

# Public Document Pack



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Y Rhadyr  
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Monday, 22 January 2018

**Notice of meeting / Hysbysiad o gyfarfod:**

## **Licensing and Regulatory Committee**

**Tuesday, 30th January, 2018 at 10.00 am,**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting held on 26th September 2018	1 - 8
4.	Review Of Annual Licensing Fees For Financial Year 2018/2019	9 - 20
5.	Monmouthshire Busking Code of Conduct	21 - 38
6.	Film Classification Policy	39 - 60
7.	To note the date and time of the next meeting  13 <sup>th</sup> March 2018 10am  13 <sup>th</sup> March 2018 1pm – Special Meeting – Rights of Way Advisory Panel	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong  
J. Higginson  
A. Easson  
M.Lane  
J.Pratt  
R.Roden  
J.Treharne  
R. Edwards  
D. Evans  
L. Guppy  
F. Taylor  
A. Webb

## Public Information

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### Watch this meeting online

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### Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held  
at on Tuesday, 26th September, 2017 at 10.00 am

**PRESENT:** County Councillor B. Strong (Chairman)  
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, M.Lane, J.Pratt, R.Roden,  
J.Treharne, R. Edwards, D. Evans and L. Guppy

### **OFFICERS IN ATTENDANCE:**

Sam Winn	Licensing Officer
Leigh Beach	Licensing Officer
David Jones	Head of Public Protection
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

#### **1. Apologies for absence**

County Councillor A. Webb and F. Taylor

#### **2. Declarations of interest**

None received.

#### **3. To confirm and sign the minutes of the previous meetings**

The following minutes of the Committee were confirmed and signed by the Chairman;

- Licensing and Regulatory Committee 23<sup>rd</sup> May 2017
- Licensing and Regulatory Sub Committee 23<sup>rd</sup> May 2017

In regard to events as referred to in the Public Protection report presented at the Licensing and Regulatory Committee 23<sup>rd</sup> May 2017 the Head of Public Protection advised that prior to each large public event held in Monmouthshire such as concerts and food festivals his team liaises with the organisers and partners to ensure all safety measure are met. They also have debriefing sessions with organisers and partners.

#### **4. Hackney Carriage and Private Hire Vehicle Conditions**

### **PURPOSE**

To consider the current licensing requirements for vehicles with 5 - 8 seats.

### **RECOMMENDATION**

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am**

Members are requested to decide on one of the following options –

1. To retain the existing 5-8 Passenger vehicle passenger check currently adopted by Monmouthshire County Council.
2. To retain the existing 5-8 Passenger vehicle passenger check currently adopted by Monmouthshire County Council and also include the requirement - Any entrance / exit gap between the seat and door pillar must accommodate an adult passenger and allow them to pass freely, therefore any gap must exceed 350mm in width.
3. Members remove item 1 – No seats shall be moved to allow any passenger to enter or egress the vehicle and remove from item 7 the line – There must be a clear passageway to each row of seats from the existing 5-8 Passenger vehicle check.
4. Members remove the requirement for further checks of 5-8 Passenger vehicles entirely from the current conditions.
5. If the existing policy is altered, then the revised policy goes out on consultation to the taxi trade for comment and input.

#### **KEY ISSUES**

In the interest of passenger safety a report was submitted to the Licensing and Regulatory Committee in July 2002, recommending that Members approve conditions relating to the carrying of 7-8 passengers. The condition required all licensed hackney carriage and private hire vehicles to provide direct access and egress to a door for all passengers. This condition was approved and then updated on the 15th March 2010 to include vehicles carrying more than 4 passengers.

A further report was then submitted to the Licensing and Regulatory Committee on the 17<sup>th</sup> June 2014 following a request from the trade to reconsider its current policy, specifically to remove the condition that requires access and egress without the need to move another seat for 5-8 passengers. At this hearing Members rejected the request of the trade and in the interest of public safety retained this condition. This was further upheld and continued to remain in force when the taxi and private hire policy was revised on 1st April 2016 and 13th September 2016, following consultation with the trade. The 5-8 Passenger vehicle check criteria within the current taxi and private hire policy of Monmouthshire County Council.

In July 2017 a request was received from a taxi proprietor asking the Authority to reconsider its current policy, specifically to remove the condition that requires access and egress without the need to move another seat. The driver specifically refers to his vehicle being classed as a minibus and not a Multi-Purpose Vehicle, (MPV).

The request made to review the policy is made in relation to the vehicle purchased by the proprietor of a Ford Tourneo Custom. The proprietor has supplied the EuroNCap

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am

report, which is the safety test required for every vehicle before a vehicle is able to be sold to the public, for consideration.

It is recognised that the safety of the vehicle is not put into question, a person will purchase a vehicle for personal use for their individual needs. The policy was put in place by Monmouthshire County Council to cater for varying aspects of usage by persons of different ability, age and accidents. The choice of vehicle and criteria on behalf of the public is decided by Monmouthshire Council when a plate is issued. Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permits an authority to attach a condition they consider reasonably necessary for hackney carriages, which can include the conditions permitted for private hire vehicles, whereby type, size, design, safety and its comfort can be a factor before a vehicle is issued with a licence.

Following this request, on 8th August 2017 consultation was conducted with the Welsh Licensing Expert Panel for all Welsh Authorities to consider the criteria for 5-8 vehicle checks. Four Authorities replied, namely Caerphilly, Ceredigion, Merthyr and Powys who stated they do not have special criteria of testing of 5-8 vehicles. However, Ceredigion do have conditions for accessibility of a vehicle if seats are adapted for wheelchair use.

Previous enquiries with neighbouring Authorities is summarised in Appendix four, with Torfaen and Blaenau Gwent currently requiring access and egress without the need to move another seat.

Similarly, in 2014 Powys County Council submitted a report to their Licensing Committee with regards to their policy on passenger safety (report attached as appendix five). The report referred to an appeal by a Hackney Carriage Proprietor in November 2003 to the Magistrates Court against the decision of the Council not to licence the full seating capacity of his MPV. The magistrates upheld the decision of the Council. Powys referred to a survey within this report which revealed that the Authorities retaining a policy on requiring direct access to all seats without the need to lower the back of a seat are now in the minority. Powys Council at that time decided to remove this condition.

As requested by the proprietor we have viewed the conditions attached to vehicles licensed by English Authorities to get a more national approach. Herefordshire County Council have the following condition attached

Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

The following is also in addition to all other conditions and applies to mini buses and MPVs that are licensed as private hire vehicles and taxis:

The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers. Wakefield Council insists on a minimum of two means of exit from the passenger compartment behind the driver. The exits must be free of any obstructions and reachable from all parts of the rear passenger compartment. Any entrance / exit gap between the seat and door pillar must accommodate an adult

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am**

passenger and allow them to pass freely therefore any gap must exceed 350mm in width.

The Royal Society for the Prevention of Accidents (ROSPA) issued Minibus Safety, A Code of Practice in August 2015. With regards to accessibility it states on page 45 of the document

It is vital that passengers can easily board and leave the vehicle during normal use, and in an emergency. Every passenger must have easy access to the doors, which should be kept unlocked. Gangways must be kept clear of luggage at all times.

Good accessibility also means that passengers should be able to enter and exit the vehicle comfortably.

On 15th September 2017, a site visit to Raglan Depot was arranged for Members of the Licensing and Regulatory Committee to view several vehicles licensed by Monmouthshire with seating capacity between 5-8 passengers. Of those vehicles were ones which could be licensed for the full asking capacity of 8 seats and some which would be granted a lesser capacity due to seats not having enough egress capacity. Following this site meeting the proprietor requesting the change in conditions for seating capacity submitted further information and to assist photographs of the vehicles are also submitted.

It was noted by Members at the site meeting that the acceptable gap for egress from a vehicle without the need of a seat being folded was at the discretion of the Officer inspecting that vehicle, and this may also need to be taken into consideration of whether to adopt a minimum width of 350mm, as adopted by Wakefield in 3.8 above, should the decision be taken to retain the 5-8 passengers testing criteria.

Monmouthshire currently licence 108 vehicles, (45 Hackney Carriage, 63 Private Hire) that are licenced to carry between 5 and 8 passengers. Out of the 108 vehicles 27 were refused the passenger capacity they requested as it failed to meet the standards of the 5-8 passenger testing criteria conditions currently adopted by Monmouthshire Council.

### **MEMBERS COMMENTS**

The Councillors which attended the Raglan depot were invited to speak first, during discussion the following points were raised;

- Concerns were raised regarding vehicle access and it was felt there was insufficient room to exit the vehicle easily, especially in the event of an accident.
- On the day of the demonstration at the Raglan Depot the owner of the vehicle who has experience of lifting the seat had difficulty moving the seat, which suggested to Members that an inexperienced person would find it incredibly difficult to do this.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am

- A Member commented that in the event of an accident it is impossible to predict where on the vehicle the impact would take place, highlighting the essential necessity to have easy access/egress from all seats in the vehicle.
- The Officers were thanked by a Member for their work on this issue and for arranging the demonstration of the vehicles to allow Members to witness in person the access/egress from the vehicle.
- A Member spoke of their number one priority being public safety and as such could not support changing the Council's policy.
- A Member who has experience of driving buses commented that it was essential that nothing obstructed the emergency exit and that safe exit is vital.
- It was asked if the policy was changed to license this vehicle, would the Council be liable in the event of an accident and was answered by Officers that the liability would be with the vehicle owner.

Subsequent to the Member's comments Mr Watkins, the owner of the vehicle the Members witnessed at Raglan depot was invited to speak.

Mr Watkins raised the following points;

- The vehicle is not one he would buy for his family, he specifically bought it as a taxi vehicle.
- The vehicle is lower on emissions than older vehicle which have a private hire license.
- This vehicle has a step which allows easy access/egress.
- It is unfair to run through hypothetical crash scenarios, as have other MCC vehicles been crash tested?
- If he had been aware of MCC's policy he would not have purchased the vehicle.

In response to Mr Watkins, the Head of Public Protection replied with the following comment;

- In terms of taxi policy, Appendix One was sent to Mr Watkins at his request which clearly states MCC's position on vehicles of this size.

It was proposed by County Councillor j. Higginson and seconded by County Councillor D. Evans to retain the existing 5-8 Passenger vehicle passenger check currently adopted by Monmouthshire County Council.

Upon being put to the vote this was unanimous.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am

Mr Watkins was informed that he 21 days to appeal this decision at a Magistrates Court.

#### **5. Wheelchair Accessible Vehicles**

##### **PURPOSE:**

To agree to the Local Authority maintaining a list of “designated vehicles”, that is a list of wheelchair accessible Hackney Carriage and Private Hire Vehicles in accordance with Section 167 of the Equalities Act 2010.

##### **RECOMMENDATION(S):**

It is recommended that:-

Members approve a list of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles.

#### **3. KEY ISSUES**

The Equalities Act 2010, on 6th April 2017 introduced changes to encompass wheelchair accessible vehicles within the taxi trade. The changes in the Act gives licensing authorities the power to maintain a list of wheelchair accessible Hackney Carriages (Taxis) and Private Hire Vehicles (PHVs). This means that licensing authorities can choose whether they wish to maintain a list of designated vehicles. However, it is strongly recommended by the Secretary of State that all licensing authorities to do so, as the objective of this provision is improve the travelling experience for people who use wheelchairs. This list is solely for wheelchair accessible vehicles.

Prior to the change in legislation, the Licensing Section already held details of those vehicles that were wheelchair accessible. The current Taxi and Private Hire Policy and Conditions adopted by Monmouthshire County Council in 2016 also referred to disability awareness and the duties of drivers should a wheelchair user wish to use a Taxis or PHVs (See Appendix A). As such, it seemed logical to designate the list as measures were already currently in place.

The law did not state, the extent of the details that need to be placed on the list. To assist it's users and to ensure compliance, the 20 vehicles held on record as being wheelchair accessible were written to on 3rd May 2017. This letter explained that a list

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am

of designated wheelchair vehicles was to be placed on Monmouthshire County Council website, which if agreed by them, would include the following details;

- Licence Number
- Car Registration Number
- Vehicle
- Total Passenger Capacity
- Company
- Company Telephone Number

The letter further advised them that once they were placed on this designated list, the drivers of those vehicle must adhere to the following duties under Section 165 of the Equalities Act 2010:-

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

All 20 of those vehicle owners, agreed to being placed on the designated wheelchair accessible list and the list was duly placed on the Council's website.

However, at the Welsh Licensing Expert Panel Meeting held on 28th June 2017, it was recommended that Licensing Committees should agree to a designated wheelchair accessible vehicle be adopted by their individual Authorities, even though this was not stipulated within the changes under the Equalities Act 2010.

The reasons given were that an Authority can designated a vehicle as wheelchair accessible upon its list without the consent of the owner. The vehicle owner can then appeal to the Magistrates of the Authorities decision to be placed on the list. It is felt that if Committees have adopted this list, they can then hold a hearing if a person does not want to be placed on a designated list prior to an appeal at the Magistrates Court.

Furthermore, it was noted at this meeting Section 166 of the Equalities Act 2010 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. If no medical certificate is submitted from the Medical Practitioner stating reasons why the driver should be exempted from such duties the matter should be deferred to a hearing for a decision of exemption from such duties.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 26th September, 2017 at 10.00 am**

As such, this report requests the Licensing and Regulatory Committee to formally adopt a designated vehicle list of wheelchair accessible Hackney Carriages and Private Hire Vehicles.

#### **MEMBERS COMMENTS**

During discussion the following points were raised;

- Members raised the need for disability awareness training to be given to all drivers.
- It was felt that all drivers who assist wheel chair users need to be physically healthy.
- Upon learning that disability awareness training was not mandatory, Members asked if this is something we could look to support in future.

Upon being put to the vote the Members unanimously voted to support Officer's recommendation to approve a list of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles.

#### **6. To note the date and time of the next meeting as 14th November 2017 10am**

**The meeting ended at 11.05 am**

## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Review Of Annual Licensing Fees For Financial Year 2018/2019</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>30<sup>th</sup> January 2018</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

### 1. PURPOSE:

- 1.1 To agree the Authority's licence fees for 2018-19.

### 2. RECOMMENDATION(S):

- 2.1 Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2018-19", subject, where relevant, to any required public notice.
- 2.2 Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration .

### 3. KEY ISSUES

- 3.1 The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.
- 3.2 The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).
- 3.3 Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. Members will clearly also need to be mindful of the potential burden on businesses of increasing costs, and to weigh that against potential burden of underwriting the costs of administering various licensing functions.
- 3.4 Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. Appendix A provides a summary of these assessments of actual cost along with the current fees.
- 3.5 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire vehicles. It is recommended that any objections to a variation be brought back to Committee for consideration.
- 3.6 The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment

Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21<sup>st</sup> May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 13<sup>th</sup> March 2017 to review the Gambling Act fees to commence 21<sup>st</sup> May 2017.

#### **4 REASONS**

- 4.1 The fees are set at a level that will recover the costs associated with administering them.
- 4.2 Duly made objections must be considered.

#### **5. RESOURCE IMPLICATIONS:**

The Schedule of fees in Appendix A are set out to ensure the recovery of reasonable costs. If fees are set below the level indicated, the Authority will be underwriting the cost of some licenses. For the reasons set out in para 3.2, the Authority cannot legally set the fees higher than the cost recovery basis set out in Appendix A.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:**

- 6.1 An evaluation has been provided in Appendix B to consider the effect of the schedule of Fees proposed for 2018-19.
- 6.2 It should be noted that Council tax receipts and Revenue Support Grants are insufficient to fund the full extent of Council services so increasing fees and charges helps sustain our services into the future for customers, as opposed to potentially withdrawing services.

#### **7. CONSULTEES:**

None

#### **8. BACKGROUND PAPERS:**

None

#### **9. AUTHOR:**

Linda O’Gorman Principal Licensing Officer

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Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

## APPENDIX A

### SCHEDULE OF LICENCE FEES FOR 2018-19

	Current Fees 2017/2018	Proposed Fees 2018/19
<b>1. LICENSING ACT 2003</b>		
Premises Initial (Dependant on Business Rate)	£100.00 - £1,905.00	Fee Set By Central Government
Premises Annual (Dependant on Business Rate)	£ 70.00 - £1,050	
Personal Licence Holder	£37.00	
Temporary Event Notice	£21.00	
Theft, loss, etc of premises licence or summary	£10.50	
Provisional Statement	£315.00	
Notification of change of name and address	£10.50	
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00	
Application for transfer of premises licence	£23.00	
Interim authority notice following death etc. of licence holder	£23.00	
Theft, loss etc. of certificate or summary	£10.50	
Notification of change of name or alteration of rules of club	£10.50	
Change of relevant registered address of club	£10.50	
Theft, loss etc. of temporary notice	£10.50	
Theft, loss of personal licence	£10.50	
Duty to notify change of name and address	£10.50	
Right of freeholder etc. to be notified of licensing matters	£21.00	
Land without rateable value	Band A	
Land without rateable value – when a building is under construction	Band C	
Application to remove the mandatory condition requiring a DPS at Community Halls	£23.00	
Application for a Minor Variation on a Premises Licence or Club Premises Certificate	£89.00	
<b>2. SAFETY AT SPORTS GROUND CERTIFICATE</b>		
Sports Ground Safety Certificate/Safety Certificate for a Regulated Stand SGSC/SCRS	£1,307.00	£1419
The Amendment, Replacement, Transfer of a SGSC/SCRS	£78.00	£199
<b>3. GAMBLING ACT 2005</b>		
<b>(For Premises and Permit Fees please refer to separate list)</b>		
Lotteries		Fee Set By Central Government
Initial	£40.00	
Renewal	£20.00	
<b>4. STREET / HOUSE COLLECTIONS</b>		
No Fee charged under current legislation.		
<b>5. HACKNEY CARRIAGE / PRIVATE HIRE</b>		
(a) Hackney Carriage Vehicle - New	£203.00	£222
Hackney Carriage Vehicle – Renewal	£153.00	£159
Hackney Carriage Vehicle - Substitution (Transfer of Vehicle)	£203.00	£222
(b) Horse Drawn Hackney Carriage Vehicle – As 5(a) above.		
(c) Private Hire Vehicle – New	£204.00	£214
Private Hire Vehicle – Renewal	£165.00	£165
Private Hire Vehicle - Substitution (Transfer of Vehicle)	£204.00	£214
(d) Private Hire Operator – New	5yr £756.00	5yr £765
Private Hire Operator – Renewal	5yr £753.00	5yr £754
(e) Driver Licence (Dual Badge) – New	3yr £192.00	3yr £194
Driver Licence (Dual Badge) – Renewal	3yr £158.00	3yr £159
(f) Knowledge Test – Torfaen Training (TT)	£60.00	Set By TT
(g) Resit of Knowledge Test – Torfaen Training (TT)	£30.00	Set By TT
(h) Safeguarding Children and Vulnerable Persons Training – Torfaen Training (TT)	£35.00	Set By TT
(i) Disclosure and Barring Service Check (DBS)	£44.00	Set By DBS
<b>6. STREET TRADING CONSENTS</b>		
Annual Street Trading Consent - New	£600.00	£456
Annual Street Trading Consent – Renewal	£376.00	£376
Annual Block Street Trading Consent - New	£705.00	£770
Annual Block Street Trading Consent - Renewal	£464.00	£505
Street Trading Consent– Substitution (Replacement Vehicle)	£345.00	£345
Day Street Trading Consent – For Events (no entrance fee)	£43.00	£46
Day Block Street Trading Consent – For Events (no entrance fee)	£122.00	£134

**7. SCRAP METAL DEALERS**

(a) Site Licence - New	£364.00	£381
Site Licence – Renewal	£289.00	£307
Site Licence – Change of Details	£35.00	£35
(b) Collectors Licence – New	£325.00	£411
Collectors Licence - Renewal	£233.00	£273
Collectors Licence – Change of Details	£35.00	£35

**8. BOATS**

(a) Pleasure Boat Licence - New	£349.00	£366
Pleasure Boat Licence – Renewal	£127.00	£141
Pleasure Boat Licence – Transfer of Boat	£349.00	£366
(b) Pleasure Boatman’s Licence - New	£98.00	£101
Pleasure Boatman’s Licence – Renewal	£85.00	£97

**9. SEX ESTABLISHMENTS**

Sex Establishment - New	£410.00	£427
Sex Establishment – Renewal	£141.00	£154
Sex Establishment – Transfer of Premises Usage	£410.00	£427

**10. HYPNOTISM**

No Fee charged under current legislation.





monmouthshire  
sir fynwy

## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<b>Name of the Officer</b> completing the evaluation David H Jones  <b>Phone no:</b> 01633 644100 <b>E-mail:</b> davidhjones@monmouthshire.gov.uk	<b>Please give a brief description of the aims of the proposal</b>  Slight uplift in discretionary fees (though some remain static), to fully meet the costs of service provision.
<b>Name of Service</b>	<b>Date Future Generations Evaluation form completed</b>  22/01/2018





**NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc**


1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Fee levels are set on a cost recovery basis, minimising costs to the trade.	
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	The revised fee structure provides for separate safeguarding of children and vulnerable persons training, with the aim of improving awareness and service standards.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	Fee revenue ensures sustainable Licensing Service maintained, providing public reassurance Licensing standards are complied with.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Fee recovery will ensure certificate and badges displayed to the public is bilingual.	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	Fee levels should not preclude anyone to undertake their business in a fair and safe manner.	

**2. How has your proposal embedded and prioritised the sustainable governance principles in its development?**

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Long Term</b></p> <p>Balancing short term need with long term and planning for the future</p>	<p>Slight fee increases, ensure the Licensing Service provides sustainable provision into the future.</p>	
 <p><b>Collaboration</b></p> <p>Working together with other partners to deliver objectives</p>	<p>MCC Licensing have ensured reduced cost of additional training – knowledge test and safeguarding – by collaborating with Torfaen Training.</p>	
 <p><b>Involvement</b></p> <p>Involving those with an interest and seeking their views</p>	<p>Schedule of fees advertised and any legitimate objections can be brought back to Committee for final decision.</p>	
 <p><b>Prevention</b></p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Slight increases in discretionary Licensing fees will ensure a continuing service, incorporating preventative measures where necessary (CCTV provision etc).</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Key service aim is to ensure safe venues, vehicles, drivers, etc.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk)

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Sustainable fee levels will ensure quality service maintained, protecting vulnerable customers.		
Disability	As above.		
Gender reassignment			
Marriage or civil partnership			

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Pregnancy or maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Welsh Language			

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?

Safeguarding	Fee set – see schedule 5(h) – to cover training of Licensed drivers in safeguarding issues.	Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.	
Corporate Parenting			

**5. What evidence and data has informed the development of your proposal?**

All Licensing fees and charges are reviewed annually, to ensure cost recovery in service delivery.

Page 18

**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

The slight increases proposed will ensure the Licensing service can meet customer expectations, and continue to protect the public.

**7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress
Comments from taxi trade to be considered. Return to	March 2018	Linda O’Gorman	

Licensing and Regulatory Committee if required.			

**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	5 <sup>th</sup> October 2018
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Page 19

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	L&R Committee Report	30/01/2018	

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Monmouthshire Busking Code of Conduct

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing & Regulatory Committee

**Date to be considered:** 30<sup>th</sup> January 2018

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider the code of conduct (Appendix A) to be introduced for the County of Monmouthshire. The document has been agreed by a partnership group including Monmouthshire County Council Licensing Section, Heddlu Gwent Police, Retail Premises management and buskers in Monmouthshire.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members consider and provide comments if required before Gwent Police and the Licensing Section implement the code of conduct and distribute to buskers for compliance.

### 3. KEY ISSUES

- 3.1 Gwent Police received a number of complaints regarding buskers who regularly visited Abergavenny town centre for busking purposes on a weekly basis in the summer of 2017. Buskers were reportedly and observed by PC's and PCSO's playing music sometimes all day, often from one location in the street and some repeating a short playlist of songs over and over again. If other buskers appeared on occasions the busker would try to perform close to the other busker increasing the volume of amplification to try and mask the other performer. This caused numerous premises from High Street and even Nevill Street to complain because the music was at a high volume.
- 3.2 Gwent Police initially assumed it would be a licensing function. However as detailed in the code of conduct busking is often an incidental form of entertainment and is not regarded a licensable activity under the Licensing Act 2003. The Live Music Act 2012 also enabled any performance of Live Music without the need of a licence from the hours of 08:00am to 11:00pm.
- 3.3 Gwent Police PCSO Amanda Yung and Monmouthshire County Council's Licensing Officer, Leigh Beach visited business premises in town for their views. Further meetings was held the shop owners at Abergavenny Police Station to gather an understanding of their complaints, which were mainly;
- Volume
  - Poor quality music
  - Repetitive music
  - Duration of performance
  - Distance to shop entrance
  - Use of public benches

- Rude when approached

Gwent Police tried to approach some buskers who were reported for nuisance, in order to deal with the complaint. However, later the same day or the following week the busker often returned to cause the same or similar problems.

- 3.4 Licensing conducted research into other Authorities that look to control busking activities mainly large City Centres, whereby busking is a common and daily activity. It became apparent that a code of conduct seems to be the preferred approach to control and offer advice and guidelines to buskers and people who wish to complain about a busking activity. London and Manchester both have a clear and helpful code of conduct in place.
- 3.5 We approached some of the buskers to inform them of our intentions and discuss our ideas. The buskers agreed it would be helpful to have set of guidelines for all to follow and also a point of contact should other buskers not follow the code of conduct.
- 3.6 One of the charity shops on Frogmore Street informed Licensing and Police that volunteer staff refused to work on certain days because the buskers outside the premises were causing such a nuisance it was unbearable. The charity shop also has a quiet room for people of family members who are struggling with cancer or fatality due to cancer. This room became unusable on certain days if the busker performed outside all day and refused to move away from the premises. As such, the Code of Conduct has recognised this and has refused this area being used for busking purposes.
- 3.7 The code of conduct has been approved by the partnership, referred to in 1.1 above and Heddli Gwent Police have agreed to place their logo on the document. The Code of Conduct has also been endorsed by Monmouthshire County Council's Legal Section. The Code of Conduct for Busking is attached to this report as Appendix A and will be available on the Monmouthshire website for everyone to view bilingually.

#### **4. REASONS:**

- 4.1 For the Licensing and Regulatory Committee to consider the Monmouthshire Code of Conduct on behalf of the Authority, as recommended by the partnership mentioned in 1.1 above.

#### **5. RESOURCE IMPLICATIONS:**

- 5.1 No resource implications

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix B. The Monmouthshire Busking Code of Conduct will assist it's users.

#### **7. CONSULTEES:**

None

#### **8. BACKGROUND PAPERS:**

None

#### **9. AUTHOR:**

Leigh Beach

Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644224

Email: [leighbeach@monmouthshire.gov.uk](mailto:leighbeach@monmouthshire.gov.uk)

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## **Monmouthshire Busking – Code of Conduct**

Monmouthshire welcomes buskers. If you are a talented performer and would like to perform in one of our popular town centres please ensure you follow this code.

This document has been produced by a partnership working with local businesses, buskers, Monmouthshire County Council and Gwent Police. The town centre areas of Abergavenny, Monmouth, Chepstow, Caldicot and Usk are most likely to be used for busking.

The aim of this document is to set clear rules for buskers to follow to ensure busking can be conducted lawfully to enhance our town's culture without generating complaints.

### **Busking**

A performance to the passing public who sometime very generously provide tips for enjoying the performance.

The busking activity is usually a live music performance however some people also perform magic, living statues, jugglers and sand sculptures.

### **Where to Busk**

Busking can be done lawfully without the need of a licence on public land. If you intend to busk on private land please contact the land owner for permission.

Monmouthshire has many town centre areas that are suitable for busking with a number of market/ retail shoppers and a healthy amount of tourists visiting our towns each day.

Make sure you set up in a sensible location whereby you and your audience (if you are good enough to attract a crowd) doesn't block any of the following;

- Doorways
- Shop entrance
- ATM's
- Toilets
- Benches

When you arrive at a suitable location please make sure another busker isn't audible at your location, we do not want a sound clash competition in the street. Please wait for the other busker to finish or move to another suitable location further up the street.

Please do not busk in one location for more than one hour. If you intend to busk for longer please stop and find another location further up the street or around the corner. Another busker may be waiting for your location, please share.

We do not permit busking in the area labelled Frogmore Street on the plan below. Slope area of Frogmore Street, Abergavenny.



We recognise town dynamics may change in the future, subject to consultation with the partnership members mentioned above this and other areas may be added, removed or amended when necessary.

### **Performance**

We hope you enjoy performing within Monmouthshire but we also need to ensure our public and community enjoy the performance, if you are creating a disturbance to anyone please be willing to adjust the performance or relocate if necessary.

Please do not use offensive language if you are singing and please do not perform under the influence of alcohol.

If you are approached by a local resident or shop worker please be polite approachable. If they give you a reason why you are causing them a disturbance please be willing to make changes or move to another area.

### **Sound**

The biggest cause of complaints against buskers is often the volume. Sound will travel along the street and into nearby residential and retail properties. People inside aren't able to walk away if they do not like the performance so please be mindful of others in the area other than the passing crowd you see.

The volume of a musical performance should be just above the background noise in the street.

Check your equipment and instruments before you commence, make sure it is not distorted.

If you are using amplified music as backing tracks make sure it is also a low volume.

Variety is the spice of life, if performing music please do not repeat songs this will inevitably cause annoyance and complaints.

### **Equipment**

Try not to cause any trip hazards in the street.

Do not park a vehicle beside you.

Never leave your belongings unattended, we do not want to receive a call regarding a suspicious package whilst you are having a lunch break.

You may have an open case or hat to collect any donations from the public, please do not use charity collection tins without a street collection permit.

Do not use signage asking for money, this may be seen as begging and not busking.

Do not cover your face and always carry a recognised form of identification with you.

Try to avoid any equipment with sharp corners.

You may not sell CD's without street trading consent issued by the Licensing Section.  
Do not use a generator for any purpose.

### **Complaints Against Buskers**

If a busker is causing you a nuisance please follow the following steps:

#### **Step 1**

Make note of the time the busker starts to cause a disturbance/nuisance to you or your staff. Approach the busker politely and explain why they are causing you a discomfort, for example ask them if they could turn the volume down or move to another location.  
and  
Ask him/her/them if they know about the Monmouthshire Busking Code of Conduct.

#### **Step 2**

If the Busking continues to cause a nuisance please contact 101 for Gwent Police or the Licensing/Environmental Health Sections of Monmouthshire County Council for assistance.

### **Law & Enforcement**

Busking is not illegal and you are not required to hold a licence, however if you are causing a disturbance or are breaching the law in other ways Licensing Officers or Police Officers will take action if required.

#### **Anti-social behaviour**

- If your behaviour is unreasonable and you are having a persistent, detrimental effect on the quality of life of people in the area, you will receive a verbal warning.
- If you carry on, you could be issued with a formal warning letter, followed by a Community Protection Notice under the Anti-social Behaviour, Crime and Policing Act 2014.
- If you breach the notice you could be issued with a fixed penalty notice (£100) or prosecuted in court.

#### **Noise nuisance**

If you use amplification between 9pm in the evening and 8am in the following morning you could be charged under the Control of Pollution Act 1974.

If a sound is causing a persistent, detrimental effect on a person's quality of life, it could constitute a noise nuisance. If you are the cause of this sound and Council officers consider there to be a noise nuisance you could be issued with a Noise Abatement Notice under the Environmental Protection Act 1990. Breach of such a notice is an offence and potentially your equipment could be seized. The most common causes of noise complaints are;

1. volume at an unreasonable level
2. playing the same music repeatedly
3. not moving regularly

#### **Licensing Act 2003**

Busking is regularly regarded as incidental music i.e. the performance of music is incidental to people who visit the town for shopping purposes. However the activity may require a licence if public are visiting town to view a performance, for example with a busking festival therefore each activity will be treated on its own merit when considering what is a licensable activity or not under the Licensing Act 2003.

### **Obstruction of the highway**

If you or your audience block people's path you may be causing an obstruction and told to stop. If you carry on you could be charged under the Highways Acts (1980).

### **Intimidation or conflict**

If anyone is breaching the peace or intimidating others the police will take action. The person could be charged under the Public Order Act (1986).

### **Street Trading**

No one is permitted to sell items in the street without a street trading consent or exemption.

### **Begging**

No one is permitted to beg for money, the audience should be able to donate willingly or not, Begging is an offence under the Vagrancy Act (1824)

### **Street Collections**

The use of charity collection tins should only be used for registered charities that conduct authorised street collections with a street collection permit.

### **Insurance**

Depending on the nature of the performance and equipment used you may require public liability insurance, please seek insurance or legal advice on this matter.

### **Who to Contact**

If you would like to discuss this document or find out more information please contact;

Contact	Email	Telephone
Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL	<a href="mailto:Licensing@monmouthshire.gov.uk">Licensing@monmouthshire.gov.uk</a>	01873 735420
Licensing Section, Monmouthshire County Council, Chepstow Library, Chepstow, NP16 5EN	<a href="mailto:Licensing@monmouthshire.gov.uk">Licensing@monmouthshire.gov.uk</a>	01873 735420
Environmental Health, Abergavenny Monmouthshire County Council, Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL	<a href="mailto:environmentalhealth@monmouthshire.gov.uk">environmentalhealth@monmouthshire.gov.uk</a>	01873 735420
Gwent Police Headquarters, Croesyceiliog Cwmbran Torfaen NP44 2XJ	<a href="mailto:Abergavenny@gwent.pnn.police.uk">Abergavenny@gwent.pnn.police.uk</a>	101





monmouthshire  
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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation</p> <p style="text-align: right;">David H Jones</p> <p><b>Phone no:</b> 01633 644100</p> <p><b>E-mail:</b> davidhjones@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To consider the Monmouthshire Busking Code of Conduct created by a partnership group.</p>
<p><b>Name of Service</b></p> <p style="text-align: center;">Licensing Section</p>	<p><b>Date Future Generations Evaluation</b> form completed</p> <p style="text-align: center;">22/01/2018</p>




***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***



**1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>To provide guidelines for buskers to adhere to. Overall aim of causing less nuisance to town centre local residence, local businesses and members of the public visiting Monmouthshire</p>	
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and</p>	<p>To prevent noise nuisance and reduce pollution by prohibiting vehicles and generators</p>	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Implementation and compliance with the code of conduct will reduce complaints made to Heddlu Gwent Police and create a better atmosphere in the town centre	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The community concerned have provided support for the code of conduct and building relationships and communication through the Partnership	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Wales is a Nation passionate about music. The code of conduct will be accessible by all and circulated to our neighbouring Gwent Authority Licensing Sections	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The code of conduct will be available in English and Welsh on our website <a href="http://www.monmouthshire.gov.uk">www.monmouthshire.gov.uk</a> The author is a fluent Welsh Speaker	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	The code of conduct invites anyone to busk and perform various talents.	

**2. How has your proposal embedded and prioritised the sustainable governance principles in its development?**

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Long Term</b></p> <p>Balancing short term need with long term and planning for the future</p>	<p>Code of conduct subject to amendment for long term improvement of busking in Monmouthshire</p>	
 <p><b>Collaboration</b></p> <p>Working together with other partners to deliver objectives</p>	<p>Monmouthshire County Council collaborating with Heddlu Gwent Police, Local Businesses and buskers.</p>	
 <p><b>Involvement</b></p> <p>Involving those with an interest and seeking their views</p>	<p>Everyone involved in the partnership has been approached for an opinion and asked what they would like the code of conduct to achieve</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p data-bbox="152 496 291 523">Prevention</p> <p data-bbox="344 256 506 555">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="546 256 1312 419">Shop workers refusing to work shifts due to noise nuisance from busking and making complaints. Code of conduct is estimated to reduce complaints received by Heddlu Gwent Police against buskers and improve the noise levels in the street with the aim of preventing future problems.</p>	
 <p data-bbox="152 839 291 866">Integration</p> <p data-bbox="344 600 517 858">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="546 600 1323 738">Aid policing duties and enforcement with stronger community powers if required. if complied with the code will improve the retail premises and shoppers experience and provide a reasonable and clear guidelines to buskers.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk).

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Policy will enable young musicians and performers to practice their talents in front of members of the public		
Disability	The code of conduct will ensure shops/benches/toilets are all kept clear and not blocked by buskers. Improving accessibility in Monmouthshire town centres		
Gender reassignment	<i>Consider the provision of inclusive services for Transgender people and groups. Also consider what issues there are for employment and training.</i>		
Marriage or civil partnership	<i>Same-sex couples who register as civil partners have the same rights as married couples in employment and must be provided with the same benefits available to married couples, such as survivor pensions, flexible working, maternity/paternity pay and healthcare insurance</i>		
Pregnancy or maternity	<i>In employment a woman is protected from discrimination during the period of her pregnancy and during any period of compulsory or additional maternity leave. In the provision of services, goods and facilities, recreational or training facilities, a woman is protected from discrimination during the period of her pregnancy and the period of 26 weeks beginning with the day on which she gives birth</i>		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Race	<p><i>Think about what the proposal will do to promote race equality with the aim of: eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between persons of different racial groups. Also think about the potential to affect racial groups differently. Issues to look at include providing translation/interpreting services, cultural issues and customs, access to services, issues relating to Asylum Seeker, Refugee, Gypsy &amp; Traveller, migrant communities and recording of racist incidents etc.</i></p>		
Religion or Belief	<p><i>What the likely impact is e.g. dietary issues, religious holidays or days associated with religious observance, cultural issues and customs. Also consider what issues there are for employment and training.</i></p>		
Sex	<p><i>Consider what issues there are for men and women e.g. equal pay, responsibilities for dependents, issues for carers, access to training, employment issues. Will this impact disproportionately on one group more than another</i></p>		
Sexual Orientation	<p><i>Consider the provision of inclusive services for e.g. older and younger people from the Lesbian, Gay and Bi-sexual communities. Also consider what issues there are for employment and training.</i></p>		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	The code of conduct will be available in English and Welsh on our website <a href="http://www.monmouthshire.gov.uk">www.monmouthshire.gov.uk</a> The author is a fluent Welsh Speaker		Heddlu Gwent Police have agreed in principle to translate the document to others languages should a busker request it

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Licensing Officers and Heddlu Gwent Police will monitor busking activity on site and are fully aware of safeguarding responsibilities and also awareness trained	<i>Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	
Corporate Parenting	<i>This relates to those children who are 'looked after' by the local authority either through a voluntary arrangement with their parents or through a court order. The council has a corporate duty to consider looked after children especially and promote their welfare (in a way, as though those children were their own).</i>		

5. What evidence and data has informed the development of your proposal?

**6. SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

A more uniformed approach to those wishing to promote themselves as a busker.

Page 36

**7. ACTIONS:** As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Adhere to Welsh Language Measures with effect from 1 <sup>st</sup> April 2016.			

**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.



The impacts of this proposal will be evaluated on:

30<sup>th</sup> January 2018

9. **VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
			<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Film Classification Policy

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing & Regulatory Committee

**Date to be considered:** 30<sup>th</sup> January 2018

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 There is currently no formal policy or procedure for the Licensing Authority to deal with the classification of previously unclassified films, appeals by distributors against the BBFC (British Board of Film Classification) decisions or to reclassify films. This report considers the proposed Film Classification Policy to be adopted.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members approve the policy for Film Classification, attached to this report as Appendix A.

### 3. KEY ISSUES

- 3.1 Film classification is regulated primarily by means of the Video Recordings Act 1994 and the Licensing Act 2003. All cinemas and premises that show films are required to be licensed under the Licensing Act 2003 unless they are exempt by virtue of being 'community premises' as defined in the Act. Films are normally classified by the British Board of Film Classification (BBFC). However, some films are produced by small, local companies who will not have had their film classified. Added to this, though unlikely, an individual could request a local authority to overrule the classification given to a work by the BBFC.
- 3.2 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences that authorise the exhibition of films. This relates to the restriction on the admission of children to the exhibition of any film either in accordance with the film classification recommended by the BBFC or, if the Licensing Authority does not agree with the recommendation, to such other classification recommended by the Licensing Authority.
- 3.3 Ultimately, therefore, it is the local authority that has the final word in relation to the rating given to a film displayed in a cinema but in reality it would almost always be unwise to challenge the decision of the BBFC.
- 3.4 The Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the County.

- 3.5 A distributor of a film or other party may appeal to the Licensing Authority against the decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.
- 3.6 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of a film or films within the local area without a classification but subject to certain conditions and restrictions.
- 3.7 The introduction of the policy will provide greater consistency and transparency when undertaking film classification work. The policy and assessment of films will have due regard to the BBFC guidance.  
[http://www.bbfc.co.uk/sites/default/files/attachments/BBFC%20Classification%20Guidelines%202014\\_0.pdf](http://www.bbfc.co.uk/sites/default/files/attachments/BBFC%20Classification%20Guidelines%202014_0.pdf)

**4. REASONS:**

- 4.1 The Film Classification Policy attached as Appendix A was adopted by the Welsh Licensing Expert Panel on 6<sup>th</sup> December 2017 and it is recommended that Authorities in Wales adopt this policy for uniformity.

**5. RESOURCE IMPLICATIONS:**

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

**6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix B.

**7. CONSULTEES:**

None

**8. BACKGROUND PAPERS:**

Licensing Act 2003

Home Office – Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2017

**9. AUTHOR:**

Linda O’Gorman

Principal Licensing Officer

**CONTACT DETAILS:**

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Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)



monmouthshire  
sir fynwy

# Monmouthshire County Council's Film Classification Policy

30<sup>th</sup> January 2018

Further information can be obtained from:  
Licensing Section  
Monmouthshire County Council  
Abergavenny Community Education Centre  
Old Hereford Road  
Abergavenny  
NP7 6EL  
Tel: 01873 735420  
Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)  
Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

# FILM AUTHORISATION PROCEDURES

## 1. INTRODUCTION

1.1 The Council as the Licensing Authority is the responsible authority for authorising the public exhibition of films. Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself. As such the 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.

1.2 Where a premises seeks or intends to exhibit a film(s) that venue must be covered by a Premises Licence, Club Premises Certificate, Temporary Event Notice or benefit from an exemption under the Licensing Act 2003. Further information is available from the Licensing Authority.

1.3 The definition of children is any person under the age of 18 years.

1.4 Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.

1.5 In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

1.6 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); or
- b) An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).

1.7 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

- 1.8 In accordance with the National Guidance issued by the BBFC, 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.
- 1.9 Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.

## **2 PRINCIPLES IN DETERMINING APPLICATIONS**

The BBFC classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice.

- 2.1 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.
- 2.2 Where a licensed premises 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.
- 2.3 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. Material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 2.4 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.
- 2.5 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the County and does not affect the authorisation or recommendations in any other borough.
- 2.6 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 Licensing Section and listed on the Council's website.

- 2.7 The issue of any authorisation by the Council is strictly limited to the authorisation within the County and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 2.9 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. Specimen Recommendations for inclusion are included at Appendix 1.
- 2.10 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant 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. The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.
- 2.11 Where the Licensing Authority has determined to refuse authorisation of a film(s) clear and concise reasons shall be given.
- 2.12 The Licensing Authority will not charge a fee to classify a film. The charging of such fees to classify a film, will be subject to ongoing review by Monmouthshire County Council. Section 4(5) Video Recordings Act 1984 states, no fee is recoverable by, or in accordance with arrangements made by, the designated authority in connection with a determination in respect of a video work or the issue of a classification certificate unless the designated authority has consulted the Secretary of State about such fees.

### **3 PROCEDURE FOR RECLASSIFICATION AUTHORISATION REQUESTS FOR APPROVAL OF FILMS ALREADY CLASSIFIED BY THE BBFC**

- 3.1 Applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing and Regulatory Sub Committee / Licensing and Regulatory Committee on behalf of the Licensing Authority. This Sub Committee shall consist of 3 Members of the Licensing Committee. Applications should be submitted on the Licensing Authority's application form obtained from Licensing Section of the Council.
- 3.2 All requests shall be accompanied by the film(s) where possible in DVD format (or another agreed digital format) to avoid delays, the cost to be borne by the applicant. If this is not possible, then arrangements will be made for a suitable venue to view the film. This will allow the Licensing and Regulatory Sub Committee / Licensing and Regulatory 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.

- 3.3 Where an individual or organisation not connected with the film(s) requests re-classification 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.
- 3.4 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.
- 3.5 The Committee will then view the entire film and assess it against the BBFC guidelines.. The 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).
- 3.6 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.
- 3.7 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 unaccompanied by an adult.
- 3.8 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”

Or

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

#### **4 PROCEDURE FOR AUTHORISATION OF FILMS WHICH HAVE NOT BEEN CLASSIFIED BY THE BBFC OR THE COUNTY COUNCIL**

- 4.1 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 Licensing Officer to the Licensing and Regulatory Sub Committee / Licensing and Regulatory Committee for determination.
- 4.2 Applications should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening. If less than 28 days' notice is provided no request to review an officer decision upon the application will be considered. Application forms may be obtained from the Licensing Section of the Council.
- 4.3 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; and
  - (g) details of how age restrictions will be enforced.
- 4.4 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 this information, recommendations may be made on this basis alone.
- 4.5 However, the Licensing Officer may at his/her discretion request a copy of the film(s) on DVD format (or another agreed digital format), the cost to be borne by the applicant. If this is not possible, the Licensing Officer may agree to arrange for a suitable venue to view the film(s).
- 4.6 The Licensing Officer whilst viewing the film(s) may have regard to BBFC Guidelines and shall issue a Notice of Determination of the application within 5 working days from the date of the viewing.
- 4.7 When considering all such requests the Licensing Officer will pay particular attention to the Protection of Children from Harm Licensing Objective.

4.8 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.

4.9 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 following example::

“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”

4.10 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.

4.11 Where requests are made to the Licensing Authority to exhibit a film(s) to be shown to persons 18 and over 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.

4.12 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.

4.13 Save where less than 28 days’ notice of the application is given, the applicant will have a right to request a review of the Licensing Officer’s decision by the Licensing Sub Committee.

## 5 SECTION 20 LICENSING ACT 2003: EXHIBITION OF FILMS

- 5.1 All premises permitted to exhibit films are subject to the following mandatory conditions:
1. *Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.*
  2. *Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.*
  3. *Where:*
    - (a) *the film classification body is not specified in the Licence or Certificate; or*
    - (b) *the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.*
  4. *In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).*

## Appendix 1

### Specimen Recommendations in relation to films authorised for exhibition:

- a. The Age Recommendation e.g:

“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”

- b. That the premises licence or club premises certificate holder, adopt a suitable management policy and procedure to monitor and enforce the recommendations on age restrictions.
- c. That the premises licence or club premises certificate holder display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) for viewing by people aged [INSERT APPROPRIATE AGE] and above, but has not necessarily viewed it.
- d. That the age restriction applying to the exhibition of the film be incorporated within any promotional literature and on any relevant web site including where relevant the licence holder or exhibitor’s web site.

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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation</p> <p style="text-align: right;">David H Jones</p> <p><b>Phone no:</b> 01633 644100</p> <p><b>E-mail:</b> davidhjones@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To introduce a Film Classification Policy, in order to deal with restriction of children viewing films classified by the Licensing Authority in accordance with Section 20 of the Licensing Act 2003.</p>
<p><b>Name of Service</b></p> <p style="text-align: center;">Licensing Section</p>	<p><b>Date Future Generations Evaluation</b> form completed</p> <p style="text-align: center;">5<sup>th</sup> January 2018</p>

Page 51

***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***

**1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Ensures fairness across the County.</p>	
<p><b>A resilient Wales</b></p>		


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	People including children can benefit from the mental stimulation provided by the screening of films. It can develop their societal and cultural awareness.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	It is envisaged classifications conducted by Local Authorities will be community films, that is, films produced by members of Community, Town and County Councils and the general public.  It is possible that restricting children and young people from viewing films with adult content could potentially result in a decrease in anti-social behaviour.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation		





2025



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	All applicants requesting a classification of a film, will be conducted in a fair and equitable manner, following introduction of a policy.	

Fig 9.53. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>		

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Working together with other partners to deliver objectives</p> <p><b>Collaboration</b></p>	<p>The policy is approved by the Welsh Licensing Expert Panel.</p> <p>The aspect of classification does not lend itself to collaborative working as it is ultimately for the individual local authority to decide what rating should be applied to a particular film displaying within its administrative area.</p>	
 <p>Involving those with an interest and seeking their views</p> <p><b>Involvement</b></p>		
 <p>Putting resources into preventing problems occurring or getting worse</p> <p><b>Prevention</b></p>	<p>The policy will prevent films being shown without the relevant classification.</p>	
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p><b>Integration</b></p>	<p>The British Board of Film Classification (BBFC) has responsibility for rating most films that are exhibited in cinemas. It is only on very rare occasions that a local authority would challenge their decision..</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:<http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk).

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The introduction of a Film Classification Policy will provide protection to children, in particular, from potential harm, by providing a basis for controlling the material they are legally allowed to view and by ensuring the age restriction information is available at the point of entry to the viewing area with staff conducting age checks at the door to such viewing areas.		
Disability			
Gender reassignment	<i>Consider the provision of inclusive services for Transgender people and groups. Also consider what issues there are for employment and training.</i>		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	<i>Same-sex couples who register as civil partners have the same rights as married couples in employment and must be provided with the same benefits available to married couples, such as survivor pensions, flexible working, maternity/paternity pay and healthcare insurance</i>		
Pregnancy or maternity	<i>In employment a woman is protected from discrimination during the period of her pregnancy and during any period of compulsory or additional maternity leave. In the provision of services, goods and facilities, recreational or training facilities, a woman is protected from discrimination during the period of her pregnancy and the period of 26 weeks beginning with the day on which she gives birth</i>		
Race	Any reference of a racial nature will be considered in accordance with the BBFC's guidance for classifying films.		
Religion or Belief	Any religious reference will be considered in accordance with the BBFC's guidance for classifying films.		
Sex	Films containing any explicit material or scenes of a sexual nature will be considered in accordance with the BBFC's guidance for classifying films.		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Sexual Orientation	Films containing any explicit material or scenes of a sexual nature will be considered in accordance with the BBFC's guidance for classifying films.		
Welsh Language	The policy and application forms, once approved will be made available in bilingual format.		

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

Page 57

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The policy will safeguard children of varying ages from viewing unsuitable material within films. It will prevent children and young adults from viewing certain films of an adult or sexual nature.	<i>Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	
Corporate Parenting	<i>This relates to those children who are 'looked after' by the local authority either through a voluntary arrangement with their parents or through a court order. The council has a corporate duty to consider looked after children especially and promote their welfare (in a way, as though those children were their own).</i>		

5. What evidence and data has informed the development of your proposal?

**6. SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The introduction of the policy will improve the service and suitability of films.

Page 56

**7. ACTIONS:** As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Adhere to Welsh Language Measures with effect from 1 <sup>st</sup> April 2016.			

**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	30 <sup>th</sup> January 2018 – ongoing monitoring
--	--

**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	Licensing Fees and charges are received on a cost recovery basis.		<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>

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