

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

**Report to:** Licensing Sub Committee

**Date:** Tuesday 12<sup>th</sup> November 2019

**Subject:** Certification of Films – Leeds Palestinian Film Festival 2019

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse, Chapel Allerton, 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 five films in respect of the Leeds Palestinian Film Festival. All screenings are scheduled to take place between 22<sup>nd</sup> November 2019 and 6<sup>th</sup> December 2019, at St. Anne's Cathedral, Seven Artspace, Leeds University Union, the Rose Bowl and Woodhouse Community Centre.

Of the 5 films to be certified, the applicant only has access to links for viewing two. Having sought legal advice, Members are recommended to certify the films they cannot view as category 18 ratings. Further information on this matter is detailed at 3.2 of this report.

### 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 8 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:



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 on behalf of Leeds Palestinian Film Festival for the certification of five films scheduled for screening between 22<sup>nd</sup> November 2019 and 6<sup>th</sup> December 2019. The screenings are intended to take place at St. Anne's Cathedral, Seven Artspace, Leeds University Union, the Rose Bowl and Woodhouse Community Centre.

3.2 In response to a briefing by the BBFC and due to recent issues experienced with films that Members have been unable to view, the film classification process has now changed. Advice sought from the Council's Legal Department has reaffirmed it is essential the Licensing Sub-Committee can view each film in order to rate it appropriately. In instances where films are unavailable, Members are advised to certify them 18 rating, subject to a written declaration from the applicant conforming that each film does not contain any content which would more likely than not, render the film liable to be classified as R18 if considered in accordance with the BBFC Classification Guidelines. A copy of the e-mail from the applicant requesting the classification and including the declaration, can be found at **Appendix B**.

3.3 A list detailing the title, synopsis and the applicant's suggested rating of all five films, can be found at **Appendix C** of this report.

3.4 Details of the two films that are viewable by Members, are as follows:

Title	WALL
Synopsis	A compelling animated documentary that follows Sir David Hare's journey to Palestine/Israel, as both his heart and mind are shaken by the incongruities and contradictions of life in the shadow of the wall. Award winning playwright Sir David Hare will give a talk and Q&A.
Recommended Classification	15

Title	BEYOND THE FRONTLINES
Synopsis	A journey across Palestine alongside Palestinian psychiatrist Dr. Samah Jabr describing the resistance and resilience of people affected by the invisible wounds of war and occupation.
Recommended Classification	15

3.5 A representative is due to attend the hearing and provide additional details of each film.

#### **4.0 Screener**

4.1 The screeners for the available films are not for public viewing at this stage. Members will therefore be provided with the screener link and access details in advance of the hearing to view the films. 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, two officers of the Licensing Authority have viewed each available film and produced the following report. This has been written in accordance with BBFC guidelines.

##### **5.2 Wall**

5.3 The first scene of concern replicates the Dolphinarium Discotheque Massacre, Tel Aviv, on 1<sup>st</sup> June 2001. The representation shows the explosion succeeded by the aftermath, including survivors/bodies lying on floor and rescue workers assisting.

5.4 Midway through the film a man tells another man about a Hamas torture technique. A depiction then follows giving an illustration of the technique including both mental and physical torture.

5.5

In summary the film concentrates on the Israeli-Palestinian conflict, in particular the Israeli West Bank Barrier and the effect on individuals living either side of the wall.

##### **5.6 Beyond the Frontlines**

5.7 This film consists primarily of interviews and footage in line with the synopsis given above. The content may be directed towards an adult audience, but no images or language have been identified that may give rise to concern

#### **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 are recommended to view 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.