

**LATE ITEM FOR LICENSING SUB-COMMITTEE**

**20<sup>TH</sup> MARCH 2018**

**AGENDA ITEM 7 - CERTIFICATION OF FILM**

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

### Report to the Licensing Sub Committee

**Date:** 20<sup>th</sup> March 2018

**Subject:** Certification of Films

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): 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 a film to be shown at the Leeds Vue Cinema 22 The Light, The Headrow, Leeds 1 on Tuesday 27<sup>th</sup> March 2018.

#### 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 films which are 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.

2.4 Details of the BBFC Guidelines are attached at **Appendix A** for Members consideration

### **3.0 Main Issues**

3.1 Application has been received from The Film Label Ltd to have a film certified as it is not currently certified by the BBFC. The uncertified film is to be shown at the Leeds Vue Cinema, 22 The Light, The Headrow, Leeds 1. These premises are currently licensed under the Licensing Act 2003 for Films.

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 B** for Members information.

3.3 A representative from the film company will attend the hearing to give additional details of the films.

### **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 film as attached hereto.
- 6.2 Members may take the decision to view any of the films prior to the issue of a certificate

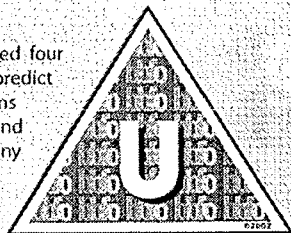
## **7.0 Options available to Members**

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

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### U - Universal

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. If a work is particularly suitable for pre-school children, this will be indicated in the BBFCinsight.



### Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

### Drugs

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

### Imitable behaviour

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of. No emphasis on realistic or easily accessible weapons.

### Language

Infrequent use only of very mild bad language.

### Nudity

Occasional nudity, with no sexual context.

### Sex

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

### Threat

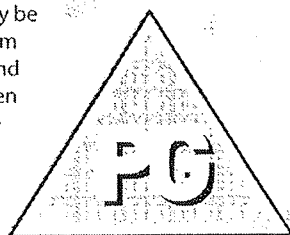
Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

### Violence

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).

### 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.



### Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

### Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

### Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

### Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

### Nudity

There may be nudity with no sexual context.

### Sex

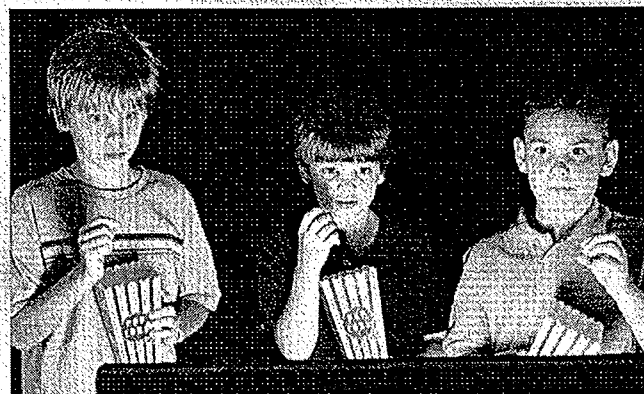
Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

### Threat

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings may be a mitigating factor.

### Violence

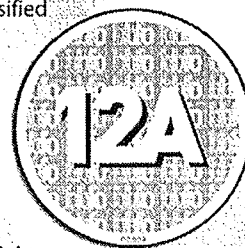
Violence will usually be mild. However there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



### 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, we recommend that they check the BBFCinsight for that film in advance. No one younger than 12 may rent or buy a 12 rated video work.



### Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.



### Drugs

Misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

### Imitable behaviour

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

### Language

There may be moderate language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### Nudity

There may be nudity, but in a sexual context it must be brief and discreet.

### Sex

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

### Threat

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

### Violence

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context. Sexual violence may only be implied or briefly and discreetly indicated, and its depiction must be justified by context.



## 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.

### Discrimination

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

### Drugs

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

### Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.



### Language

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### Nudity

There are no constraints on nudity in a non-sexual or educational context. There may be nudity in a sexual context but usually without strong detail.

### Sex

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

### Threat

There may be strong threat and horror. A sustained focus on sadistic or sexual threat is unlikely to be acceptable.

### Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable. There may be detailed verbal references to sexual violence but the depiction of sexual violence must be discreet and justified by context.

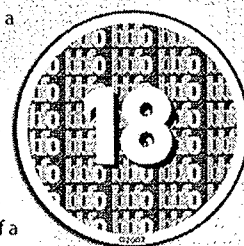


## 18 – Suitable only for adults

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. Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic or sexual violence which make this violence look appealing; reinforce the suggestion that victims enjoy sexual violence; or which invite viewer complicity in sexual violence or other harmful violent activities
- where there are more explicit images of sexual activity in the context of a sex work or where the primary purpose of the images in question is sexual arousal

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.





## APPENDIX B

### Film Synopsis

**Picture:** Dark Beacon

**Synopsis:** In new supernatural horror Dark Beacon, Amy (April Pearson, TV's Skins) loves her former colleague Beth with a passion, a relationship they had kept secret. When Beth's devastated husband dies tragically, the widow disappears into seclusion with her young daughter. Tracking down Beth to a remote lighthouse, Amy finds her there, broken, and attempts to re-connect. But before long, they experience strange and terrifying visions proving Beth's husband is back and won't stop until they meet the same fate.

**Recommended BBFC Cert:** 15

**Duration:** 86 mins

**Production year:** 2017

**Directed by:** Coz Greenop

**Principle Actors:** April Pearson, Lynne Anne Rogers, Toby Osmond

**Distributor Name:** Gravitas Ventures, LLC

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