

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **LICENSING SUB-COMMITTEE E** held on 10 November 2017 at 10.00 am

### **Present Councillors**

R J Chesterton, Mrs G Doe and L D Taylor

### **Also Present Councillor(s)**

D R Coren

### **Also Present Officer(s):**

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Thomas Keating (Lead Licensing Officer) and Julia Stuckey (Member Services Officer)

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies given.

## **2 CHAIRMAN**

**RESOLVED** that Cllr Mrs G Doe be elected Chairman of the Sub Committee for the meeting.

Cllr G Doe then took the Chair.

## **3 A HEARING TO CONSIDER A REQUEST TO SHOW AN UNCLASSIFIED FILM**

Consideration was given to a report \* of the Lead Licensing Officer relating to an application that had been received to classify a short film which was to be shown in the district. This was a requirement of the Council because the film has not been classified by the British Board of Film Classification (BBFC).

The Licensing Sub Committee decided that the meeting should be heard in public session.

There were no interests to declare.

The Lead Licensing Officer outlined the contents of the report making reference to the following:

The Licensing Act 2003 dealt with the exhibition of films as 'regulated entertainment'. This meant that when a film was shown to entertain an audience and either took place in the presence of a public audience or, if in private, with a charge made with a view to profit, the activity was licensable. As a result, the premises would need to hold a Premises Licence, Club Premises Certificate or a Temporary Event Notice (TEN).

Additionally, a community premises could now benefit from an exemption in specific situations which meant that they could show films without requiring a Premises Licence, Club Premises Certificate or a TEN.

When a film was shown in a premises which had a Premise Licence, Club Premises Certificate or was a premises considered 'exempt' (i.e. a community premises), the following condition applied:

*No children shall be admitted to the exhibition of any film unless they have reached the age specified in the British Board of Film Classification ("BBFC") Certificate, or the Classification issued by the Licensing Authority.*

The majority of commercial films were classified by the British Board of Film Classification (BBFC) who essentially rated films on behalf of Local Authorities, with the Local Authority then licensing premises to show films under the Licensing Act 2003. However, on some occasions people requested that a film be classified by the Local Authority.

In this particular case, the film was a relatively small scale, local affair and the cost of having the film classified by the BBFC was prohibitive. As a result, the applicant had requested that the Local Authority classify the film.

The applicant had requested the Sub-Committee classify the film 'Fort Box', which involved members of the Crediton community. The Licensing Team had requested some additional information from him and the following had been provided:

#### Running time

*Approximately 15 minutes*

#### Synopsis of film

*10 year old James enjoys creating cardboard models with his Mum such as rocket ships and cars. Mum has plans for their biggest cardboard creation yet - a massive box fort. When Mum is taken ill it is left to James, Dad and the local community to help bring the fort to life.*

#### The parts of the film likely to cause concern

*A main character dies which might be upsetting for any younger children.*

#### Intended audience

*Families with children aged 8/9 or over, adults and those who have followed the films progress.*

#### Expected certificate

*'U' or 'PG'.*

The officer reminded members that when considering the classification of a film, they must have regard to the Licensing Act 2003, which required the Licensing Authority

to carry out its functions with a view to promoting the 4 Licensing Objectives, which were:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance and
- The Protection of Children from Harm

The officer explained that the most relevant objective in relation to this hearing was the protection of children from harm.

In terms of guidance on how to classify a film, it was recommended that the Sub-Committee use the British Board of Film Classification Guidelines. A copy of this document was attached to the agenda at Annex 1.

The Sub-Committee had the following options:

- (1) Approve the film for all ages
- (2) Approve the film but with an age classification
- (3) Refuse to give approval for the film to be shown.

The officer reminded the Sub-Committee that they must give clear reasons for the decision that they made.

Members of the Sub Committee, having previously viewed the film, withdrew to consider their decision.

Having given consideration to British Board of Film Classification guide it was **RESOLVED** that the film be classified as PG. Reasons given were that the emotional theme of the film and the realistic depiction of parental death from cancer could be upsetting to children and that parents may therefore consider it advisable to view the film with their child/children in order to provide guidance and support during and afterwards.

(Proposed by Cllr R J Chesterton and seconded by Cllr L Taylor)

Note: - Report previously circulated and attached to Minutes.

(The meeting ended at 10.20 am)

**CHAIRMAN**