

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

### Report to the Licensing Sub Committee

Date: 23 January 2018

Subject: Certification of Film “Asphyxia”

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name of Ward: City & Hunslet		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Executive Summary

To advise Members of an Application for the certification of film to be shown at the Vue Cinema, 22 The Light, The Headrow, Leeds LS1 8TL. The screening will be on the 31 January 2018 for 1 day only.

#### 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 to have a film certified by the Licensing Sub Committee.
- 3.2 Details of the film which requires certification including a brief synopsis and a recommended category in line with the BBFC classifications is attached at **Appendix A** for Members information.
- 3.3 The promoter of the film will not attend the hearing.
- 3.4 The film is to be shown at the Vue Cinema, 22 The Light, The Headrow, Leeds LS1 8TL which has the benefit of a Premises Licence under the Licensing Act 2003 with the provision of films.

### **4.0 History**

- 4.1 This is the first time this film has been screened in the Leeds City Council area.

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

- 5.1 There are no implications for Council policy and governance in respect of

determining this application.

## **6.0 Legal and resource implications**

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

## **7.0 Recommendations**

- 7.1 Members are requested to consider this request for the certification of the film as attached hereto.
- 7.2 Members may take the decision to view the film prior to the issue of a certificate

## **8.0 Options available to Members**

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

