

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 11 August 2015**

**Subject: Certification of Films**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Wetherby	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Executive Summary**

To advise Members of an Application for the certification of films to be shown at the Leeds Festival 2014 within the grounds of Bramham Park, Thorner Lane Leeds 23

**1.0 Purpose of this report**

1.1 This report informs Members with the background, history and issues of an application made under the Licensing Act 2003 (“the Act”) for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification. Finally, this report informs Members of the options available to them when considering an application for the certification of films.

**2.0 Background information**

2.1 The Licensing Act 2003 applies to premises which provide film exhibitions. At present there are a total of 7 cinemas licensed in the Leeds District.

2.2 The majority of films shown in Cinemas will carry a Certificate from the BBFC the categories of which are as follows:

Category ‘U’ Passed for general exhibition

Category ‘PG’ Passed for general exhibition but parents/guardians are advised that the film contains materials they might prefer children under fifteen years not to see.

Category `12`	Passed as suitable only for exhibition to persons of twelve years and over. When a programme includes a `12` film, no persons under twelve years can be admitted.
Category `12a`	Passed as suitable for children under the age of 12 if accompanied by an adult.
Category `15`	Passed as suitable only for exhibition to persons of fifteen years and over. when a programme includes a `15` film, no persons under fifteen years can be admitted.
Category `18`	Passed as suitable only for exhibition to adults. When a programme includes an `18` film no persons under the age of eighteen years can be admitted.

2.3 In addition to licensing premises for film exhibitions, the Licensing Authority has a duty under Section 20 of the Licensing Act 2003 to categorise a film which is absent of a Certificate from a film classification body such as the BBFC. The Licensing Authority may also reject or modify a film which has received a Certificate from the BBFC.

### 3.0 Main Issues

3.1 Application has been received from Mr Melvin Benn to have a number of short films certified as they are not currently certified by the BBFC. The films are to be shown in a temporary cinema based in marquees on the Leeds Festival site within the grounds of Bramham Park Leeds 23.

3.2 Details of the films which require certification including a brief synopsis and a recommended category in line with the BBFC classifications is attached at **Appendix A** for Members information. As the synopsis provided contains the use of inappropriate language not suitable for the public domain it has been sanitized, but a full copy is available to members.

3.3 A representative from the Oxford Film and Video Makers company will attend the hearing to give additional details of the films.

3.4 Members may recall that an application for a Premises Licence for this site was considered by the Licensing Committee on the 28 April 2006, amongst the licensable activities requested was the facility to show films in a cinema tent between the following days and times:

Thursday 24 August	19:00hrs until 03:00hrs the following day
Friday 25 August to Sunday 27 August	Noon until 03:00hrs the following day.

3.5 The corresponding days for this year's event are as follows:

Thursday 27 August	19:00hrs until 03:00hrs the following day
Friday 28 August to Sunday 30 August	Noon until 03:00hrs the following day.

#### **4.0 Implications for council policy and governance**

4.1 There are no implications for Council policy and governance in respect of determining this application.

#### **5.0 Legal and resource implications**

5.1 The applicant can appeal any decision made by committee. Any appeal would be to the Magistrates Court.

#### **6.0 Recommendations**

6.1 Members are requested to consider this request for the certification of the films as attached hereto.

6.2 Members may take the decision to view any of the films prior to the issue of a certificate

#### **7.0 Options available to Members**

The Licensing Authority has a duty to create conditions or restrictions, and does have the authority to categories a film which is absent of a Certificate from the BBFC.