

Public Document Pack

LICENSING SUB COMMITTEE

24TH OCTOBER 2023

LATE ITEM - Certification of a Film – Sambizanga

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Report of: Chief Officer, Elections and Regulatory

Report to: Licensing Sub Committee

Date: Tuesday, 17th October 2023

Subject: Certification of a Film – Sambizanga

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley & Hyde Park		
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 the Licensing Sub Committee Members of an application for the certification of a film titled, ‘Sambizanga’, to be screened as part of Cinema Africa. The Screening is scheduled to take place on the 29th October 2023, at Hyde Park Picture House.

With no advance screening being made available the request is made for the film to be awarded an 18 rating, subject to a declaration provided by the distributor. Further information on this element is detailed at 3.3 of this report.

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 a film that does 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 8 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 **Universal. Suitable for all.**

A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.

Category PG **Parental Guidance. General viewing, but some scenes may be unsuitable for young children.**

A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger or more sensitive children.

Category 12A/12 **Suitable for 12 years and over.**

Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, the BBFC recommend that they check the ratings info for that film in advance. No one younger than 12 may rent or buy a 12 rated video work.

Category 15 **Suitable only for 15 years and over.**

No one younger than 15 may see a 15 film in a cinema. No one younger than 15 may rent or buy a 15 rated video work.

Category 18 **Suitable only for adults.**

No one younger than 18 may see an 18 film in a cinema. No one younger than 18 may rent or buy an 18 rated video work.

Category R18 **To be shown only in specially licensed cinemas, or supplied only in licensed sex shops and to adults only.**

The R18 category is a special and legally restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.

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 certification from the BBFC.

2.4 A copy of the current BBFC Classification Guidelines are available [here](#).

3.0 Main Issues

- 3.1 An application has been received from Hyde Park Picture House to certify the film titled, 'Sambizanga'. The Screening is scheduled to take place on the 29th October 2023, at Hyde Park Picture House.
- 3.3 The distributor has been unable to provide an advance screener for Members of the Licensing Sub Committee to view.
- 3.4 There is no requirement for the Committee to view the film as the request is to award an 18 rating subject to a written declaration confirming that the trailers do not contain any content which would more likely than not, render them liable to be classified as R18 if considered in accordance with the BBFC Classification Guidelines.
- 3.5 A report provided by the distributor includes the synopsis, further details on the screening and the declaration referred to above. A copy of this report is available at Appendix A.
- 3.6 A representative of Hyde Park Picture will be contactable by phone should Members of Licensing Sub Committee have any questions.

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 There is no right of appeal to the Magistrates Court against this decision of the Committee.

6.0 Recommendations

- 6.1 Members are requested to consider this request for the certification of the films as attached hereto.
- 6.2 Members are recommended to view films prior to the issue of a Certificate.

7.0 Options Available to Members

- 7.1 The Licensing Authority has the authority to categories a film which is absent of a Certificate from the BBFC.

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CITY VARIETIES
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GRAND
Theatre & Opera House Leeds

HYDE PARK
PICTURE HOUSE
Est. 1914

REPORT OF:	Robb Barham, Operations & Programme Manager for Leeds Heritage Theatres (Hyde Park Picture House)
TO:	Leeds City Council Licensing Committee c/o Matthew Nelson, Principal Licensing Officer Entertainment Licensing - Leeds City Council [REDACTED]
SUBJECT:	Film Certification of Sambizanga
DATE OF REPORT:	22 Sept 2023

1.0	FILM INFORMATION
Film	Sambizanga
Director	Sarah Maldoror
Country, runtime, year	Angola, France, 1h37mins, 1972
Synopsis	<p>The film is set in the titular Sambizanga, a working-class neighbourhood in Luanda where a Portuguese prison was located in which many Angolan militants were tortured and killed. On 4 February 1961, the prison was attacked by MPLA forces.</p> <p>Domingos Xavier, a revolutionary, is arrested by Portuguese colonial officials. He is taken to the prison in Sambizanga, where he is threatened with torture and death if he does not give the officials the names of his fellow dissidents. During his imprisonment, Domingos' wife Maria goes from prison to prison, trying to find out what has happened to her husband, unaware of the extent of his involvement in the anti-colonial struggle. Unbeknownst to her, Domingos is killed in prison.</p>
2.0	DETAILS OF PROPOSED SCREENING
When	Sun 29 Oct 2023
Where	Hyde Park Picture House
Context	Part of Cinema Africa! Our new permanent strand promotion African cinema.
3.0	SCREENER AVAILABLE?
Yes/No	No
	If Yes, complete, 4.0. If No, complete 5.0
4.0	RECOMMENDED CLASSIFICATION – SCREENER AVAILABLE
4.1	We advise that the film *** is given a *** certificate.

	In making this recommendation we have taken into account the following nine areas which the BBFC use to determine certificates and we can speak to each to explain our recommended certificate.
4.2	Dangerous Behaviour
4.3	Discrimination
4.4	Drugs
4.5	Language
4.6	Nudity
4.7	Sex
4.8	Sexual Violence and Sexual Threat
4.9	Threat and Horror
4.10	Violence
5.0	CLASSIFICATION – SCREENER UNAVAILABLE
5.1	We advise that a 18 certificate is required for the film Sambizanga.
	Any film without a screener for the committee to view, an 18 certificate is required by Leeds City Council, with reference to the below disclaimer.
Disclaimer	This film does not contain any content which would more likely than not, render the film liable to be classified as R18 if considered in accordance with the BBFC Classification Guidelines.
6.0	PREVIEW COPY (Sharing is prohibited by copyright)
Trailer link	https://www.youtube.com/watch?v=byG185NFpLQ
Screener link	N/A
Password	
Alternative copy details & notes	

Certification Controls at Hyde Park Picture House

As per our premises licence, the Hyde Park Picture House follows BBFC certification guidance, which is listed with each individual film on our [website](#).

We have several checks in place to manage access to films based on this guidance. These checks are as follows:

- Our [terms & conditions page](#) includes clear guidance on certification in a way audiences can understand and which includes a link to the BBFC if further information is required.
- Certificates are added to every listing on our box office system in addition to our website and this limits the tickets available to films where appropriate. E.g. An audience member can't buy a child's ticket for a 15 or 18 certificate film.
- We have also established a Content Warning system which allows us to give additional content information to audiences to help them make informed choices about what they watch. Full guidance on this can be found on our [website](#).
- Adding the cert to the Box Office system also enables our Front of House staff to identify the age restrictions for films. All staff are fully trained to both understand and then manage certification and age restrictions for films, so we can both advise on entry and appropriateness of a film and refuse sales where required.
- All tickets bought in advance or on the day are checked by a staff member on the door to the cinema auditorium so if an underage person has bought a ticket over the phone or internet in advance they would have to engage with a staff member at ticket check point and entry would be refused and ticket refunded.

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