

Report of: Chief Officer, Elections and Regulatory

Report to: Licensing Sub Committee

Date: Tuesday 1st February 2022

Subject: Certification of Films – Japanese Tour Films
The Pyramid Theatre, Leeds University Union

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & 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 Licensing Sub Committee Members of an application for the certification of three films to be screened as part of the series; Japanese Tour Films. All screenings are scheduled to take place between the 13th February 2022 and the 27th March 2022.

An advance screener for the film, The Lone Ume Tree, has been provided for Members of the Licensing Sub Committee to view and requests a category PG rating. Advance screeners for the remaining films requesting certification are unavailable and as a result, the applicant requests that category 18 ratings are applied subject to the disclaimer mentioned in further detail at 3.4 of the 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:

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 Leeds Grand Theatre & Opera House Ltd., to three films to be appropriately age rating certified. The films are scheduled for screening between the 13th February 2022 and the 27th March 2022, at The Pyramid Theatre, Leeds University Union

3.2 Of the three films requesting certification an advance screener has been provided for 'The Lone Ume Tree' only. The applicant requests a category PG rating is applied.

3.3 Advance screeners are unavailable for the remaining two films titled, 'Iwane: Sword of Serenity' and 'Ora, Ora Be Goin' Alone'. Subsequently these two films request 18 rating certifications.

3.4 In response to a briefing by the BBFC and advice sought from the council's Legal Department, it is essential the Licensing Sub-Committee can view each film in order to rate it appropriately. In instances where films are unavailable or insufficient opportunity is provided to view the films, Members are advised to certify them 18 rating subject to a written declaration from the applicant confirming 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.

3.5 A copy of the application for all three films, including the synopsis, recommend rating and the declaration where applicable, can be found at **Appendix B**.

3.6 To assist members with their deliberation officers of the Licensing Authority have viewed the available film and provided following comments, in accordance with BBFC guidelines:

There are several instances throughout the film of disability discrimination by other adult characters towards one of the film's main characters, Chu-san. Some of those views appear to change in later scenes. A child character does not share the same view throughout the film, which is likely in keeping with the BBFC Classification Guidelines regarding discrimination for a PG certification.

At 24:18 of the film a scene includes mild bad language and mild aggressive behaviour.

At 54:20 of the film a comment made by a character could be considered sexist.

3.7 The details of each film requiring classification, including a link to view the available screener online, have been provided to Members of the Licensing Sub Committee in advance of the hearing.

3.8 A representative from Leeds Grand Theatre & Opera House Ltd. is due to attend the hearing and provide additional details of each 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 There is no right of appeal to the Magistrates' Court against the decision of the Licensing Sub Committee.

6.0 Recommendations

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

6.2 Members are recommended to view 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.