

CABINET

20 SEPTEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.2 ADOPTION OF A FILM CLASSIFICATION POLICY

(Report prepared by Bethany Jones, Committee Services Officer)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Film Classification Policy (the Policy recommended for adoption is set out at Appendix 1 to this report).

EXECUTIVE SUMMARY

Under the Licensing Act 2003, the exhibition of a film to the public (with certain exclusions and exemptions) is defined as regulated entertainment. Regulated entertainment under the 2003 Act requires an authorisation from the licensing authority, which, in the District of Tendring is this Council. The 2003 Act provides that where an authorisation permits the exhibition of film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC) or by the licensing authority itself. A Film Classification Policy sets out how a licensing authority will approach its responsibilities in this regard within the 2003 Act.

In undertaking its responsibility under the Licensing Act 2003, the Council must seek to promote the four licensing objectives set out in that Act. These objectives are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

A draft Film Classification Policy had been considered by the Licensing and Registration Committee at its meeting of 25 March 2024. The Committee at that time authorised consultation on the draft for a period of 8 weeks from 1 April 2024 to 26 May 2024. The consultation was undertaken and specifically included invitations to comment being sent to the licensees for the Electric Palace, Harwich; and Picturedrome Clacton Century. In addition, Responsible Authorities under the Licensing Act 2003, representatives of premises licence holders were approached to submit comments on the draft Policy. The draft Policy was also made available to view, download and comment on through the Council's website. Only the licensee for the Electric Palace responded to the consultation and their submission was that the draft Policy "was extremely helpful and looked as expected. We are grateful for you sharing this with us". No other views on the draft Policy were received.

The draft Policy was seeking to set out how this Council (as the licensing authority) would deal with the classification of otherwise unclassified films, together with appeals by distributors against the BBFC decisions as to the classification of a film or to reclassify films. The Council had previously made determinations on these matters. However, it did not have the benefit of a Policy to aid with consistency in those determinations.

This Council's Licensing and Registration Committee ("the Committee"), at its meeting held on 24 July 2024 (Minute 7 refers), considered the matter again (including the responses received during the consultation). Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee's decision was as follows:-

"RESOLVED that, having considered the outcome of the public consultation on a draft Film Classification Policy, it formally recommends to Cabinet that the policy attached to the Officer report (Appendix A) be adopted."

The Policy referred to in the above decision of the Licensing and Registration Committee is set out at Appendix 1 to this report.

Housing and Planning Portfolio Holder's Comments

"I am grateful for the work of the Licensing and Registration Committee in overseeing the development of the Film Classification Policy now presented to Cabinet for approval. I am happy to endorse the recommendation from the Committee that the Policy be approved.

This Policy compliments the Statement of Licensing Policy which, among other things, concerns itself with the regulation of the exhibition of films in the District. The Film Classification Policy provides a good framework for those wishing to show unrated films, as well as safeguarding children (by applying a set of rules around the rating to be applied to those otherwise unrated films).

I am also happy to propose a second recommendation to Cabinet as follows:

"That Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 24 July 2024, Cabinet resolves that the Film Classification Policy, as set out at Appendix 1 hereto, be adopted.

[Note: the Portfolio Holder for Housing and Planning also intends to move the second recommendation set out in the earlier section of this report.]

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 24 July 2024 is available using this link:

<https://tdcdemocracy.tendringdc.gov.uk/documents/s68844/A2%20-%20Film%20Classification%20-%20Report%20final.pdf>

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio

Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 24 July 2024 have been referred to in the preparation of this report.

APPENDICES

A2 Appendix 1 – Film Classification Policy (recommended for approval by the Licensing and Registration Committee)