

**Report of** Chief Officer, Elections and Regulatory  
**Report to** Licensing Sub Committee  
**Date:** Tuesday 13<sup>th</sup> August 2019  
**Subject:** Certification of Films - Leeds Festival, Bramham Park, Leeds, LS23

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Wetherby		
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 within the Cinema Tent, Leeds Festival, Bramham Park, Thorner Lane, Leeds, LS23. The exhibition of these films will take place between Thursday 22<sup>nd</sup> and Sunday 25<sup>th</sup> August 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 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 attached at **Appendix A** for Member's consideration.

### **3.0 Main Issues**

- 3.1 An application has been received from Film Oxford, on behalf of Festival Republic, to have a number of short films certified as they are not currently certified by the BBFC. The films are to be shown in the Cinema Tent of the Leeds Festival site, within the grounds of Bramham Park, Leeds, LS23.
- 3.2 Details of the films requiring certification, which includes a link to view the film online, a brief synopsis and a recommended category is attached at **Appendix B** for Members information. This document includes redactions as the supplied links direct the observer toward unclassified content that some viewers may find offensive. A full copy has been provided to Members.
- 3.3 A representative from the Oxford Film and Video Makers Company will attend the hearing to give additional details of the films.
- 3.4 Members may recall that an application for a Premises Licence for this site was considered by the Licensing Committee on the 28<sup>th</sup> April 2006. Amongst the licensable activities requested, was the facility to show films in a cinema tent between the following days and times:

Thurs 22 <sup>nd</sup> August	19:00 until 03:00 the following day
Fri 23 <sup>rd</sup> to Sun 25 <sup>th</sup> August	00:00 until 03:00 the following day

- 3.6 A report on each film written in accordance the BBFC guidelines has been produced by the Licensing Authority. This may assist members with their deliberation of each film, and is available to view at **Appendix C** of this report.

### **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 films 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**

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