

**Report Title:** Amendment to the District Council's Film Authorisation Procedures

**Report To:** Licensing Sub Committee      **Date:** 3 July 2018

**Ward(s) Affected:** All Wards

**Report By:** Director of Service Delivery

**Contact Officer(s)-**

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### **Purpose of Report:**

To consider the amended Film Authorisation Procedures to make provision for classification requirements when films are not viewed in advance.

### **Officers Recommendation:**

That the Licensing Committee approve the amended Film Authorisation Procedures detailed in **3.2 - 3.3** of this report

That the Licensing Committee agree that minor amendments to the Film Authorisation Procedures may be agreed by the Functional Lead (Quality Environment) in conjunction with the Chair of Licensing Committee

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## **1. Reasons for Recommendations**

Lewes District Council currently have a Policy for dealing with the classification of films (attached at Appendix A)

## **2 Background**

- 2.1** The exhibition of film is a licensable activity under the Act, with certain exceptions.

- 2.2** The vast majority of films are classified by the BBFC. Unclassified films might typically be shown at film clubs, but there is a possibility of these being shown at public cinemas such as the new Depot cinema in Lewes.
- 2.3** The Council does have formal procedures in place to comply fully with Section 20 of the Act. This section states that the admission of children to the exhibition of any film must be restricted in accordance with either:
- the BBFC classification; or
  - where the film is not classified by the BBFC, any recommendations on the restriction of the admission of children made by the Council.
- 2.4** The definition of the exhibition of a film is the exhibition of moving pictures and the definition of a child is any person under the age of 18 years.
- 2.5** In order to comply with Section 20 of the Act, the Council must ensure that it has in place procedures that will enable it to authorise the exhibition of films and where necessary place upon the licence certain restrictions on the admission of children. The Council must also be in a position to handle appeals by distributors or independent parties against any BBFC classification decision. At all times the Council must take into account the Protection of Children from Harm licensing objective.

### **3 Proposed amendment**

- 3.1** On occasion, for various reasons, it might not be possible to view a film in advance of it's showing. In such cases, the following addition to Policy is recommended:

**3.2** Classification requirements when films are not viewed in advance

An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:

- (a) A film festival
- (b) A one off screening of a film
- (c) A trailer for a film

**3.3** Conditions attached to an 18 Certificate film classification where films have not been viewed in advance

The conditions listed below are attached by Lewes District Council on all waivers to the film classification requirements:

- (1) The films must not encourage or incite crime; or lead to to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards men or women.
- (2) The films must not have the effect such as to tend to deprave and corrupt persons who see them.

- (3) The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
- (4) Persons under the age of 18 must not be admitted to any such film exhibitions.

#### **4. Financial Appraisal**

- 3.1** There are no financial implications arising from the recommendations in this report

#### **5. Legal Implications**

- 5.1** This report has been considered by legal on 21<sup>st</sup> June 2018 (Iken 6135-MW)

### **Appendices**

Appendix A - Lewes District Council Film Authorisation Procedures (with amendment shown in red)