

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 9th July 2019

Subject: Certification of Films – Everyman Cinema, Trinity Shopping Centre, Leeds

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Little London and 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 a film to be shown at Everyman Cinema, Trinity Shopping Centre, Leeds from 12th July 2019.

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 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 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 An application has been received from Everyman Cinema to have a film certified as it is not currently certified by the BBFC. The uncertified film is to be shown at the Everyman Cinema, Trinity Shopping Centre, Leeds. These premises are currently licensed under the Licensing Act 2003 for Films.

3.2 The details of the film requiring classification:

The White Storm 2 - Drug Lords

Synopsis (Short): A former triad member-turned-property tycoon (Lau) offers a \$100 million bounty to eliminate the number one drug dealer in Hong Kong (Koo), who has recently upped his business by collaborating with Mexican drug lords. The bounty sets off a shootings frenzy and a battle of minds between the two titans.

Synopsis (Long): There is an iron rule in the Ching Hing Gang: No drug dealing. The gang leader, Yu Nam (by Kent Cheng), has two right-hand men: one is Tin (by Andy Lau), a bright and sober adherent of principles and loyalty; the other is Dizang (by Louis Koo), a cold-blooded smart man who secretly runs a drug business without Nam's knowledge.

Ordered by the top leader, Tin taught Dizang a lesson by cutting off one of his fingers and expelled him from the gang. On the same night, policeman Fung (by Michael Miu)'s wife was killed in Dizang's nightclub during an operation. Meanwhile, Tin swore to change sides after his beloved girlfriend walked out of his life.

15 years later, the local drug market is now quadripartite. Dizang becomes the biggest drug dealer in Hong Kong; while Tin has now established himself as a financial tycoon and a philanthropist, and is offering a \$100 million bounty to eliminate the No.1 drug dealer in Hong Kong. It causes a stir in both the society and the underworld. Inevitably, a battle between the two tycoons is underway!

Trailer: <https://vimeo.com/343431921>

3.3 Everyman Cinema has suggested a classification of 15 for this film. A representative from the Cinema will attend the hearing to give additional details of the film.

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.

6.2 Members may take the decision to view the film prior to the issue of a certificate

7.0 Options available to Members

7.1 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.