



FYLDE BOROUGH COUNCIL



Meeting Agenda

**Licensing Committee
Lowther Pavilion, Lytham
24 January 2008, 10:00am**



Licensing Objectives

Fylde Borough Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are:

- 1. The prevention of crime and disorder;**
- 2. Public safety;**
- 3. The prevention of public nuisance; and**
- 4. The protection of children from harm.**

In carrying out its licensing functions, Fylde Borough Council must also have regard to:

- 1. Our licensing statement published under section 5 of the Licensing Act, and**
- 2. Any guidance issued by the Secretary of State under section 182 of the Licensing Act**

Membership Licensing Committee

CHAIRMAN - Councillor David Eaves

VICE-CHAIRMAN – Councillor Dawn Prestwich

Councillors

Brenda Ackers	Christine Akeroyd
Elizabeth Clarkson	Barbara Douglas
Susan Fazackerley	Angela Jacques
Keith Beckett	Lyndsay Greening
Elaine Silverwood	Ken Hopwood
Tony Ford	John Davis
Janine Owen	

Contact: Peter Welsh, St. Annes (01253) 658502, Email: peterw@fylde.gov.uk



AGENDA

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the pocket guide produced by the Standards Board for England is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Licensing Committee held on 24 October 2007</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 25.3</i>	4
4. CLASSIFICATION OF THE FILM UNDERGROUND	7 – 23

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
EXECUTIVE MANAGER CONSUMER WELLBEING AND PROTECTION	LICENSING COMMITTEE	24 TH JANUARY 2008	4

CLASSIFICATION OF THE FILM “UNDERGROUND”

Public item

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

Summary

A formal request has been received for the movie “Underground” to be screened at a Cinema operating in the Borough.

The film does not benefit from a classification from the British Board of Film Classification and as such the Committee is requested to determine a classification

Recommendation

That the Committee views the film and determines a classification to be applied.

Cabinet Portfolio

This item falls within the following Cabinet Portfolio

Community & Social Wellbeing: Councillor Patricia Fieldhouse

Report

1. A request has been received from the operator of Cinema 4 at the Island, Pleasure Island, St Annes to screen the movie “Underground”. The film does not benefit from a classification laid down by the British Board of Film Classification (BBFC).

2. The BBFC is an independent, non-governmental body funded through the fees it charges to those who submit films, videos, DVD's and digital games for classification.
3. The BBFC also classifies films on behalf of Local Authorities who licence cinemas under the Licensing Act 2003.
4. S20 of the Licensing Act 2003 lays down a requirement on Licensing Authorities to attach a mandatory condition on Premises Licences benefiting from the licensable activity of film exhibitions and as such, the following condition has been attached to the Premises Licence of Cinema 4 at the Island
"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
 - a) *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. "*
5. Due to financial cost of obtaining classification from the BBFC, the applicant has at the suggestion of the BBFC, approached the Licensing Authority in order to obtain a classification recommendation to enable the film to be shown.
6. Fylde Borough Council's Statement of Licensing Policy comments at 22.8 that
"In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age- restricted films classified according to the recommendations of the British Board of Film Censors or the Licensing Authority itself."
7. It is therefore requested that members view and consider the film and make a recommendation as to an appropriate classification.
8. For the information and use of members, information from the BBFC is annexed to this Report providing guidance as basic principles given consideration by them when determining film classifications.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	There are no implications arising directly from the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 658422	2 nd January 2008	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None		

Attached documents

1. Formal Request from Cinema 4 at the Island
2. British Board of Film Classification Guidelines

Recd 147358
29/11/07

F.A.O. Chris Hambley
Licensing Department

Fylde Borough Council
The Town Hall
St Annes Road West
St Annes
Lancashire
FY8 1LW

Dear Mr Hambley,

Further to our recent conversation, I am writing to you formally request permission to screen the film "Underground" at Cinemafour, The Island, South Promenade, from early January 2008. The initial screening would be the world premiere of the film, followed by a theatrical run of 7 - 14 days.

The movie is the second feature from Mark Strange who you will remember from the film "Displaced" which you certified earlier this year.

The film has been written and produced by Mark Strange and directed by Chee Keong Cheung.

The production values and overall feel of this film are far more professional than Mark's debut "Displaced", and I would say that it marks a very significant development in his film career.

There are also several recognisable faces in this production, including Leonard Fenton (most famously "Dr Legg" in Eastenders), Gary Webster (Minder) & Danny John-Jules ("Cat" in Red Dwarf).

Set for International DVD release this year, Cinemafour would like to provide the venue for a World Premiere and the only theatrical run of this film.

As with "Displaced", the British Board of Film Classification has suggested that we approach yourselves for a special licence to screen the film, since their fees for a classification would be in the region of £750.

It is my opinion that the film would rate a 15 certificate. There is minimal use of bad language and contains no sexual references, however the film focuses on a martial arts / street fighting tournament and as such contains violent fight scenes and, unlike "Displaced" there are a few bloody noses - hence the request for the higher certificate (You agreed to rate "Displaced" as a 12A).

I have enclosed a DVD of the film. I also enclose some guidelines from the BBFC for your reference.

The premiere should once again attract both press and television coverage, as well as guests from the film industry in the North West and further a field.







If you have any questions, please do not hesitate to call me on 01253 722620.

Yours faithfully,

Nigel Lings - Cinemafour



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Introduction

i The British Board of Film Classification (BBFC) is an independent, non-governmental body funded through the fees it charges to those who submit films, videos, DVDs and digital games for classification.

ii The BBFC classifies films on behalf of the local authorities who license cinemas under the Licensing Act 2003.

iii The BBFC classifies videos, DVDs and some digital works under the Video Recordings Act 1984. (The digital works covered by the VRA are those whose exemption is forfeited under section 2(2) because they depict human sexual activity, gross violence or other matters of concern.)

iv The BBFC will not classify material which it believes to be in breach of the criminal law.

v Where possible the BBFC will carry out its responsibilities through appropriate use of the classification categories, particularly in order to protect children from actual or potential harm. If necessary, however, the Board may cut or even reject a film, video, DVD or digital work. The Board's approach to rejects is set out at the end of these Guidelines.

vi In line with domestic administrative law principles and the requirements of the Human Rights Act 1998, there is a particular need to make the classification criteria clear. This is fulfilled by the publication of these Guidelines and their availability on the BBFC website (www.bbfc.co.uk) or directly from the Board.

vii The detail of the Guidelines is contained in the following pages. But it is right to set out here the general underlying grounds on which the Board exercises the broad discretion conferred on it. There are three main considerations:

- is the material in conflict with the law?
- is the material, at the age group concerned, likely to be harmful?
- is the material, at the age group concerned, clearly unacceptable to broad public opinion? (It is on this ground, for example, that the Board intervenes in respect of language. This ground also applies at '18', although here it is balanced against the public expectation that adults should be free to choose their entertainment, within the law.)

viii The BBFC Classification Guidelines reflect all these considerations and others set out later. They are the product also of public consultation, research and the accumulated experience of the BBFC over many years.

ix The Guidelines, however, are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter. They cannot be a comprehensive account of everything that may at any time be of concern. Should issues arise which are not specifically covered here, they will be dealt with by the BBFC on their merits and in line with the standards expressed and implied generally.

x Responsibility for the Guidelines and for their interpretation rests with the BBFC and is subject to normal considerations of fairness and reasonableness.

xi The BBFC undertakes to provide guidance on the interpretation of these Guidelines at any time.

Legal Considerations

The Video Recordings Act 1984

The Act requires the BBFC to have special regard (among the other relevant factors) to the likelihood of works being viewed in the home, and to

- any harm to those likely to view a video
- any harm to society through the behaviour of those viewers afterwards

In considering these issues the Board has in mind the possible effect not only on children but also on other vulnerable people.

The Act further requires that special regard is paid to the manner in which the work deals with

- criminal behaviour
- use of illegal drugs
- violent behaviour or incidents
- horrific behaviour or incidents
- human sexual activity

The Cinematograph Films (Animals) Act 1937

It is illegal to show any scene ‘organised or directed’ for the purposes of the film to involve actual cruelty to animals.

The Protection of Children Act 1978

It is illegal to show indecent photographs or pseudo-photographs of a child (under the age of 18).

The Obscene Publications Act 1959

It is illegal to show a work which is obscene. A work may be found obscene if, taken as a whole, it has a tendency to deprave and corrupt (ie make morally bad) a significant proportion of those likely to see it.

The Human Rights Act 1998

Among the rights established under this Act are the right to respect for private and family life, and the right to freedom of expression. When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person.

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the

prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The Licensing Act 2003

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (under 18) to any film to be restricted having regard to the recommendations of the BBFC. The licensing objectives are

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Other unlawful material

In carrying out its responsibilities, the Board will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

The Categories

In classifying films, videos or digital media, the BBFC also gives consideration to the following basic principles

- adults should as far as possible be free to choose what they see, providing that it remains within the law and is not potentially harmful to society
- works should be allowed to reach the widest audience that is appropriate for their theme and treatment
- the context in which something (eg sex or violence) is presented is central to the question of its acceptability
- the BBFC's Guidelines will be reviewed periodically. The Guidelines, and the Board's practice in applying them, have particular regard to any changes in public taste, attitudes and concerns; changes in the law; or new evidence from research or expert sources

The Classification categories are:



Universal – Suitable for all



Parental Guidance – General viewing, but some scenes may be unsuitable for young children



Suitable for 12 years and over. No-one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult.

No-one younger than 12 may rent or buy a '12' rated video or DVD. Responsibility for allowing under-12s to view lies with the accompanying or supervising adult.



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 or DVD.

The Categories continued



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.



To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years.

Occasionally, a work lies on the margin between two categories. In applying the criteria in these Guidelines in such a case, the BBFC takes into account the intentions of the film-maker, the expectations of the public in general and the work's audience in particular, and any special merits of the work.

Classification decisions may be stricter on video, DVD and digital works than on film. This is because of the increased possibility of under-age viewing recognised in the Video Recordings Act, and of works

being replayed or viewed out of context. Accordingly, a work may occasionally receive a higher age classification than on film, or require new or different cuts.

Classification decisions may be more restrictive with regard to trailers and advertisements. This is because difficult content in such short works may have a greater impact on an unprepared audience.

Consumer Advice

The BBFC provides Consumer Advice on all the works it classifies, and attaches importance to this. Consumer Advice enables the public to make informed choices. It covers in particular violence, sex, language, drugs and any other matters likely to be of concern to the public. The information should appear on publicity for all cinema works rated 'U' to '18', and on the packaging of all videos, DVDs and digital games rated 'U' to '18'. The display of this information in publicity or on packaging is ultimately a matter for the film and video industry. The Board's Consumer Advice is, however, available on its website, www.bbfc.co.uk.

Main Issues

This section of the Guidelines sets out some concerns which apply, to a greater or a lesser degree, at all classification levels. The concerns are listed in the same order on the pages following, which provide specific guidance for ‘U’ through to ‘18’.

The guidance there should be read in the light of this more general advice.

Theme

The acceptability of a theme depends significantly on its treatment, ie the context and sensitivity of its presentation. However, the most problematic themes (for example drug abuse, sexual violence, paedophilia, incitement to racial hatred or violence) are unlikely to be appropriate at the most junior levels of classification. Correspondingly, there is no reason in principle why most themes, however difficult, could not be satisfactorily handled at ‘18’ or even ‘15’.

Language

Many people are offended, some of them deeply, by bad language, including the use of expletives with a religious or racial association and language which offends other, sometimes vulnerable, minorities. The extent of that offence varies according to age, gender, race, background, beliefs and expectations brought by viewers to the genre on offer.

The depth of concern about any particular word or expression will also depend upon the context within which it is used.

For these reasons, it is impossible to set out comprehensive lists of acceptable words or expressions which will satisfy all sections of the public. The advice at different classification levels, therefore, provides general guidance taking account of the Board’s consultation with the public.

Nudity

Natural nudity, providing there is no sexual context, is acceptable at all classification levels except ‘Uc’.

Sex

The portrayal of human sexual activity can range from kissing and references to ‘making love’ to detail of real sex. This is reflected in the classification system, in which progressively stronger portrayal is allowed as the categories rise. The Guidelines apply the same standards to homosexual as to heterosexual activity.

The ‘R18’ category, required by Parliament under the Video Recordings Act, is primarily for ‘sex works’, whose primary purpose is sexual arousal or stimulation. ‘R18’ videos and DVDs may be supplied only in licensed sex shops which no-one under 18 may enter. ‘R18’ films may be shown only in specially licensed cinemas.

Main Issuescontinued

Violence

Violence has always been a feature of entertainment for children and adults. We address the degree and nature of violence through our classification system.

In making decisions our concerns, especially at the lower categories, include

- ➔ portrayal of violence as a normal solution to problems
- ➔ heroes who inflict pain and injury
- ➔ callousness towards victims
- ➔ encouraging aggressive attitudes
- ➔ taking pleasure in pain or humiliation

Works which glorify, glamorise or sexualise violence will receive a more restrictive classification and may even be cut.

The BBFC has a strict policy on rape and sexual violence. With portrayals of sexual violence which might eg eroticise or endorse sexual assault the Board may require cuts at any classification level. This is more likely with DVD or video than film because DVD and video scenes can be replayed repeatedly.

Any association of sex with non-consensual restraint, pain or humiliation may be cut.

Imitable techniques

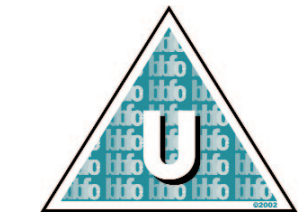
The BBFC is concerned about detailed portrayal of criminal and violent techniques and the glamorisation of easily accessible weapons. Action which may promote illegal or anti-social behaviour, and portrayals of potentially dangerous behaviour which young children are likely to copy, are of particular concern. Examples of the Board’s concerns in this area include combat techniques, hanging, suicide and self-harm.

Horror

The BBFC recognises that audiences pay to see horror films because they like being frightened. The Board does not cut films simply because they alarm or shock. Instead, it classifies them to ensure that the young and vulnerable are protected from too intense an experience.

Drugs

No work taken as a whole may promote or encourage the use of illegal drugs. Any detailed portrayal of drug use likely to promote or glamorise the activity may be cut. Works which promote or glamorise smoking, alcohol abuse or substance misuse may also be a concern, particularly at the junior categories.



Parental Guidance – General viewing, but some scenes may be unsuitable for young children

Unaccompanied children of any age may watch. A ‘PG’ film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

Theme
Where more serious issues are featured (eg domestic violence, racist abuse) nothing in their treatment should condone the behaviour.

Language
Mild bad language only.

Nudity
Natural nudity, with no sexual context.

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

Violence
Moderate violence, without detail, may be allowed, if justified by its setting (eg historic, comedy or fantasy).

Imitable techniques
No glamorisation of realistic or easily accessible weapons. No detail of potentially dangerous behaviour which young children are likely to copy.

Horror
Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

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





12A

Suitable for 12 years and over.
No-one younger than 12 may see a ‘12A’ film in a cinema unless accompanied by an adult.

No-one younger than 12 may rent or buy a ‘12’ rated video or DVD. Responsibility for allowing under-12s to view lies with the accompanying or supervising adult.

Theme
Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Language
The use of strong language (eg ‘fuck’) must be infrequent. Racist abuse is also of particular concern.

Nudity
Nudity is allowed, but in a sexual context must be brief and discreet.

Sex
Sexual activity may be implied. Sex references may reflect what is likely to be familiar to most adolescents but should not go beyond what is suitable for them.

Violence
Violence must not dwell on detail. There should be no emphasis on injuries or blood. Sexual violence may only be implied or briefly and discreetly indicated.

Imitable techniques
Dangerous techniques (eg combat techniques, hanging, suicide and self-harming) should not dwell on imitable detail or appear pain or harm free. Easily accessible weapons should not be glamorised.

Horror
Sustained moderate threat and menace are permitted. Occasional gory moments only.

Drugs
Any misuse of drugs must be infrequent and should not be glamorised or instructional.

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 or DVD.

Theme

No theme is prohibited, provided the treatment is appropriate to 15 year olds.

Language

There may be frequent use of strong language (eg 'fuck'). But the strongest terms (eg 'cunt') will be acceptable only where justified by the context. Continued aggressive use of the strongest language is unlikely to be acceptable.

Nudity

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

Sex

Sexual activity may be portrayed but without strong detail. There may be strong verbal references to sexual behaviour.

Violence

Violence may be strong but may not dwell on the infliction of pain or injury. Scenes of sexual violence must be discreet and brief.

Imitable techniques

Dangerous techniques (eg combat techniques, hanging, suicide and self-harming) should not dwell on imitable detail. Easily accessible weapons should not be glamorised.

Horror

Strong threat and menace are permitted. The strongest gory images are unlikely to be acceptable.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse.

15





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.

In line with the consistent findings of the BBFC’s public consultations, at ‘18’ the BBFC’s guideline concerns will not normally override the wish that adults should be free to chose their own entertainment, within the law. Exceptions are most likely in the following areas

- where material or treatment appears to the Board to risk harm to individuals or, through their behaviour, to society – eg any detailed portrayal of violent or dangerous acts, or of illegal drug use, which is likely to promote the activity. The Board may also intervene with portrayals of sexual violence which might, eg eroticise or endorse sexual assault
- the more explicit images of sexual activity – unless they can be exceptionally justified by context and the work is not a ‘sex work’ as defined below.

In the case of videos and DVDs, which may be more accessible to younger viewers, intervention may be more frequent. For the same reason, and because of the different way in which they are experienced, the Board may take a more precautionary approach in the case of those digital games which are covered by the Video Recordings Act.

Sex education at ‘18’

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safe sex and health, exceptions to the normal constraints on explicit images may be made in the public interest. Such explicit detail must be kept to the minimum necessary to illustrate the educational or instructional points being made.

Sex works at ‘18’

Sex works are works, normally on video or DVD, whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed ‘18’, while sex works containing clear images of real sex are confined to the ‘R18’ category.

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To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to persons of not less than 18 years.

The ‘R18’ category is a special and legally restricted classification primarily for explicit works of consenting sex between adults. Films may only be shown to adults in specially licensed cinemas, and videos may be supplied to adults only in licensed sex shops. ‘R18’ videos may not be supplied by mail order.

The following content is not acceptable

- ➔ any 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
- ➔ material (including dialogue) likely to encourage an interest in sexually abusive activity (eg paedophilia, incest, rape) which may include adults role-playing as non-adults
- ➔ the portrayal of any sexual activity which involves lack of consent (whether real or simulated). Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- ➔ the infliction of pain or physical harm, real or (in a sexual context) simulated. Some allowance may be made for mild consensual activity. Penetration by any object likely to cause actual harm or associated with violence
- ➔ any sexual threats, humiliation or abuse which does not form part of a clearly consenting role-playing game. Strong abuse, even if consensual, is unlikely to be acceptable.

These guidelines will be applied to the same standard whether the activity is heterosexual or homosexual.



Rejects

The Board will attempt to deal with films, videos or DVDs which are unacceptable at any category through intervention such as making cuts or requiring the addition of warning captions. If this is not possible or not acceptable to the distributor, works may be refused classification altogether. ‘Taboo’ themes are acceptable, but not if their treatment is likely to encourage harm to viewers or, through their behaviour, to society. The following are of particular concern

- graphic rape or torture
- sadistic violence or terrorism
- illegal and glamorised drug use
- material likely to incite racial hatred or violence
- portrayals of children in a sexualised or abusive context
- sex accompanied by non-consensual pain, injury or humiliation
- material likely to be found obscene by the courts.

Appeals

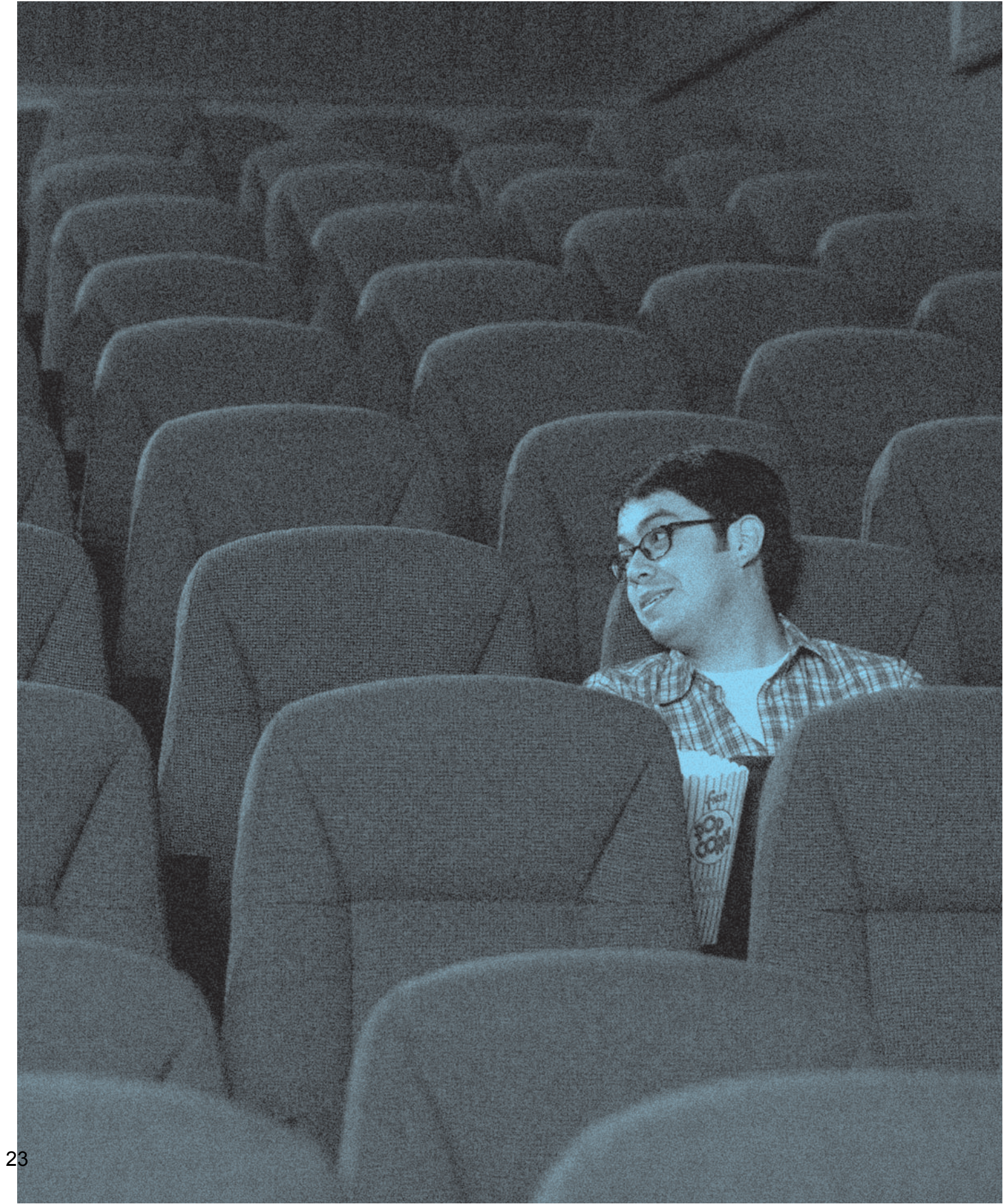
A distributor who disagrees with a classification decision for their work may appeal against it directly to the Board. Additionally, in the case of films, the company (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of videos, DVDs and games a company may appeal to the Video Appeals Committee which is independent of the Board.

The public can make its views known to the Board at any stage of the classification process.

British Board of Film Classification
3 Soho Square
London
W1D 3HD

Main website: www.bbfc.co.uk
Website for children (ages 9-12): www.cbbfc.co.uk
Website for students (age 12+): www.sbbfc.co.uk

t: 020 7440 1570
f: 020 7287 0141
e: contact_the_bbfc@bbfc.co.uk



Licensing Committee



Date	24 October 2007
Venue	Town Hall, Lytham St Annes
Committee members	David Eaves (Chairman) Dawn Prestwich (Vice-Chairman) Brenda Ackers, Christine Akeroyd, Keith Beckett, Elizabeth Clarkson, John Davies, Susan Fazackerley, Tony Ford, Lyndsay Greening, Ken Hopwood, Angela Jacques, Elaine Silverwood
Other Councillors	None
Officers	Stuart Handley, Chris Hambley, Peter Welsh

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the licensing committee meeting held on 27 April 2007 as a correct record for signature by the chairman.

3. Substitute members

There were no substitute members.

4. Licensing Act 2003: Revised licensing policy 2008-2011

Stuart Handley (Commercial and Licensing Manager) presented a comprehensive report on the revised licensing policy.

As required by the legislation, and in accordance with the guidance issued by the secretary of state, this council, along with all others, was required to prepare a statement of licensing policy for a further three year period. This revised policy must be in force with effect from the 7th January 2008 until 6th January 2011.

A revised version of the statutory guidance, issued by the secretary of state, following consultation with a wide range of stakeholders including local authorities, the police, and industry and interest groups was published in June 2006 with a further substantial revision formally introduced in June 2007. It was important that the changes to the statutory guidance, which were in force

when the original policy was formulated, were fully reflected in any revised licensing policy.

It was recognised that many local and national businesses in the leisure industry had undertakings across the Fylde coast and it was helpful if the approach to licensing matters was consistent from one licensing authority to another. Fylde borough had worked in partnership, with Wyre borough to produce what was effectively one common draft licensing policy which set out how both councils would undertake their duties towards licensing alcohol, entertainment and late-night refreshments. It was intended that this would be adopted separately by each authority.

Before finalising and implementing its policy, the council consulted with those who may be affected by it. Accordingly, the views on what should be included in the council's statement of licensing policy had been sought from a wide range of both statutory and non-statutory consultees.

In total well over 500 organisations and interested parties were consulted. A significant number of responses were received and a summary of each comment received along with officers comments and suggested amendments to the policy was circulated with the agenda.

Following consideration it was RESOLVED to approve the revised draft licensing policy as detailed in the report.

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