accommodation for operators.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on .....  
and shall come into operation on .....

Member of the Senior Civil Service  
Department of Health

**NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- C. Nothing in these byelaws extends to the practice of cosmetic piercing by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of cosmetic piercing is carried on by or under the supervision of such a person.

## **Semi-Permanent Skin-Colouring**

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring, NEWARK AND SHERWOOD DISTRICT COUNCIL made by . in pursuance of section 15(7) of the Act.

### 1. Interpretation:

- a. In these byelaws, unless the context otherwise requires –
  - “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
  - “Client” means any person undergoing treatment;
  - “Operator” means any person giving treatment;
  - “Premises” means any premises registered under Part VIII of the Act;
  - “Proprietor” means any person registered under Part VIII of the Act;
  - “Treatment” means any operation in effecting semi-permanent skin-colouring;
  - “The treatment area” means any part of the premises where treatment is given to clients.
- b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

### 2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that –

- a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
- b. The treatment area is used solely for giving treatment;
- c. The floor of the treatment area is provided with a smooth impervious surface;
- d. All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority
- e. All needles used in treatment are single-use and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority;
- f. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
- g. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;

- h. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - i. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking" are prominently displayed there.
- 3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment –
  - a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment –
    - i. is clean and in good repair, and so far as is appropriate, is sterile;
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
  - b. An operator shall ensure that –
    - i. any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
    - ii. all dyes used for semi-permanent skin-colouring are sterile and inert;
    - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are cleaned and sterilized before re-use;
  - c. A proprietor shall provide –
    - i. adequate facilities and equipment for the purpose of sterilization (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for items mentioned in byelaw 3 a and b above, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
- 4. For the purpose of securing the cleanliness of operators –
  - a. A proprietor shall ensure that –
    - i. any operator keeps his hands and nails clean and his nails short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii. any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - v. any operator does not smoke or consume food or drink in the treatment area.

- b. A proprietor shall provide -
  - i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water, sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on .....and shall come into operation on

Member of the Senior Civil Service  
Department of Health

**NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part viii of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- C. Nothing in these byelaws extends to the practice of semi-permanent skin-colouring by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of semi-permanent skin-colouring is carried on by or under the supervision of such a person.

# **LICENSING COMMITTEE**



## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **LICENSING COMMITTEE** held on Thursday, 20<sup>th</sup> November 2014 in Room G21, Kelham Hall immediately following the meeting of the General Purposes Committee.

PRESENT: Councillor I. Walker (Chairman)  
Councillor Mrs L.M.J. Tift

Councillors: Mrs B.M. Brooks, Mrs C. Brooks, G. Brooks, Mrs R. Crowe, P.R.B. Harris, Mrs S. Soar and Mrs M. Tribe.

ALSO IN  
ATTENDANCE: Councillor R. Shillito

### 13. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: R.L. Bradbury, Mrs I. Brown, Mrs S.M. Michael, D.R. Payne and Mrs L.A. Shilling.

### 14. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 15. DECLARATION OF INTENTION TO RECORD MEETING

that no elected Member, Officer or member of the public declared any intention to record the meeting.

### 16. MINUTES

AGREED that the Minutes of the meeting held on 24<sup>th</sup> July 2014 be approved as a correct record and signed by the Chairman.

### 17. COUNTY WIDE BEST BAR NONE SCHEME

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the progress of the county wide Best Bar None Scheme.

The report set out that the Scheme rewarded licensees who provided good management, a safe and enjoyable environment for customers, discouraged binge drinking and prevented alcohol related crime. It also listed the benefits that were enjoyed by licensees who were part of the scheme.

Members were advised that leaflets were available which promoted the scheme but that licensees who were already members of Pub Watch would be aware of the new initiative.

Members were in agreement that the scheme was a good idea and suggested that some sort of similar initiative be rolled out for taxi drivers. In response, it was reported that some local authorities ran taxi driver award schemes and that awards were probably given following a public vote. Officers advised that they would provide the Committee with more information.

Members commented that they were pleased to see that the scheme did not solely concentrate on the late night economy, adding that often rural establishments needed encouragement to better their premises.

In relation to the role an Assessor of the scheme, Members were informed that they would be required to undertake the necessary training which would last for approximately one day. It was anticipated that 8 premises per year would be assessed during normal working hours with each assessment lasting approximately 2 to 3 hours, dependent on the size and nature of the premises. Assessors would also be required to assist with the promotion of the scheme.

Members were also informed that they would not be able to assess properties from their own district but in order to minimise travelling it was likely that they would be assessing in a neighbouring authorities area. It was noted that following training initial assessments would be undertaken with an experienced assessor, following which the name and address of a premises would be provided so an appointment to assess could be made.

AGREED that:

- (a) the progress of the Nottinghamshire County Best Bar None Scheme be noted;
- (b) the following Members put themselves forward to be trained as Assessors:

Councillors: Mrs C. Brooks, Mrs R. Crowe, P.R.B. Harris, Mrs S. Soar, Mrs L.M.J. Tift, Mrs M. Tribe and I. Walker; and

- (c) the two representatives to the county Project Board be:

Councillor I. Walker and Business Manager – Environmental Health.  
(Councillor Mrs L.M.J. Tift to act as substitute)

## 18. MINUTES OF LICENSING HEARINGS

- (i) Inn on the Green, Coddington (Review of Premises Licence)
- (ii) 18 Castle Gate, Newark (Grant of a Premises Licence)
- (iii) The Muskham Ferry, North Muskham (Variation of a Premises Licence)

The Committee noted the Minutes of the above Licensing Hearings which had recently taken place.

AGREED that the Minutes of the Hearings in relation to the above-mentioned premises be noted.

19. TEMPORARY EVENT NOTICES (TENS) RECEIVED AND ACKNOWLEDGED BETWEEN 5<sup>TH</sup> JULY AND 30<sup>TH</sup> SEPTEMBER 2014 INCLUSIVE

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the number of applications for TENS received between 5<sup>th</sup> July and 30<sup>th</sup> September 2014 inclusive.

AGREED that the report be noted.

20. UPDATE ON QUARTERLEY PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the activities and performance of the Licensing Team between 1<sup>st</sup> April to 30<sup>th</sup> June 2014.

In relation to Paragraph 2.2 – Enforcement Activity, Members raised queries in relation to a number of premises:

Royal Oak, Edwinstowe – It was reported that Enterprise Inns were seeking a new Designated Premises Supervisor for the premises and were to introduce a new management structure.

Pizza Express, Newark – It was reported that the mandatory condition regarding still wine in a glass had been breached as the premises had not made the drink available for purchase in a smaller glass.

Hearty Goodfellow, Southwell – It was reported that customers had been observed leaving the premises carrying bottles and glasses of alcohol. A Member stated that it was thought that the premises had off licence facilities as part of their licence. The Business Manager – Environmental Health advised that he would clarify this matter.

AGREED that the report be noted.

The meeting closed at 6.44pm

Chairman



**FILM CLASSIFICATION**

**1.0 Purpose of Report**

- 1.1 For Members to consider the role the local authority has in relation to film classification and to consider whether it needs to put in place a procedure for assessing contentious classifications

**2.0 Background**

- 2.1 At the last meeting of Full Council a Member raised the issue of film classification and the fact that the Council, as the Licensing Authority, currently had no adopted procedure where it wished to consider and impose its own classification on films being shown in cinemas within the district. The Chairman of this Committee agreed to bring a report to Licensing to enable this matter to be considered.

- 2.2 The British Board of Film Censors was established in 1912 by the film industry when local authorities started to impose their own, widely varying, censorship standards on films. The BBFC was set up in order to bring a degree of uniformity to those standards. The object was to create a body which could make judgements that were acceptable nationally.

- 2.3 In 1984 Parliament passed the Video Recordings Act. This act stated that, subject to certain exemptions, video recordings offered for sale or hire in the UK must be classified by an authority designated by the Secretary of State. The following year the President and Vice Presidents of the BBFC were so designated and charged with applying the new test of 'suitability for viewing in the home'. At this point the BBFC's title was changed to the British Board of Film Classification to reflect the fact that classification plays a far larger part in the Board's work than censorship.

**3.0 Introduction**

- 3.1 Early in the twentieth century local authorities were originally given power to license cinemas with reasonable restrictions and could rate film. The BBFC was then set up by the film industry to standardise the ratings and give uniform film classification to all films in the UK. It is an independent, non-governmental body funded through charged fees. This means film distributors have always paid a fee to have their works rated. The BBFC is a not for profit organisation.

- 3.2 Throughout its operating history the BBFC has reviewed and refreshed its film classifications. In June 2009, the BBFC published its most recent set of Guidelines based on a detailed public consultation exercise conducted in 2008-2009. Over 8,700 people contributed their views on the BBFC's Guidelines in the form of lengthy questionnaires and focus groups. It is the policy of the BBFC to review its classifications every 4-5 years.

- 3.3 There are currently 6 classifications available. The current classifications are shown below with a brief description of the criteria that are taken into account when applying a certain grade of classification. Attached as **Appendix Two** is a more detailed description of these classifications.

Film Classification	Criteria	Additional Comments
U Universal – Suitable for all	A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.	If a work is particularly suitable for pre-school children, this will be indicated in the BBFC insight
PG – Parental Guidance	A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger, or more sensitive, children.	
12/12A – Suitable for 12 Years and older	Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child.	To help adults decide, it is recommended that they check the BBFC insight for that film in advance
15 – Suitable for 15 years and older	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.	
18 – 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 work.	<p>Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:</p> <ul style="list-style-type: none"> <li>• where the material is in breach of the criminal law, or has been created through the commission of a criminal offence</li> <li>• where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or</li> </ul>

		<p>morals. This may include portrayals of sadistic or sexual violence which make this violence look appealing; reinforce the suggestion that victims enjoy sexual violence; or which invite viewer complicity in sexual violence or other harmful violent activities</p> <ul style="list-style-type: none"> <li>• where there are more explicit images of sexual activity in the context of a sex work (see below) or where the primary purpose of the images in question is sexual arousal</li> </ul>
<p>R18 Restricted 18 -To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only</p>	<p>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.</p>	

3.4 The BBFC provides a formal reconsideration procedure which is open to any member of the public who is unhappy with the determination made in respect of a film. The reconsideration is free of charge and is normally completed within 10 working days. It should be noted that 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.

#### **4.0 The Local Licensing Authority Role**

4.1 The showing of films is a licensable activity under the Licensing Act 2003 and therefore all cinemas are required to hold a premises licence issued by the local authority. The 2003 Act requires that a mandatory condition be applied to all premises licences which include the exhibition of film. Section 20 of the act is set out below.

##### **Sec 20 Mandatory condition: exhibition of films**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where—

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4.2 In effect, the mandatory condition imposes restriction on admission in accordance with film classification recommendations. These recommendations can be those of the ‘film classification body’ the BBFC or of the licensing authority itself if it chooses to impose its own classification system.

4.3 The current policy of this authority is to specify that admission must be in line with the BBFC classifications. The licence condition used in relation to premises exhibiting films states:

***Admission of children (i.e. persons under the age of 18 years) to any exhibition of film must be restricted in accordance with any certificate and/or recommendation relating to that film made by the British Board of Film Classification***

4.4 Film distributors and/or members of the public can ask a local authority for a certificate for a film banned by the BBFC, a local category for a film that the BBFC has not classified, or for a new rating (higher or lower) to be applied to a film in the local area. This does not happen very often but there have been instances where local authorities have acted in this way. In 2002 before the new 12A category was introduced, several local authorities gave local PG or PG12 certificates to Spider-Man in spite of the fact that the BBFC rating was a 12.

## **5.0 Proposals**

5.1 The licensing authority may be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:

(a) a distributor of a film may appeal against the decision of the BBFC and request that the licensing authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and

(b) an independent party may request that the licensing authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

In addition to this the licensing authority may, of its own volition, decide to consider and re-classify a film.

Further to the above circumstances, 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

5.2 The licensing authority does not currently have an agreed policy and procedure for dealing with requests for a review of a film classification. It is proposed that the Council adopts such a policy and procedure to ensure that future requests can be dealt with efficiently and effectively within an agreed framework.

5.3 A draft policy and procedure is set out in **Appendix One** to this report.

5.4 It is further proposed that the National Guidance on film classifications is used in conjunction with the adopted policy and procedure to assist in the determination of classification.

**6.0 RECOMMENDATION that the Committee:**

**(a) approve the policy and procedure for dealing with the classification of films (attached as Appendix One);**

**(b) agree to adopt the Guidance issued by the British Board of Film Classification (BBFC) to assist in the determination of classifying films (attached as Appendix Two);**

**(c) delegate responsibility for the authorisation of films which have not already been classified by the BBFC to the Licensing Sub Committee; and**

**(d) delegate responsibility for the authorisation and re-classification of films already classified by the BBFC to a Licensing Sub-Committee.**

Background Papers

Nil

For further information please contact Alan Batty on Ext 5467

Karen White  
Director – Safety



**NEWARK AND SHERWOOD DISTRICT COUNCIL POLICY AND PROCEDURE  
FOR DETERMINING FILM CLASSIFICATIONS**

**1.0 Purpose**

- 1.1 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films; appeals by distributors against the British Board of Film Classification's decisions; requests received to reclassify films; and decisions of the Licensing Authority (of its own volition) to re-classify films .
- 1.2 The Licensing Authority when authorising film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National Guidance).
- 1.3 Where a premise seeks or intends to exhibit film(s) that venue must be covered by a Premise Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

**2.0 General Policy**

- 2.1 In accordance with the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.
- 2.2 In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm. The National guidance states:

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

**3.0 Principles in Determining Film Classifications**

- 3.1 The British Board of Film Classification classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice. The National Guidance under Section 182 of the LA03 recommends that:

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

- 3.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
- 3.3 Where a licensed premise seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. As such the procedures outlined later in this document will be followed.
- 3.4 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 3.5 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Newark and Sherwood District and does not affect the authorisation or recommendations in any other borough.
- 3.6 Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Council's Environmental Health and Licensing Business Unit.
- 3.7 The Licensing Authority will consider each authorisation on its own merit and may impose additional and more specific recommendations where it deems necessary in order to comply with the Protection of Children from Harm Licensing Objective.
- 3.8 Where the Licensing Authority has determined to refuse authorisation of a film(s) clear and concise reasons shall be given.

#### **4.0 Procedure for Authorisation of Films Already Classified**

- 4.1 Applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority. Applications should be submitted in writing.
- 4.2 All requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Sub Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening.

- 4.3 Where an individual or organisation not connected with the film(s) requests reclassification of a BBFC classified film, they are not expected to provide a copy of the film(s). The Licensing Authority will then make suitable arrangements to view the film. It is also accepted that in these circumstances, it may not be possible to give 28 days' notice before the proposed screening.
- 4.4 All requests must be accompanied by detailed reasons for the request. Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 4.5 The Sub Committee will then view the entire film and assess it against the BBFC guidelines. The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 4.6 Requests must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Requests may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.
- 4.7 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 unless accompanied by an adult.
- 4.8 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 have regard to National Guidance, e.g.:

*Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*

*Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

## **5.0 Procedure for Authorisation of Films Not Classified by the BBFC**

- 5.1 Applications for authorisation of films not classified by the BBFC shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority.
- 5.2 An application for authorisation should include the following information:
- (a) the film maker;
  - (b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
  - (c) any existing classification issued by an existing classification body, whether within or outside the UK;

- (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
- (e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;
- (f) any proposals on age restrictions for viewing the film that the applicant intends to impose;
- (g) details of how age restrictions will be enforced.

5.3 In accordance with National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Sub Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted a minimum of 28 days before the proposed screening.

5.4 The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

5.5 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 unless accompanied by an adult.

5.6 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 have regard to National Guidance, e.g.:

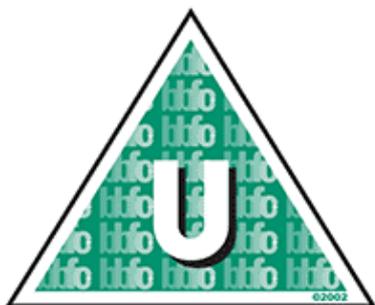
*Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*

*Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

5.7 In order 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.

5.8 The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle -as such requests shall not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the BBFC's Guidelines for 18 and R18 restricted films.

**BBFC CLASSIFICATIONS - GUIDANCE CRITERIA**



**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.



## **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).



## **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, 'f--k') 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.



## **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, 'f--k'). The strongest terms (for example, 'c--t') 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'.



**DEVELOPING A STRATEGIC APPROACH TO LICENSING AND THE NIGHT TIME ECONOMY**

**1.0 Purpose of Report**

- 1.1 For Members of Licensing Committee aimed to provide a framework for diversifying and improving the towns early evening and late evening economy.

**2.0 Background**

- 2.1 Newark has a reputation as a town of culture. Its vibrant entertainment sector attracts people locally, regionally and beyond. The city evening offer includes a theatre, restaurants, pubs, and clubs. Newark as an evening destination makes an important contribution to the local economy.

- 2.2 The Night Time Economy is a widely used but relatively ill-defined phrase. It is generally taken to encompass provision and facilities for leisure and entertainment in the evening and into the early morning – perhaps from 6pm to 4am inclusive. It includes, but not exclusively, retail shops, bars, pubs, clubs, restaurants, takeaways and fast food premises and the supporting infrastructure such as taxis and private hire vehicles, late night buses, and late night street cleaning. All late opening licensed premises would be part of the late night economy

- 2.3 Whilst the night time economy is important to Newark there is no single strategy that addresses the important factors that go to make a successful and safe night time economy. The Councils Licensing Policy is perhaps the most important but this is very clearly geared towards the four licensing objectives and does not take account wider cultural and economic issues.

- 2.4 Over the past twelve months Newark has seen an increase in the number of licensed premises that have been seeking to extend their operating hours into the early mornings, particularly at weekends. Many of these applications have given rise to representations from both the police and local residents concerned at the extension of trade into the early hours and the subsequent risk of crime and disorder.

- 2.5 Issues with the night time economy are not unique to Newark. Most cities and towns across the UK are experiencing some negative side effects of a having a vibrant night life. Locally the police have seen an increase in the numbers of incidents of crime and anti-social behaviour recorded during the late evening and early mornings mainly associated with the consumption of excess alcohol.

**3.0 Policy Context**

- 3.1 The development and subsequent management of the night time economy is influenced by a wide range of national and local policies. Government policy and legislation such as the Licensing Act 2003 and the national alcohol strategy is passed to local government and agencies to implement. Below are some examples of how duties and responsibilities are carried out in Newark.

- a) Newark and Sherwood District Council, has a key responsibility in respect of defining the development and management of the daytime, evening and late night economies through its planning, environmental protection and licensing powers.
- b) Nottinghamshire County Council holds the public health remit for Newark and Sherwood and a new duty to improve the health and wellbeing of Nottinghamshire's residents and it also commissions drug and alcohol services.
- c) Nottinghamshire Constabulary has a role in reducing crime and disorder.

3.2 Sitting alongside these duties is an increasing awareness that people taking personal responsibility for their actions has an increasing part to play. Promoting positive messages and engendering behaviour change are an important part of the national alcohol strategy.

3.3 Because of the range and number of agencies involved in night time economy it presents a complex challenge for all the agencies and organisations involved.

#### **4.0 Night Time Economy Challenges**

4.1 As stated above there has been a recent trend for premises to increase their operating hours into the early morning.

4.2 Alcohol from off-licences costs on average around one third of the cost of alcohol bought from pubs, bars and clubs and drinking at home before a night out – 'pre-loading' - has become common. Feedback from bus and taxi drivers indicates that a number of people are being transported into the town who are already drunk.

4.3 The distribution of alcohol-related violent crime and anti-social behaviour is concentrated in the Castlegate area but does affect the whole town centre. A venue in Newark frequently features as the premises with the highest number of incidents over a weekend period. The peak days for alcohol-related crimes are Saturday and Sunday and peak times are between 11.00pm and 2.30am.

4.4 Due to the number of incidents Nottinghamshire police have to specifically target their police resources to the Newark night time economy and allocate more officers during weekend evenings.

4.5 Currently, the presumption within licensing legislation is that license applications will be granted unless there are representations that clearly evidence that an application will conflict with the licensing objectives which are set out in the Licensing Act 2003. Therefore, if an application is refused without this evidence it could be challenged. In practice, this means that there is little the licensing authority can do to prevent a high density of licensed premises. Whilst a Cumulative Impact policy can be introduced and this has never seriously been considered and it should be noted that this is not statutory and decisions to decline new licences can be overturned on appeal. Cumulative impact (CI) allows licensing authorities to limit the density of licensed premises in problem areas. CI is not mentioned specifically in the Licensing Act 2003 but is referred to in the guidance issued by the Home Secretary as meaning "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area."

4.5 Equally, the Licensing Act 2003 has no licensing objective in England and Wales to protect public health. However as a part of the national alcohol strategy the Government is proposing that health impacts be considered in license applications.

## **5.0 Proposals**

5.1 In order to achieve a strategic and coherent approach to the management of the night time Economy in Newark it is proposed that

## **6.0 RECOMMENDATION**

**That Members are asked to consider the development of a Night Time Economy Strategy and Action Plan for Newark**

### Background Papers

Nil

For further information please contact Alan Batty on 01636 655467

Karen White  
Director – Safety

