

 Licensing & Regulatory Committee 11 April 2016		Agenda Item No. 5
Title	Request to permit the showing of an unclassified film.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	29.3.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	29.3.2016	Moira-Ann Grainger
Warwickshire Legal Services	29.3.2016	John Gregory
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a request to permit the showing of an unclassified film.
- 1.2 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.

2. **RECOMMENDATION**

- 2.1 Officers recommend that permission be given for the showing of the film, Fear Itself, in Warwick District Council and that the classification of 18 is given.
- 2.2 Subject to permission being granted the committee classify the film in accordance with the BBFC guidelines.

3. **THE APPLICATION**

- 3.1 On 24 February 2016 Warwick District Council Licensing Department received a request from filmmaker, Mr Charlie Lyne to permit the showing of his film, Fear Itself, at Vue Cinema, Leamington Spa.
- 3.2 The letter received from Mr Lyne and subsequent information is attached as appendix 1.
- 3.3 Officers have viewed the film, which is around 1 hour 30 minutes long. The film is constructed from existing horror films from global cinema and is narrated throughout. The film has been made available for members to view prior to making this decision. The viewings took place on 30 March 2016 and 8 April 2016.
- 3.4 Officers have spoken with Mr Lyne who has confirmed that Carlisle City Council, Hinckley and Bosworth Council and Merton Council, have given permission for the film to be shown in their local authority, however, other Councils are considering the request. Mr Lyne has also confirmed to officers that he would recommend the age classification of 18 for the film.
- 3.5 The BBFC performs a national Film Classification role on behalf of the Licensing Authority, classifying films shown in the 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.
- 3.6 A film which is locally made or which is submitted for approval by students or art groups may not have been classified by the BBFC due to the cost of applying for the film to be classified or because the film may have limited release.
- 3.7 When considering classification requests, the Committee must do so having regard for the BBFC guidelines, attached as appendix 2 and with a view to promoting the relevant licensing objective(s). In terms of film exhibitions, the most relevant licensing objective is the protection of children from harm.
- 3.8 Under Section 20 of the Licensing Act 2003, a mandatory condition is applied to all premises licences that authorise 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

- 3.9 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.
- 3.10 The Council have not considered a request under the Licensing Act 2003 for the showing or classification of a film, therefore the procedure in place for dealing with requests needs to be updated. Officers are working to bring a report with the updated procedure to the Committee in due course.

4. **POLICY FRAMEWORK**

- 4.1 When considering the application the panel must give appropriate weight to:-
- a) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
 - b) The Council's Licensing Policy Statement (attached as appendix 3)
 - d) The Licensing Objectives, which are:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

5. **BUDGETARY FRAMEWORK**

- 5.1 There is no right of appeal to the decision made by the Committee, therefore no costs may be sought.

6. **RISKS**

- 6.1 The wrong Film Classification might result in psychological harm being caused to members of the public. In particular children, through film exhibitions containing strong language, horror/violence or sexual images.