

Public Document Pack

LICENSING SUB-COMMITTEE

TUESDAY, 24 APRIL 2018

LATE ITEM/SUPPLEMENTARY INFORMATION

- Supplementary Information - Agenda Item 7 – Application to Vary a Premises Licence Held by Turtle Bay, Unit A14, The Light, Albion Street, Leeds (Pages 1 to 14)
- Late Item – Agenda Item 9 – Film Classification (Pages 15 to 22)

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WITNESS STATEMENT

Name: Stephen Entwistle

Occupation: Managing Director

Dated: 17 April 2018

1. My name is Stephen Entwistle and I am the Operations Director of Turtle Bay Restaurants Limited. I make this statement in support of the application for a variation to the premises licence for Turtle Bay, The Light, Leeds, and in response to the representations received against this.
2. The Committee will note that I have set out a great deal of information in respect of Turtle Bay's style of operation and proposals in relation to this extension in the Cumulative Impact Statement submitted with the application. As such, I do not propose to repeat myself here, but simply wish to emphasise some points and also respond to some of the issues raised in the representations.
3. As the Committee will be aware, the premises currently has the benefit of a licence which permits the sale of alcohol and playing of recorded music until midnight daily, and late night refreshment until 00:30 daily, with 30 minutes dispersal Sunday to Thursday and 1 hours dispersal (i.e. until 01:00) on a Friday and Saturday. This application seeks to extend the hours for the sale of alcohol and playing of recorded music by an hour until 01:00, late night refreshment by an hour until 01:30 and opening by 30 minutes until 01:30 on a Friday and Saturday. This is an additional 2 hours per week for licensable activities.
4. I am pleased to note that no representations have been received from the Environmental Health teams, from any local residents or businesses, or any responsible authorities save for the police and the licensing authority. I should like to take this opportunity to deal with what they state in their representations.

5. PC Arkle speaks in general in her representation about the issues with crime and disorder in the Albion Street/Woodhouse Lane area. I do not dispute that there are issues here, but I do dispute the assertion that Turtle Bay contributes to them.
6. Whilst I appreciate what she is saying with regards to the difficulty in determining responsibility for incidents on the street, I would respectfully suggest that the evidence that we have provided demonstrates that it is highly unlikely that our customers are involved in such incidents.
7. As noted above, extensive information has been provided in our cumulative impact statement in terms of how the grant of this application will not cause negative impact, and how we can definitively demonstrate that this is the case. Amongst this, was the results of our Freedom of Information request, which demonstrated that no incidents of violence/disorder had been associated with our premises during the times specified. I note that, in the course of the police representation, no evidence is produced to dispute these statistics. I would reiterate the comments made in our cumulative impact statement that surely this must demonstrate an exceptional standard of operation.
8. I would also suggest that if a venue does not have any issues associated with it specifically (when others in the area clearly do), it surely follows that it is highly unlikely that they are adding to issues at street level. The reason we do not experience issues at our venue is as a result of the particularities of our style of operation described in the cumulative impact statement. This dictates the sort of customers we typically attract to the venue, and these are not the sorts of customers who would engage in anti-social behaviour on the street.
9. Indeed, police evidence of visits made to the premises back this up, with visit logs showing ‘no obvious drunkenness’; ‘no underage drink issues and no sobriety issues’; and ‘no unsuitable drinks promotions’.
10. The police have provided additional evidence in relation to an incident which took place on 10th February 2018. I am not totally clear here that this incident took place in our venue, for a number of reasons. Firstly, the venue is described as a ‘nightclub’, and secondly it appears that the incident took place between 01:00 and 03:00, when

we would have been closed. However, our venue is referred to, and therefore I have investigated the incident with the management team at the site who have no knowledge of anything of this nature occurring.

11. The police representation goes on to describe other premises in the area, and detail further that it is a 'crime hotspot', with offences of assault, robbery, sexual offences etc, with a main peak from 01:00 to 03:00. The premises does not seek to sell alcohol between these peak hours. It seeks to do so until 01:00, with all customers to be dispersed from the venue by 01:30. Furthermore, the last entry time of midnight dictates that customers will have been gradually dispersing prior to that time, and will not exit en masse into the wider night-time economy at 01:00. Our premises also typically do not form part of a 'circuit', with our customers enjoying the relaxed alternative that Turtle Bay offers to vertical drinking venues, before making their way home. The purpose of this application is to allow us to retain those customers for that purpose for a little bit longer. The last entry time means that no new customers will be attracted to the premises any later than they would be currently.
12. PC Arkle goes on to state that the violent crime rates in this area have increased since 2015, and that the only material change in this time has been the granting of our licence. She therefore suggests that whilst we are 'not solely responsible', that we must have contributed to this increase. Again, I would point to the fact that not a single incident of violence or disorder was recorded against our premises in the freedom of information request, and no evidence has been produced to suggest that this is incorrect.
13. In the alternative, I would suggest that this may be because the effect of the CIP has been to allow the area to stagnate, and has locked in the existing operators who are associated, evidently, with these issues and incidents.
14. Finally, PC Arkle goes on to discuss the fact that this is the third application made in relation to this site. We did initially apply for the hours sought here, and the Committee did determine to grant the licence to midnight, referring to the lack of evidence as to how we might trade in Leeds (in response to our evidence that we trade until 01:00 on Fridays and Saturdays in the vast majority of our sites elsewhere, including in cumulative impact zones).

15. We argued in our previous variation application that we did have that evidence, following almost two years of trading. The premises had traded for that time without negative impact upon the licensing objectives. We also had, and still have, specific evidence that the premises can trade to the hours sought in this application without causing negative impact. We have had a series of TENs, as detailed in our cumulative impact statement, during which we have traded until 01:00, plus 30 minutes dispersal. The police did not object to any of those TENs, nor did that raise concerns about the way the premises traded on those dates.
16. We now also have additional evidence, obtained through our freedom of information request, that no incidents of violence or disorder have occurred at Turtle Bay since we began trading. I would reiterate that no evidence has been introduced to dispute this, and I would again suggest that this is demonstrative of an exceptional premises and an exceptional application.

Licensing Authority

17. The Licensing Authority object, in similar lines to the police, simply on the basis of the location of Turtle Bay within the red zone and the policy implications of that.
18. They state that, as per the policy, there is a presumption in favour of the refusal of this variation, unless the applicant can demonstrate that their application would not impact on the cumulative effect of licensed premises in the area. I would suggest that we have demonstrated just that. Our premises have traded for nearly three years without any incidents of violence or disorder attributed to them. There is no evidence that they contribute to any issues experienced at street level, as indeed most of our customers tend to leave the area after they have finished their evening at our premises.
19. There is also demonstrable and uncontested evidence that our premises have traded to the hours that we seek here without negative cumulative impact. For example, there is no evidence at all that crime levels, either at the premises or at street level/in the vicinity increased on the days when our TENs were in operation.
20. Ms Holden goes on to state that we have not offered any additional measures to promote the licensing objectives, instead relying on the existing conditions. Simply, that is because it is clear to me that the existing measures are working. Our licence is

currently subject to numerous and extensive conditions, which are detailed in the cumulative impact statement.

21. No additional measures were put in place during the operation of the TENs either. Furthermore, the last entry time of midnight is in effect an additional measure that will kick in if this application is granted, because currently licensable activities (save for late night refreshment) cease in any case, and therefore the premises is not open to new customers beyond that time. If we are permitted to trade beyond midnight, as this application seeks, this condition will operate to ensure that no new customers are attracted to the premises, and that our existing customers will be dispersing over a period of an hour and a half.
22. Ms Holden also goes on to state that during later hours, the premises operates as a bar rather than a restaurant. Firstly, we do offer a full meals menu, with orders taken up until 23:00, with waiters/waitresses serving those meals to customers far beyond that time. Of course we experience less people eating at 23:00 than we might do at 20:00 or 21:00, but we do have plenty of customers who like to eat with us at that time – particularly with a lot of our customers coming to us after cinema showings or events at the arena.
23. During the later hours, some customers are simply enjoying drinks, and some may have stayed with us after a meal to enjoy some after dinner drinks. However, the key point here is that our customers do this in a responsible and sensible manner. They have proved this in the time that we have traded up until midnight without issues, and in the times that we have had TENs allowing us to trade until 01:00.

Conclusion

24. As such, and by reference to our cumulative impact statement, I would respectfully suggest to the committee that granting this application would be to uphold the aims stated in Leeds City Council's Statement of Licensing Policy. As per the statement, the operation of Turtle Bay is something which accords with a number of the aims stated in that Policy.
25. The only possible conflict is with the Cumulative Impact Policy, which requires this application to be exceptional and requires us to demonstrate that a negative

cumulative impact will not be experienced. I believe that we have provided clear and concrete evidence that this is the case, and this evidence has not been contested.

26. I would be happy to assist the Committee further as necessary on the day of the hearing.

Parties Notice of Intention

Licensing Act 2003



Application No: PREM/03610/005

Name of Applicant/premises: Turtle Bay Restaurants Limited / Turtle Bay
Date of Hearing: 24th April 2018

I am:

The applicant/licence holder

A responsible authority

An interested party

Name: CATHERINE ARKLE

Address: LICENSING DEPT.
ELLAND ROAD POLICE STATION
ELLAND ROAD, LEEDS, LS11 8BU

I will be attending the hearing

I will not be attending the hearing

I will be represented at the hearing by:

N/A

NB if you complete this section all further correspondence will be sent to your representative

Note to interested parties

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here

or

If you consider that a hearing can be dispensed with please tick here

Please give details as to why you think a hearing can be dispensed with.
(e.g. because you have reached agreement with the other party on conditions)

WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given

DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
CRIME REPORT RE TURTLE BAY	✓
CREATION CAPITAL VISITS SHEETS	✓

Please return this form to:

**Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR**

Fax: 0113 224 3885

Email: entertainment.licensing@leeds.gov.uk

Occurrence details

West Yorkshire
 Printed: 16/04/2018 08:59 by 5548
 Occurrence: 13180069135

Occurrence details:

Report no.: 13180069135
 Occurrence Type: Nuisance Telephone calls / Texts / Emails
 Occurrence time: 10/02/2018 01:00 - 10/02/2018 03:00
 Reported time: 10/02/2018 17:48
 Place of offence: THE LIGHT, THE HEADROW, # 14, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CITY, Ward code: E05011403B, Ward: LITTLE LONDON AND WOODHOUSE WARD B, CITY NPT)
 Clearance status: Filed on 1st submission
 Concluded: Yes
 Concluded date: 12/02/2018
 Summary:
 Remarks:

Involved addresses:

- THE LIGHT THE HEADROW, 14 / Occurrence address / LEEDS, UK LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CITY, Ward code: E05011403B, Ward: LITTLE LONDON AND WOODHOUSE WARD B, CITY NPT)

Modus operandi:

- Location: Hospitality/Club licenced. Free text keywords: VICTIM IS DRUNK IN NIGHTCLUB AND IN MOMENT OF MADNESS, DISPLAYS HER BREASTS FOR HER FRIEND TO TAKE A PHOTO. THIS PHOTO IS PUT ON SNAPCHAT AND BUT UNKNOWN TO VICTIM IT IS SCANNED BY AN AQUAINTANCE ONTO SOCIAL MEDIA. IT HAS SINCE BEEN REMOVED. VICTIM UPSET THAT THE PHOTO WAS PUT ONTO SOCIAL MEDIA. .

Author: Report time:
 Entered by: Entered time:

Reports:

Occurrence enquiry log:

Type	Entry time	Event time	Author	Link	Log entry
Victim code update	10/02/2018 18:44		#5285 IGO, F.	No	VICTIM CODE - NEEDS ASSESSMENT (delete lower case text as appropriate) REQUESTS UPDATES EVERY: Declined VICTIM CONTACT CARD PROVIDED declined VICTIM SUPPORT: no PREFERRED MEANS OF CONTACT: declined VULNERABLE VICTIM: no PUBLICITY OPPOSED: Yes IF THE PERPETRATOR IS IDENTIFIED WOULD YOU LIKE MORE INFORMATION ON RESTORATIVE JUSTICE?: no. Does not want to get anyone into trouble. Just wondered what to do for the best. Advice given.
Loggist	10/02/2018 18:50		#5285 IGO, F.	No	Initial Standards Checklist (ISC) Modus Operandi (MO) / Additional Officer Comments Victim is out with friends and is very drunk. In a quiet area of the nightclub, the victim decides to pull her blouse open and display

her breasts to an acquaintance called [REDACTED] who takes a photo and puts on Snapchat. At the time victim found this very funny. Another acquaintance called [REDACTED], then scans the photo to friends of his on Snapchat. The victim tells the [REDACTED] to remove the pictures which he does. In the cold light of day the victim is upset about these actions and decides to ask Police for advice. Victim does not want any further action taking and only wanted advice as to what had happened. Crimed by 5285 on TEL in the DCR. Complainant/Witnesses Is there a Complainant/Witnesses? Yes If Yes, what evidence can they give? . See above If Yes, what outcome does the complainant want? . None. Wanted advice and no further action. Is this a Hate Crime? If yes ensure the 'Hate Crime' pick list on the stats class misc screen is completed No ** If Yes please ensure the Hate Crime Coordinator is tasked as per force policy ** Is the victim(s) vulnerable? No Is the victim(s) a repeat victim? No Is this a Cyber / Digital Crime? If yes add local stats class to the crime No Suspect(s) Suspect /Identification evidence? Yes. If Yes, Enter suspect description . Named as Joe Eastwood Property Identifiable Property? No Crime Scene Investigation (CSI) CSI requested? No If Yes, What have CSI been requested to examine? If No, Why weren't CSI requested? House to House enquiries House to House conducted? No If Yes, State which houses have been visited, any witness information and what evidence can be offered? If No, Why was none completed, record which addresses calling cards were left at CCTV Is CCTV available? No If Yes, is the footage of a quality that could be used to ID suspect? Include time, location, camera number and a summary of what the footage shows Body Worn Video (BWV) Is Body Worn Video available? No ** If Yes mark footage as 'Evidential' and provide DEMS with the Occurrence number. Ensure the Metadata is pasted onto the OEL ** If Yes, Select Date and Time of recording Date/time Man number of officer involved Officer/unit Investigating Officer Observations Was there an assault on an officer or staff member with or without injury? No - If Yes speak to your supervisor to ensure an IOD form is completed Can the crime be finalised? If yes please record rationale Yes If Yes, Inform the victim - record time date and how the victim was informed If No, What are the outstanding lines of enquiry? For filing at victims request.

Crime evaluation	12/02/2018 22:08	#723169 SYKES, R.	No	FCMU INVESTIGATOR FINALISATION TEMPLATE VCOP (Victims Code Of Practice) VICTIM CODE - FINALISATION: (detail the nature of contact made and reasons for finalisation) VICTIM DOES NOT POLICE TO TAKE ACTION OUTCOME Finalisation code / Outcome 16: Victim declines/withdraws support - named suspect identified Rationale for the Outcome selected VICTIM DOES NOT WANT POLICE TO TAKE ACTION CDI Checked Yes CHECKED Public Interest LOW THRIVE assessment Crime type Nuisance Telephone calls / Texts / Emails Victim: [REDACTED], [REDACTED]. Suspect: Location: THE LIGHT, THE HEADROW, # 14, LEEDS, WEST YORKSHIRE UK LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND
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WEST YORKSHIRE
POLICE

OPERATION CAPITAL 2

Leeds District

**ON-LICENSED PREMISES
VISITS**

BRONZE SERVICE

PREMISES NAME: Turtle Bay

ADDRESS: Unit A14, The Light, The Headrow, Leeds LS1 8TL

DPS: Daniel John Bragger

CONTACT NUMBER:

PREMISES LICENCE HOLDER/S: Turtle Bay Restaurants Ltd

Reason for visit: Friday 16 February 2018

1.	Violent/alcohol related incidents -
2.	Breaching of Conditions –
3.	Section 19 served –
4.	Intelligence – AFTER MIDNIGHT PLEASE. Check how many people eating as opposed to drinking and check for chef and what food is on offer post midnight, and how cooked. Is it microwave/pre prepared? Is there a 2 for 1 cocktail offer still running? Currently applying for extra hours in the red zone of the Cumulative Impact Policy. Are they exceptional operators or just like everyone else?
5.	Doorstaff issues -
6.	At request of DPS/management –

NOT PROTECTIVELY MARKED

DIARY OF EVENTS

18/02/2017 Silver Visit, Reason: recent enquiry by solicitor re possibility of trading longer. Please check for obvious drunkenness/drinks offers and behaviour of customers. Never visited before.

Visited at 2035 by SSO8359 Crane, Paul Rix

- Spoke to DPS, Daniel John BRAGGER (02/12/1975) (PERL/LBWANDS/01204 - advised PERL address to be changed to new address and then to change details on PREM)
- BRAGGER stated that they had a TEN in place for the first three weekends in December: there was a 7 day 2 for 1 cocktail offer on each evening - we noted no obvious drunkenness
- Mixed crowd of approximately 120 in attendance all eating
- Two security staff from Phoenix Security were in attendance at main entrance (no female):
 - Sylvain KOTAHIMBA 23/1/68 0130 1106 2203 7035 exp 03/09/18
 - Hernane DE MELO 10/05/88 0130 1124 7288 6258 Exp 15/6/19
- Door staff register OK
- No BACIL radio
- Check 21 Posters displayed
- No underage drink issues and no sobriety issues
- Part A of premises Licence available for inspection and Part B displayed
- Drugs safe not required by license
- Lost property being stored on site - official documents were being held but advised DPS to send to relevant locations
- Drugs swipe negative
- No excess/broken glass/bottles lying around and no evidence of glasses being taken outside
- All bar staff authorised to sell alcohol
- CCTV in operation and storage not in order: 25 days retained; time out by 20 minutes
- ID checks being carried out
- Search policy not required by licence
- No unsuitable drinks promotions
- Incident book in use for security - advised re incident and refusals books
- Visit pack signed by DPS

A section 19 was issues by LCC:

- No BACIL radio
- CCTV not meeting storage requirements/time incorrect

ELS/WYP to pay daytime visit to check BACIL and CCTV

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

27/05/2017 Silver visit. Reason: recent application for extra hours on a Friday and Saturday night. Objected to by WYP as in the red zone of the Cumulative Impact Area. Check for drunkenness on the premises, drinks promotions encouraging customers to drink more alcohol and for compliance with conditions re CCTV retention and use of BACIL radio. Has previously had a Section 19 served for issues with CCTV and no radio on 18/02/17.

Visited at 2040 by 7563, 7523, Paul Rix

- DPS, Daniel John Bragger Wandsworth, on annual leave
- Duty manager, Johnny Taylor, in charge
- Approximately 100 people within the venue, none of whom appeared underage
- BACIL radio test call negative - asked Jonny about this and he told us it had been on charge as the battery had died the previous night (BACIL turned on and put into use whilst we were there)
- One security officer (Phoenix Security) in attendance on the door with another due to start at 2100 - H. De Melo 0130 1124 7288 6258 Exp 15/06/2019
- Signing-in book present but it hadn't been signed by De Melo for the past few days despite having been at work and it appeared that all signing-in was for 2100 on the dot but we were told that De Melo often starts work before this
- No Check 21 posters displayed
- Part A of Premises Licence available for inspection and Part B displayed in window
- CCTV in operation and storage in order – 31 days retained
- All bar staff authorised to sell alcohol
- No drug safe – not part of licence
- Drugs swipe not carried out but no indication of illegal drug use
- No excess/broken glass/bottles lying about and no evidence of glasses being taken outside
- Search policy in place and ID checks carried out
- Lost property being stored on site – passports/documents normally handed in to police
- Drinks promotions: 2 for 1 cocktails 1130 – 1900 and 2200 to close
- Acceptable incident book present but no incidents logged - staff say they haven't had any incidents to record

Revisit WYP/ELS

16/02/2018 Bronze visit. Reason: AFTER MIDNIGHT PLEASE. Check how many people eating as opposed to drinking and check for chef and what food is on offer post midnight, and how cooked. Is it microwave/pre prepared? Is there a 2 for 1 cocktail offer still running? Currently applying for extra hours in the red zone of the Cumulative Impact Policy. Are they exceptional operators or just like everyone else?

Visited at 0020 on 17/02/2018 by 7757, Sam Longfellow, Mick Waters

- DPS, Daniel John Bragger, not present
- Jessica Durham, assistant manager, in charge
- Premises were about to close - no customers inside
- Ms Durham was asked what time the premises cease selling food and she stated it was company policy that the kitchen closes at 11.00 pm.

NOT PROTECTIVELY MARKED

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Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 24th April 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):Hyde Park & Woodhouse		
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 films to be shown at the Hyde Park Picture House Brudenell Road Leeds 6 on Tuesday 8th May 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 Hyde Park Cinema to have films certified as they are not currently certified by the BBFC. The uncertified films are to be shown at the Hyde Park Cinema 73 Brudenell Road Leeds LS6 1JD. These premises are currently licensed under the Licensing Act 2003 for Films.

3.2 Details of the films 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 Cinema 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

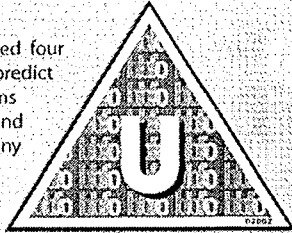
7.0 Options available to Members

The Licensing Authority has a duty to create conditions or restrictions, and does have the authority to categories 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

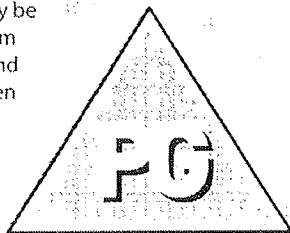
Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

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

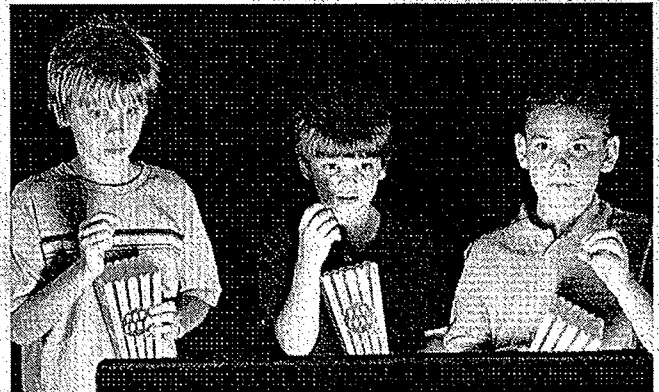
Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Threat

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

Violence

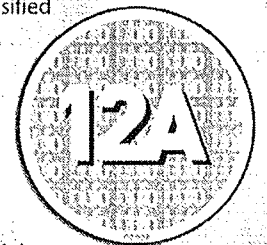
Violence will usually be mild. However there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



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.

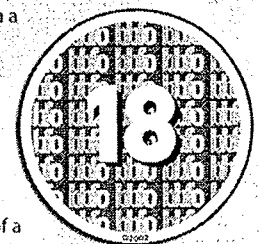


18 – Suitable only for adults

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.



EVENT DETAILS: Tuesday 8th May, double bill of Best F(r)iends and The Room to play organised by the Pilot Light TV Festival, Manchester. US based Actor/Writer Greg Sestero will attend to introduce the screenings.

THE ROOM

DETAILS: 2003, US, 99mins

SYNOPSIS: Johnny is a successful banker who lives in a San Francisco townhouse with his fiancée Lisa, who has become dissatisfied with their relationship. She seduces his best friend, Mark, and the two begin an affair. As their wedding approaches and Johnny's influence at his bank slips, Lisa alternates between glorifying and vilifying Johnny to her family and friends, making false accusations of domestic abuse and defending Johnny against criticisms. Meanwhile, Johnny, having overheard Lisa confess her infidelity to her mother Claudette, attaches a tape recorder to their phone in an attempt to identify her lover.

Denny, a neighbouring student whom Johnny financially and emotionally supports, has a run-in with an armed drug dealer, Chris-R, whom Johnny and Mark overpower and take into custody. Denny also lusts after Lisa, and confesses this to Johnny, who understands and encourages him to instead pursue one of his classmates. Johnny spirals into a mental haze and calls upon Peter, his and Mark's psychologist friend, for help. Mark also confides in Peter on the roof, where Mark feels guilty about the affair. Peter questions Mark if the affair is with Lisa, causing Mark – who is using marijuana to cope with his melancholy – to briefly try to murder him, but they reconcile a few seconds later.

At a surprise birthday party for Johnny, one of his friends catches Lisa kissing Mark while the other guests are outside and confronts them about the affair. Johnny announces that he and Lisa are expecting a child, although Lisa later reveals she lied about it. At the end of the evening, Lisa flaunts her affair in front of Johnny, who attacks Mark.

After the party, Johnny locks himself in the bathroom in despair. When he leaves, he retrieves the cassette recorder that he attached to the phone and listens to an intimate call between Lisa and Mark. Outraged, Johnny berates Lisa for betraying him, prompting her to end their relationship and live with Mark. Johnny has an emotional breakdown, destroying his apartment and committing suicide via gunshot. Hearing the commotion, Denny, Mark, and Lisa rush up the stairs to find his body. Mark blames Lisa for Johnny's death, admonishes her for her deceitful behaviour, and tells her to get out of his life. Denny tells Lisa and Mark to leave him with Johnny, and they step back to give him a moment, but ultimately stay and comfort each other as the police arrive.

ADVISED CERTIFICATE AND REASON: We would suggest an certificate would be suitable for this film. There is some use of bad language, the film also features multiple sex scenes and references to sex but there is no graphic detail. Similarly, there is some violence but it is not overly graphic and the effects use are very low in quality. In many ways a 15 certificate would be suitable but we are advising that this is raised to an 18 because the film deals with suicide in an unsophisticated manner.

The filmmakers behind this film are not skilled, it is considered internationally to be one of the worst films of all time and this is the appeal behind it. This is reflected in an unsophisticated handling of the interpersonal relationships within the film but it is important to show that the film will be viewed within the context of being a terrible film.

BEST F(R)IENDS: Volume 1

DETAILS:2017, US, 99mins

SYNOPSIS: When a drifter befriends a quirky mortician, an unlikely business partnership is formed. Paranoia soon develops, however, and both men are forced to come to terms with the fragility of friendship and loyalty.

ADVISED CERTIFICATE AND REASON: This is a much newer title than *The Room* which has played extensively across the globe. However *Best F(r)iends* has just completed a two week run at the Prince Charles Cinema in London's Leicester Square where it received an 18 certificate.

As with *The Room* the film features bad language, sex and references to sex and some violence though I would stress none of these are overly graphic and the film is not strictly a genre film (ie. Horror). Since this film would play within the context of a double bill with *The Room* I would suggest it similarly has an 18 certificate. While the actual content sits more closely with the BBFCs 15 guidelines it similarly suffers from clumsy storytelling.