

Agenda

Licensing Committee

Date:	Wednesday, 13 March 2019 at 11:30am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Angela Jacques (Chairman) Councillor Frank Andrews (Vice-Chairman)</p> <p>Councillors Jan Barker, Brenda Blackshaw, Alan Clayton, Peter Collins, David Donaldson, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Paul Hodgson, Sally Nash, Sandra Pitman, Ray Thomas.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 30 January 2019 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	DECISION ITEMS:	
4	Application for Classification of Three Films	3 - 17

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	13 MARCH 2019	4
APPLICATION FOR CLASSIFICATION OF THREE FILMS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Licensing Authority has received an application to show three films at a licensed premises in the Fylde area. The premises has permission for exhibition of films on the premises licence.

The films do not benefit from a classification from the British Board of Film Classification and as such the Committee is requested to determine the classifications.

RECOMMENDATION

That the committee recommend that children be not admitted to see the three films concerned.

SUMMARY OF PREVIOUS DECISIONS

N/A

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

- Urban Arts Studio, 11-12 Whiteside Buildings, St Annes has a premises licence authorising the exhibition of films. The licence therefore is subject to a mandatory condition requiring that the admission of children to showings of films be restricted according to the classification given to the film by the British Board of Film Classification, or by the licensing authority. The condition is as follows:

“The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by

- the British Board of Film Classification (BBFC) where the film has been classified by that Board, or*

b) *the Licensing Authority where no classification certificate has been granted by the BBFC or where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film. “*

2. A request has been received from the licence holder in relation to 3 films to be shown as follows –

Heltel – 27th March 2019

The Dates – 24th April 2019

The Relationship – 22nd or 28th May 2019

All of the films are independent productions and have not therefore been classified by the British Board of Film Classification (BBFC). The licensing authority has therefore notified the licence holder that section 20(3)(b) of the Licensing Act applies to them. This means that the committee must decide on what, if any restrictions it wishes to recommend in relation to the admission of children to the showings of the films.

Consideration

3. The licence holder has indicated that the content of the films would make it appropriate for admission to be restricted to adults only (i.e. those 18 of age or over). Since this is the most restrictive classification that the licensing authority can apply, it is recommended that the committee apply it without need to view the films. The licensing objectives and reference to guidance and local policy are set out in the legal implications box below for members’ information.

IMPLICATIONS	
Finance	There are no financial implications arising directly from the report.
Legal	<p>The licensing objectives are:</p> <p>The prevention of crime and disorder; Public safety The prevention of public nuisance; and The protection of children from harm</p> <p>The following parts of the Secretary of State’s guidance appear to be particularly relevant to the application:</p> <p style="padding-left: 40px;">10.17 Censorship 10.59 Exhibition of Films</p> <p>However, the parties appearing in the hearing may wish to draw the panel’s attention to other parts of the guidance.</p> <p>The following parts of the Council’s Statement of Licensing Policy appear to be particularly relevant to the application and the relevant representations:</p> <p style="padding-left: 40px;">14.4.2 Exposure to Adult Behaviour Appendix 4 Mandatory Condition where the licence permits the performance of films</p>
Community Safety	No further implications arising directly from the report.
Human Rights and Equalities	No further implications arising directly from the report.
Sustainability and Environmental Impact	No further implications arising directly from the report.
Health & Safety and Risk Management	The applicant has indicated that the films contain strong language, sexual references and drug use and may be unsuitable for some viewers

LEAD AUTHOR	CONTACT DETAILS	DATE
Joanne Gallagher	joanne.gallagher@fylde.gov.uk Tel 01253 658609	26 th February 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Statement of Licensing Policy	April 2018	S182 Guidance
Fylde Council Statement of Licensing Policy	January 2016	Statement of Licensing Policy

Attached documents

- Request for film classification x 3
- BBFC Guidance



LICENSING ACT 2003

REQUEST FOR FILM CLASSIFICATION

Please return this form to licensing@fylde.gov.uk and provide us with a copy of the film as it is to be shown at least 28 days before the first intended screening date. We can only accept films in DVD format.

FILM TITLE: Heltel

PLEASE STATE WHY THE FILM HAS NOT BEEN CLASSIFIED BY THE BRITISH BOARD OF FILM CLASSIFICATION (www.bbfc.co.uk)

Independent Film

INTENDED SCREENING DATE: 27th March 2019

INTENDED LOCATION: Urban Arts Studio Back St Annes Rd West Lytham St Annes FY8 1RD

NAME, ADDRESS, TELEPHONE AND EMAIL DETAILS OF RESPONSIBLE PERSON:

Philippa Andrews-Picken

44 Highbury Road East

Lytham St Annes

FY8 2RW

RUNNING TIME:

55

LANGUAGE:

English

PLEASE CONFIRM THE FILM IS THE FINAL EDITED VERSION WITH FINAL SOUND MIX Yes

DOES THE FILM HAVE SUBTITLES: No

IS THE FILM AVAILABLE TO VIEW ON DVD

Yes

SYNOPSIS OF FILM (CONTINUE OVERLEAF IF NECESSARY):

Straight laced Jimmy becomes the new Health Club Manager at the Disastrous Tarquin Towers Hotel and has the first day from Hell.

PLEASE INDICATE ANY PARTS OF THE FILM LIKELY TO CAUSE CONCERN:

First 5 mins – reference to sex, drug & alcohol use

Strong language throughout

The character Tarquin (fictional owner) character is very derogatory throughout which may cause offence with some viewers

INTENDED AUDIENCE: over 18's

EXPECTED CERTIFICATE: 18

FOR OFFICE USE

OFFICERS' RESPONSIBLE:

DATE VIEWED:

CERTIFICATE:

REASONS:

DECISION COMMUNICATED ON:



LICENSING ACT 2003

REQUEST FOR FILM CLASSIFICATION

Please return this form to licensing@fylde.gov.uk and provide us with a copy of the film as it is to be shown at least 28 days before the first intended screening date. We can only accept films in DVD format.

FILM TITLE: The Dates

PLEASE STATE WHY THE FILM HAS NOT BEEN CLASSIFIED BY THE BRITISH BOARD OF FILM CLASSIFICATION (www.bbfc.co.uk)

INTENDED SCREENING DATE: 24th April 2019

INTENDED LOCATION: Urban Arts Studio

NAME, ADDRESS, TELEPHONE AND EMAIL DETAILS OF RESPONSIBLE PERSON:

Philippa Andrews-Picken

44 highbury road East

Lytham St annes

FY8 2RW

RUNNING TIME: 130

LANGUAGE:English

PLEASE CONFIRM THE FILM IS THE FINAL EDITED VERSION WITH FINAL SOUND MIX Yes

DOES THE FILM HAVE SUBTITLES: No

IS THE FILM AVAILABLE TO VIEW ON DVD Yes

SYNOPSIS OF FILM (CONTINUE OVERLEAF IF NECESSARY):

PLEASE INDICATE ANY PARTS OF THE FILM LIKELY TO CAUSE CONCERN:
strong language and sexual reference throughout

INTENDED AUDIENCE:18

EXPECTED CERTIFICATE: 18

FOR OFFICE USE
OFFICERS' RESPONSIBLE:

DATE VIEWED:

CERTIFICATE:

REASONS:

DECISION COMMUNICATED ON:



LICENSING ACT 2003

REQUEST FOR FILM CLASSIFICATION

Please return this form to licensing@fylde.gov.uk and provide us with a copy of the film as it is to be shown at least 28 days before the first intended screening date. We can only accept films in DVD format.

FILM TITLE: The Relationship

PLEASE STATE WHY THE FILM HAS NOT BEEN CLASSIFIED BY THE BRITISH BOARD OF FILM CLASSIFICATION (www.bbfc.co.uk)

Independent Film

INTENDED SCREENING DATE: 22nd or 28th May 2019

INTENDED LOCATION: Urban Arts Studio Back St Annes Rd West Lytham St Annes FY8 1RD

NAME, ADDRESS, TELEPHONE AND EMAIL DETAILS OF RESPONSIBLE PERSON:

Philippa Andrews-Picken

**44 Highbury Road East
Lytham St Annes**

FY8 2RW

RUNNING TIME:132

LANGUAGE:English

PLEASE CONFIRM THE FILM IS THE FINAL EDITED VERSION WITH FINAL SOUND MIX Yes

DOES THE FILM HAVE SUBTITLES: No

IS THE FILM AVAILABLE TO VIEW ON DVD Yes

SYNOPSIS OF FILM (CONTINUE OVERLEAF IF NECESSARY):

Josh Hurts finally in a happy relationship. This is of course until vomiting Vicars, stalking ex girlfriends, alcoholic best friends and excessive amounts of property destruction threaten to make him single again very soon. Thought finding love was hard? Try keeping it.

PLEASE INDICATE ANY PARTS OF THE FILM LIKELY TO CAUSE CONCERN:

11 mins there is a vomiting scene with strong language

15 -23 mins strong sexual references

45 mins- strong sexual reference and drug use

INTENDED AUDIENCE: 18 and over

EXPECTED CERTIFICATE: 18

FOR OFFICE USE

OFFICERS' RESPONSIBLE:

DATE VIEWED:

CERTIFICATE:

REASONS:

DECISION COMMUNICATED ON:



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.

If a work is particularly suitable for pre-school children, this will be indicated in the BBFCinsight.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

Drugs

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

Imitable behaviour

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional nudity, with no sexual context.

Sex

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

Threat

Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

Violence

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).



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.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

Nudity

There may be nudity with no sexual context.

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Threat

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Violence

Violence will usually be mild. However there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



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, we recommend that they check the BBFCinsight for that film in advance.

No one younger than 12 may rent or buy a 12 rated video work.

Discrimination

Discriminatory language or behaviour **must not** be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Imitable behaviour

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

Language

There may be moderate language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

Nudity

There may be nudity, but in a sexual context it must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

Threat

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

Violence

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.

Sexual violence may only be implied or briefly and discreetly indicated, and its depiction must be justified by context.



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.

Discrimination

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

Drugs

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

Language

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

Nudity

There are no constraints on nudity in a non-sexual or educational context. There may be nudity in a sexual context but usually without strong detail.

Sex

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

Threat

There may be strong threat and horror. A sustained focus on sadistic or sexual threat is unlikely to be acceptable.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable.

There may be detailed verbal references to sexual violence but the depiction of sexual violence must be discreet and justified by context.



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.

Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic or sexual violence which make this violence look appealing; reinforce the suggestion that victims enjoy sexual violence; or which invite viewer complicity in sexual violence or other harmful violent activities

- where there are more explicit images of sexual activity in the context of a sex work (see below) or where the primary purpose of the images in question is sexual arousal

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at 18

Where sex material genuinely seeks to inform and educate in matters such as human sexuality or safer sex and health, explicit images of sexual activity may be permitted.

Sex works at 18

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed 18. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the R18 category. Material which is unacceptable in a sex work at R18 is also unacceptable in a sex work at 18.



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.

The following content is not acceptable:

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game. Strong physical or verbal abuse, even if consensual, is unlikely to be acceptable

These Guidelines will be applied to the same standard regardless of sexual orientation of the activity portrayed.