

## PREMISES/PERSONAL LICENSING SUB-COMMITTEE

20 FEBRUARY 2025

### REPORT OF DIRECTOR (GOVERNANCE & LEGAL)

#### A.1 APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILM

##### PURPOSE OF THE REPORT

To determine a request for the licence holder to show to the public a number of short films that have not been classified by the British Board of Film Classification.

The request to show the short films has been made by Essex International Film Festival. The films would be shown at Harwich Electric Palace between the 27<sup>th</sup> and 30<sup>th</sup> March 2025.

##### SUMMARY

The Essex International Film Festival is the first county-wide event of its kind, celebrating the best of regional and international film talent. The festival will take place over one-weekend (27<sup>th</sup> to 30<sup>th</sup> March 2025) as the start of an annual initiative jam-packed with screenings, masterclasses and networking events focused on bringing together professional like-minded individuals as well as providing a platform for emerging industry talent.

Taking place across venues throughout the county, the festival aims to put Essex on the map as an industry leading hub for film, supporting local and professional emerging filmmakers and making world-class independent cinema accessible across the county. The festival is co-directed by three acclaimed industry professionals including Lily Streames, Charles Sharman-Cox, and Iain B. McDonald. The organisers are also founders of the Essex Film Collective; a community of talented, reliable creatives who work across all areas of the film industry that are based in Essex.

As well as a programme of film, the festival will also feature a diverse programme of masterclasses and workshops led by leading industry professionals. Essex International Film Festival is committed to breaking down barriers within the industry and providing accessible learning opportunities for all. Whether you are a seasoned professional, an emerging talent or a film lover, the festival will provide a supportive environment to celebrate and elevate the craft of filmmaking.

The Essex International Film Festival is supported by the Essex County Council Arts and Cultural Fund; a dedicated grants programme for arts and cultural projects across the Essex County Council administrative area.

By assisting the Essex International Film Festival in providing this classification service at a cost neutral fee, the Council through its Premises / Personal Sub-Committee is helping to promote and support the town, the District, the local tourist, leisure industries, and the work of local independent filmmakers.

In addition, the Electric Palace Harwich is a special venue locally and provides for a diverse range of film and entertainment that is not always catered for by mainstream venues and which attracts and brings visitors into Harwich as a result. The theatre is therefore always an important destination and venue for Tendring's tourist and leisure industry.

## **SUPPORTING INFORMATION**

The Essex International Film Festival and the individual film producers have not requested the films to be classified by the British Board of Film Classification (BBFC) as the cost would make the project impossible. To classify a film for theatrical showing with the BBFC would cost over £1,000.

As the films which The Essex International Film Festival wish to screen do not have the benefit of a certificate, the consent of the Council is required before the films can be shown.

The public exhibition of films upon licensed premises must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

Should the Premises / Personal Sub-Committee be minded recommending the granting for the films to the Assistant Director (Governance), then it may wish to suggest a suitable classification. To assist Members, the British Board of Film Classification [BBFC] Guidelines are attached at Appendix A.

It is the responsibility of Essex International Film Festival to ensure that Harwich Electric Palace are aware of any restrictions for the showing of the films and that appropriately trained and experienced staff are available to ensure that only those that are old enough are admitted to screenings. Essex International Film Festival will also need to comply with any safeguarding policies that the premises has in place.

The Licensing Act 2003 deals with the exhibition of films as regulated entertainment. There is a mandatory condition imposed on all licences that permit the exhibition of films, which requires that the recommendations of the British Board of Film classification (BBFC) are followed in respect of the admission of children. However, the licensing authority may give permission for a film that is not classified by the BBFC to be shown, provided the authority's own requirements are followed by the licence holder.

To ensure that the films are not available to the public for viewing until such time that the classifications have been approved; arrangements have been made for Members to view the films prior to the Premises / Personal Sub-Committee Meeting on 20 February 2025.

A summary of each of the films is attached at Appendix B. A member of the Licensing Team has viewed the films and confirms that the synopsis for each film is accurate. It is of the opinion of the Licensing Team Member that the films should be classified as listed in the Appendix. These suggestions have been made in accordance with the BBFC guidelines.

The BBFC is an independent body that classifies films, trailers and advertisements on behalf of local authorities who license cinemas. Its guidelines set out the classification categories, including the factors that determine which classification a film may be given. These guidelines are attached to the report for information.

Policy Guidelines Paragraphs 6.8, 6.9 and 6.10 of Tendring District Council's statement of licensing policy relates to Film Exhibitions and the promotion of the protection of children from harm. See Appendix C

## **FINANCE, OTHER RESOURCES AND RISK**

Officers have taken into consideration the various costs to cover the work that is involved in dealing with this application including the production and printing of the covering Sub-Committee report and have invoiced Mr Offord £315 which is considered a fair, reasonable and proportionate amount that will enable the Licensing Service to recover its costs for the work that it has done on a cost neutral basis and is in accordance with the provisions made under Section 3 of the Localism Act 2011.

## **COUNCIL'S ADOPTED GUIDELINES AND LEGISLATION**

The public exhibition of films upon licensed premises must either be classified by the British Board of Film Classification or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

Paragraph 2(1)(b) of Schedule 1 of the Licensing Act 2003 defines the exhibition of a film as the provision of entertainment regulated in accordance with the Act.

Section 20(3) of the Licensing Act 2003 requires that:

Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Therefore, the admission of children to the public screening of material unclassified by the British Board of Film Classification is subject to authorisation by the licensing authority in accordance with the powers of the Licensing Act 2003.

When considering whether to authorise the exhibition, the Premises / Personal Sub-Committee should have regard to the Licensing Act 2003 objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The most relevant licensing objective in respect of the exhibition of films is the protection of children from harm.

In carrying out its Licensing functions, the licensing authority when authorising film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003. See Appendix D. The parts of the Guidance of particular relevance to this application are:

- 2.30 The protection of children from harm
- 10.17 Censorship
- 10.59 and 10.60 Exhibition of films.
- 14.62 Children and Cinemas

It is recommended that the Sub-Committee use 'The British Board of Film Classification Guidelines' as a reference point for its considerations concerning the access of children to the film(s). In particular, the 'General Classifications Considerations' section of this Guidance may be helpful to the Sub-Committee.

The Licensing Authority may impose conditions and specific restrictions upon an authorisation where deemed necessary to comply with the licensing objectives.

## **RECOMMENDATION(S)**

The Sub-Committee is requested to:

- a) In accordance with the Council's Constitution, recommend to the Assistant Director (Governance) the screening of an unclassified film subject to Council officers viewing the film and imposing an appropriate age restriction, if any, having regard to the British Board of Film Classification guidelines;
- OR
- b) refuse permission to screen an unclassified film.

Whilst there is a general provision for appeals in relation to the conditions placed on Cinema Licences, there is no right of appeal in respect of this decision.

**APPENDICES**

- Appendix A - BBFC Guidelines
- Appendix B - Film Summaries
- Appendix C - Extracts of the Licensing Act 2003 Policy
- Appendix D - Extracts of the S.182 Guidance

**REPORT CONTACT OFFICER(S)**

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