

**Report of:** Chief Officer, Elections and Regulatory

**Report to:** Licensing Sub Committee

**Date:** Tuesday 15<sup>th</sup> October 2019

**Subject:** Certification of Films – Pulse – Showing at Everyman Cinema & Hyde Park Picture House

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse and 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 a film titled ‘Pulse’. The first screening of this short film is at Everyman Cinema, Trinity Leeds, Albion Street, Leeds, LS1 5AY, on the 11<sup>th</sup> November 2019. The second screening is on the 21<sup>st</sup> November 2019 at Hyde Park Picture House, 73 Brudenell Road, Headingley, Leeds, LS6 1JD.

### 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 a film that does 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 Oxygen to have one short film certified as it is not currently certified by the BBFC. The film is scheduled for screening at Everymen Cinema on the 11<sup>th</sup> November 2019, followed by a further screening at Hyde Park Picture House on the 21<sup>st</sup> November 2019.

3.2 Details of the film requiring certification, are as follows:

Title	Pulse
Synopsis	Tells of the inner conflict Will faces when coming to terms with his sexuality, exploring his acceptance and love through stylised, surreal continuous movement; battling his denial and faith.
Recommended Classification	12A

A representative from Oxygen Films will attend the hearing to give additional details of the film.

### 4.0 Screener

4.1 A link to the screener provided by the applicant is password protected and non-viewable by the general public. Members will therefore be provided with the screener link and access details in advance of the hearing to view the film. The option for Members to view the film at the hearing will also be available.

### 5.0 Content Summary

5.1 To assist members with their deliberation of the film, the below report has been written by the Licensing Authority in accordance with BBFC guidelines.

5.2 There are two instances within the short film that exhibit kissing, which according to the BBFC is considered mild sexual behavior.

5.3 A scene that may be considered controversial is the penultimate scene showing the main character holding a gun. The camera then pans to a group of people before slow strobe lighting represents the firing of the gun. The same group of people lie dead on the floor in an artistic representation of blood using red garments and what appears to be rose petals. No emphasis is placed on injuries or blood, and it is justified by its context representing the main characters emotions.

### 6.0 Implications for Council Policy and Governance

6.1 There are no implications for Council policy and governance in respect of determining this application.

## **7.0 Legal and Resource Implications**

7.1 The applicant can appeal any decision made by committee. Any appeal would be to the Magistrates' Court.

## **8.0 Recommendations**

8.1 Members are requested to consider this request for the certification of the films as attached hereto.

8.2 Members may take the decision to view any of the films prior to the issue of a Certificate.

## **9.0 Options Available to Members**

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