

Agenda Item No 5
Licensing and Regulatory Committee

Title: Request to classify and permit the showing of an unclassified film.

Lead Officer: Emma Morgan Emma.morgan@warwickdc.gov.uk

Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: Leamington Clarendon

Approvals required	Date	Name
Portfolio Holder	25/4/2024	Jim Sinnott
Finance	25/4/2024	Chloe Evans
Legal Services	25/4/2024	Ross Chambers
Chief Executive	25/4/2024	Chris Elliott/Darren Knight
Director of Climate Change	25/4/2024	Dave Barber
Head of Service(s)	22/4/2024	Marianne Rolfe
Section 151 Officer	25/4/2024	Andrew Rollins
Monitoring Officer	25/4/2024	Graham Leach
Leadership Co-ordination Group		

Final decision by this Committee or rec to another Cttee / Council?	Yes
Contrary to Policy / Budget framework?	No
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No
Accessibility Checked?	Yes

Summary

Warwick District Council Licensing Authority has received a request to permit the showing of an unclassified film.

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

Recommendation(s)

- (1) Officers recommend that permission be given for the showing of the films, 'School Run' and 'A Green Network' in Warwick District and that the classification of 'U' is given to both films.
 - (2) Subject to permission being granted the Committee classify the film in accordance with the BBFC guidelines.
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1 Reasons for the Recommendation

- 1.1 On 12 April 2024 Warwick District Council Licensing Department received a request from Grand Union Productions to permit the showing of two films at The Royal Spa Centre, Newbold Terrace, Royal Leamington Spa, CV32 4HN.
- 1.2 The application form submitted by Mr Michael Clifford on behalf of Grand Union Productions is attached as **Appendix 1**.
- 1.3 The BBFC performs a national Film Classification role on behalf of the Licensing Authority, classifying films shown in Warwick District for public exhibition under the Licensing Act 2003. However, when a film is not classified by the BBFC the decision falls to the Licensing and Regulatory Committee to authorise a film to be shown in Warwick District, and to classify the film under the protection of children from harm licensing objective.
- 1.4 Section 182 Guidance issued under the Licensing Act contains some information which is particularly relevant to this decision, and this is highlighted below:
- 1.5 *The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions. (Paragraph 2.28)*
- 1.6 Under Section 20 of the Licensing Act 2003, a mandatory condition is applied to all premises issued with a premises licence which authorises the exhibition of films. The mandatory condition relates to the restriction of the admission of children. Children are defined as persons aged under 18. The condition is as follows:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

A. By the British Board of Film Classification (BBFC) where the film has been classified by that board, or

B. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b) of the Licensing Act 2003 applies to the film.

The Licensee shall comply with such provisions of the Cinematograph (Safety) Regulations 1955 as restrict the use of the premises.

- 1.7 Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or the Licensing Authority.
- 1.8 A copy of the film has been made available to the Committee to view prior to the meeting. However, as the films total less than 12 minutes in length it is recommended that the Committee adjourn to view the films during the Licensing and Regulatory Committee.
- 1.9 In terms of guidance on how to classify a film, it is recommended that the Committee use 'The British Board of Film Classification Guidelines'. A copy of this document is attached as **Appendix 2**.
- 1.10 The classifications are listed and categorised as:

U Universal – Suitable for all

U-rated content is suitable for audiences of all ages, although not all U-rated content is aimed at children. Children's content should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or scary scenes. Generally a U is unlikely to unsettle a four-year-old, although it is impossible to predict what might affect any particular child.

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

PG-rated content is suitable for general viewing. A PG should generally not unsettle a child aged around eight, although parents and caregivers should be aware that some scenes may be unsuitable for more sensitive children.

12A/12 – Suitable for 12 years and over

No one younger than 12 may be permitted to attend a 12A cinema screening unless they are accompanied by an adult. Adults planning to take a child under 12 to a 12A should consider whether the main feature is suitable for that child. To help them decide, we recommend that they check the BBFC's content advice for the film in advance.

No one younger than 12 may rent or buy a 12-rated video.

15 – Suitable only for 15 years and over

No one younger than 15 may see 15-rated content in a cinema.

No one younger than 15 may rent or buy a 15-rated video.

18 – Suitable only for adults

No one younger than 18 may see 18-rated content in a cinema.

No one younger than 18 may rent or buy an 18-rated video.

R18

R18 is a legally restricted classification for explicit pornographic works of consenting sex or strong fetish material involving adults. R18-rated cinema content may only be shown to adults in specially licensed cinemas, and R18-rated video works may be supplied to adults only in licensed sex shops and may not be supplied by mail order.

2. Alternative Options

2.1 The Committee could decide not to give authorisation for the films to be shown in Warwick District.

2.2 The Committee could decide to give this an alternative classification to that set out in the recommendations of the report.

3. Legal Implications

3.1 The Council's Statement of Licensing Policy provides that the authority will take an objective view on all applications and will ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.

4 Financial Services

4.1 There are no financial implications in relation to any decision made.

5. Corporate Strategy

5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.

5.2 Delivering valued, sustainable services –Low cost, low carbon energy across the district.

5.3 Creating vibrant, safe and healthy communities of the future.

6 Environmental/Climate Change Implications

6.1 There are no adverse environmental impacts.

7 Analysis of the effects on Equality

7.1 Any decision made by the Committee would not impact on equality.

8 Data Protection

8.1 To ensure data protection of the films provided all Members have been asked not to distribute the films to any other person.

8.2 The Licensing Department will keep a copy of the films securely, in line with their retention policy.

9. Health and Wellbeing

9.1 There are no health and wellbeing implications in this report.

10. Risk Assessment

10.1 Arriving at the most appropriate film classification is an important judgement. Placing a film in an inappropriate classification may expose children to harm or conversely, artificially restrict a viewing audience for whom the content is acceptable.

11. Consultation

11.1 There is no requirement for a public consultation.

Background papers:

None.

Supporting documents:

Statement of Licensing Policy – **Appendix 3**

Revised Guidance issued under section 182 of the Licensing Act 2003 – **Appendix 4**