

Licensing and Regulatory Committee

Minutes of the meeting held at Shire Hall, Warwick on Monday 13 May 2024 at 4.30pm.

Present: Councillors Gorman (Chair), Armstrong, C Gifford, Kohler, Luckhurst, Matecki, Redford, Rosu and Syson.

20. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Barton, Dray, D Harrison, King, Roberts, Sinnott; and
- (b) there were no substitutes.

21. **Declarations of Interest**

Councillor Matecki declared he was a Warwickshire County Council Councillor and Portfolio Holder for Transport and Planning but did not consider himself to be predetermined in any way.

22. **Minutes**

The minutes of the meeting of 11 March 2024 meeting were taken as read and signed by the Chair as a correct record.

23. **Minutes of the Licensing & Regulatory Panels**

The minutes of the meeting of 21 March 2024 were taken as read and signed by the Chair as a correct record.

(Councillor Rosu arrived during this item and therefore did not vote on this item.)

24. **Request to classify and permit the showing of an unclassified film.**

The Committee considered a report from Safer Communities, Leisure, and Environment regarding a request to permit the showing of an unclassified film.

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

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.

The application form submitted by Mr Michael Clifford on behalf of Grand Union Productions was attached as Appendix 1 to the report.

The BBFC performed 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 was not

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classified by the BBFC the decision fell 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.

Section 182 Guidance issued under the Licensing Act contained some information which was particularly relevant to this decision, and this was highlighted in the report as below:

“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)

Under Section 20 of the Licensing Act 2003, a mandatory condition was applied to all premises issued with a premises licence which authorises the exhibition of films. The mandatory condition related to the restriction of the admission of children. Children were defined as persons aged under 18. The condition was 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.”

Premises had to restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or the Licensing Authority.

A copy of the film had been made available to the Committee to view prior to the meeting. However, as the films total less than 12 minutes in length it was recommended that the Committee adjourn to view the films during the Licensing and Regulatory Committee.

In terms of guidance on how to classify a film, it was recommended that the Committee use ‘The British Board of Film Classification Guidelines’. A copy of this document was attached as Appendix 2 to the report.

The classifications were listed and categorised as:

“U Universal – Suitable for all

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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."

In terms of alternative options, the Committee could decide not to give authorisation for the films to be shown in Warwick District. The Committee also could have decided to give this an alternative classification to that set out in the recommendations of the report.

(At 4.35pm the meeting was adjourned to allow for both films to be played and reconvened at 4.49pm.)

It was proposed by Councillor Redford, seconded by Councillor Armstrong and

Resolved that

- (1) 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; and
- (2) subject to permission being granted the Committee the Committee classify the film in

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accordance with the BBFC guidelines.

25. Public and Press

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs 1 & 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

26. Confidential Minutes of the Licensing & Regulatory Panels

The minutes of the following Licensing and Regulatory Panels were taken as read and signed by the Chairman as a correct record:

- a) 29 February 2024;
- b) 10.00am 13 March 2024; and
- c) 11.00am 13 March 2024.

(The meeting ended at 4.52pm)

CHAIR
29 May 2024