

Report of the Chief Officer of Elections, & Regulatory

Report to the Licensing Sub Committee

Date: 25th September 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): 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 Members of an Application for the certification of films to be shown at the Hyde Park Picture House Brudenell Road Leeds 6 on Tuesday 25th September 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.