

## MISCELLANEOUS LICENSING SUB-COMMITTEE

4 JUNE 2018

### REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]

#### A.2 APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILM [Report prepared by Emma King]

##### 1.0 APPLICANTS DETAILS

Applicant: Mr Michael Offord

Address: c/o Harwich Festival, 454 Main Road, Harwich, Essex, CO12 4ES

##### 2.0 APPLICATION DETAILS

Mr Offord is the General Manager of the Harwich Festival which this year runs from the 21 June 2018 to 1 July 2018. He has requested permission on behalf of the Harwich Festival to show a number of short independently made films in partnership with the Harwich Electric Palace Theatre as part of the festival entertainments programme but which have not been classified by the British Board of Film Classification. The project to show these films runs under the title of 'Harwich Shorts'. See **Appendix A**.

2.1 The Harwich Electric Palace Theatre will be applying for a Temporary Event Notice under the Licensing Act 2003 which will authorise the showing of films as a licensable activity.

2.2 The Harwich Festival is a combined Arts Festival which embraces, music, film, dance, literature, poetry and visual and performing arts and runs for eleven days between the 21 June 2018 to 1 July 2018. The "Harwich Shorts" project is to be an open screening of independent films made and produced from within the local community.

##### 3.0 BACKGROUND INFORMATION

3.1 Ordinarily, films for cinema or other general or limited release/showing would be classified by the British Board of Film Classification (BBFC). The BBFC will classify a film into a suitable age category for viewing which will depend on the content of the film. For example a film that contains adult themes such as extreme violence, drug taking, swearing or nudity will be certified with an appropriate age rating.

3.2 Local Authorities do have the discretion to amend a classification made by the BBFC or grant a classification to an unclassified film if requested to do so. It is reasonably rare that this happens nowadays however and the vast majority of films are classified by the BBFC. Occasionally however there are times when films to be shown at an arts festival for example or for a very limited release/showing will apply to the relevant Local Authority where the film is to be shown for the Authority to classify the film, rather than the BBFC.

3.3 Local Authorities can classify a film by virtue of Section 20 of the Licensing Act 2003 or in accordance with Home Office Circular 98/1982

##### 4.0 OFFICER COMMENTS

The films Mr Offord would like to show is a selection of short films from various independent filmmakers and artists. A list of the short films has been submitted by Mr Offord and is attached as **Appendix B**.

Mr Offord has 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 the films for theatrical showing with the BBFC would cost approximately over £1,000.

As the compilation of films which Mr Offord wishes to screen does not have the benefit of a certificate, the consent of the Council is required before the film can be shown as stated in the Cinemas Act 1985.

*“Under Section 1(2) of the Cinemas Act 1985, a licensing authority may grant a licence to use any premises specified in the licence for the purpose of film exhibitions on such terms and conditions and subject to such restrictions as it may determine.*

*Without prejudice to the generality of Section 1(2) above, it shall be the duty of a licensing authority, in granting a licence under this section as respects any premises,— .*

*(a) to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of works designated, by the authority or by such other body as may be specified in the licence, as works unsuitable for children; and .*

*(b) to consider what (if any) conditions or restrictions should be imposed as to the admission of children to other film exhibitions involving the showing of works designated, by the authority or by such other body as may be specified in the licence, as works of such other description as may be so specified.”*

Should the Committee be minded to grant consent for these films, then it may wish to suggest a suitable classification. To assist Members, the British Board of Film Classification [BBFC] Guidelines are attached at **Appendix C**.

It is for Members to deliberate and determine what classification they wish to give Mr Offord's films in our area based on their own considerations of the films and the BBFC Guidelines to assist in those deliberations.

## **4.0 IMPLICATIONS**

### **4.1 Corporate Plan - Our Prosperity**

- **Build a thriving local tourist industry**

The Harwich Festival is a well-established mainstay of the towns summer events programme and draws in large numbers of residents and visitors to the town and District. By assisting the festival in providing this classification service at a cost neutral fee, the Council through its Licensing (General Purposes) Sub Committee is helping to promote and support the town, the District and the local tourist and leisure industries and the work of local independent film makers to be shown. In addition, the Harwich Electric Palace Theatre is a special venue locally and provides for a diverse range of film and entertainment that isn't 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.

### **4.2 Financial**

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 Committee report and have invoiced Mr Offord £200 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.

### **4.3 Legal**

The application proposed is within the Council's discretionary powers to consider and determine in its own right and on its own merits.

### **4.4 Risk**

Any risk to the Council or its reputation is limited by the use of the BBFC Film Classification Guidelines in determining whether or not to classify these films as requested.

## 5.0 CONCLUSION

5.1 It is recommended that the Committee should first view the films in order to establish whether there is any valid reason not to permit any of them to be shown and to assist them should they wish to impose any terms and conditions if permission is granted to show the films. The films can be viewed by accessing the following web link:

<http://intranet/Interact/Pages/Section/ContentListing.aspx?subsection=3736>

5.2 To assist Members, officers have viewed the films and have made a recommendation on the classification for each film which the Committee may be mindful to follow or agree. The classifications are in accordance with the relevant BBFC Film Classification Guidelines. See attached as **Appendix D**.

6.0 **RECOMMENDED: That the Sub-Committee determine the application now submitted and classify the films accordingly using the BBFC Film Classification Guidelines to enable them to be shown as part of the Harwich Festival.**