



Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

30 March 2015

**REQUEST TO SHOW UNCLASSIFIED FILM – ‘MLE’
PHOENIX SQUARE – APRIL 2015**

Report of the Service Director (Local Services & Enforcement)

1. Purpose of the Report

To determine a request to show a film that has not been classified by the British Board of Film Classification. The request has been made by Sarah Warren, via Alexzandra Jackson at Phoenix Square, in relation to a film titled ‘MLE’. The film would be shown at Phoenix Square in late April 2015.

2. Options for the Sub-Committee

The Sub-Committee may determine the request in one of the following ways:-

(1) Grant

The Sub-Committee may give approval for the film to be shown to all ages.

(2) Grant subject to special conditions

The Sub-Committee may give approval for the film to be shown, subject to special conditions or restrictions, as they think fit.

(3) Refuse

The Sub-Committee may refuse to give approval for the film to be shown.

The Sub-Committee must give reasons for the decision made when it is announced.

3. Recommendation

It is recommended that the Sub-Committee gives approval for the film to be shown to viewers aged 15 and older.

4. Report

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.

The request is for the film 'MLE' to be shown at Phoenix Square in late April 2015. A supporting letter from Sarah Warren, the director and co-producer of the film, is attached at Appendix A. A synopsis of the film is attached at Appendix B.

The film is 1 hour and 38 minutes long. Arrangements have been made for Members to view both films in advance of the sub-committee meeting on 30 March 2015.

The Licensing Team Manager has viewed 'MLE' and confirms that the synopsis is accurate. It is not suitable for viewing by all ages due to the subject matter and the language used in the film. There is strong language in the film, some of which is in the context of speech and some of which is abusive. There are also references to sex and to drug use.

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 at Appendix C.

The guidelines for a 12A classification say, "There may be moderate language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification. ... Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable. ... Misuse of drugs must be infrequent and should not be glamorised or give instructional detail."

The guidelines for a 15 classification say, "There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification. ... Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. ... Drug taking may be shown but the work as a whole must not promote or encourage drug use."

5. Policy Guidelines

Paragraph 10.5 of Leicester City Council's statement of licensing policy says:

Children and Cinemas

Licence holders will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view uncertificated films.

6. Financial implications

None.

7. Legal Implications (including Human Rights Act)

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 film is not classified by the relevant classification body, the admission of children to the screening of that film 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 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. The parts of the Guidance of particular relevance to this application are:

2.25 The protection of children from harm

2.30 Conditions relating to the protection of children from harm

2.33 Mandatory condition relating to the admission of children to films to be restricted

10.15 Censorship

10.54 Exhibition of films.

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. It should be noted that the Licensing Authority is not obliged to follow these guidelines.

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

Katherine Jamieson - Solicitor (Regulatory)

8. Crime and Disorder implications

None.

9. Consultations

None.

10. Reason for Treating the Report as "Not for Publication"

None.

11. Officer to Contact

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