

WELWYN HATFIELD BOROUGH COUNCIL
LICENSING COMMITTEE – 25 JANUARY 2018
REPORT OF THE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

**APPLICATION TO DETERMINE CLASSIFICATION OF FILMS AT THE
BEACON VICTIMS OF CRIME FILM FESTIVAL**

1 Executive Summary

- 1.1 This report asks the Licensing Committee to consider an application for the age classification of a series of short films being shown as part of the Beacon Victims of Crime Film Festival. The films are intended to be shown publicly to an audience ranging from 15 years upwards at screens 1,2 and/ or 3 at CW Entertainment, Campus West, The Campus, Welwyn Garden City, AL8 6BX on the 7th, 8th, and 9th February 2018.
- 1.2 The purpose of film classification is to protect children and vulnerable adults from potentially harmful or otherwise unsuitable content. Film classification also provides consumers with the information they might need about a particular film before deciding whether or not to view it.
- 1.3 Campus West currently holds a premises licence for the provision of regulated entertainment. Within the licence are mandatory conditions that relate to the showing of films to children under the age of 18 years. These conditions are explained in more detail further on in the report.
- 1.4 The British Board of Film Classification (BBFC) are an independent body who bring a degree of uniformity to the classification of film nationally. However, statutory powers on the classification of films remain with the local authority, who may overrule any of the BBFC's decisions for films exhibited under their own licensing jurisdiction.
- 1.5 The films which form part of the Beacon Victims of Crime Film Festival are made locally and do not have an age classification from the BBFC.

2 Recommendation(s)

- 2.1 The committee are asked to view the films and classify them in line with the BBFC's Classification Guidelines.
- 2.2 The guidelines are attached in Appendix A.

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Explanation

- 3.1 Beacon Victims of Crime Film Festival is a collaborative project between the Herts Police and Crime Commission (PCC) and Oaklands College Media Dept. This will be the second time this event has run and the previous event took place in February earlier this year. At the initial event film students who study in Welwyn Garden City, made short films on the theme of victims of crime.
- 3.2 In addition to making films, the foundation degree students play a fundamental role in the running and organisation of the festival from judging film submissions to ushering audience members to their seats.
- 3.3 For the 2018 event, the festival will run across three days at Campus West, with a range of activities for people of all ages to take part in such as filmmaking workshops and interactive awareness workshops from Beacon. There is also opportunity and scope to get local schools to take part in the workshop sessions in the afternoons.
- 3.4 Campus West currently holds a premises licence for the provision of regulated entertainment –films and within the licence are mandatory conditions which relate to the showing of films and they are as follows:
- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
 - 2) The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC) where the film has been classified by that board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
- 3.5 CW Entertainment at Campus West (licence number PA28170) Appendix B.
- 3.6 The Beacon Victims of Crime Film Festival last year was invite only and therefore not open to the public and as such, no film classification was required. However the event in 2018 will be open to the public and therefore a film classification is required.
- 3.7 In 2018 the films will not have been classified by the BBFC and many of the students are not yet 18. The organisers would like the Councils licensing committee to age classify these films in order to screen the films publicly with a maximum certification of 15. The films will need to be classified in line with the BBFC'S Classification Guidelines which are attached at Appendix A.

- 3.8 It is recommended that committee meetings will be held to view and classify all films in the last two weeks of January. Viewing times would last approximately 3 hours plus discussion time relating to the proposed classification. If any film did not meet the classification of 15 or under at the end of the viewing sessions the organisers would then remove them from the programme.

Implications

4 Legal Implication(s)

- 4.1 The Licensing Act 2003 exempts films if its sole or main purpose is to demonstrate any product, advertise any goods or services or provide information, education or instruction.
- 4.2 However public screening of material which has not been passed by the BBFC (for example films imported from overseas especially for a festival, or locally made films not entering formal UK distribution) are subject to local authority consent.
- 4.3 There is a mandatory condition on all premises licences authorised to show films so this will apply to CW Entertainment at Campus West (licence number PA28170) Appendix B.
- 4.4 The Welwyn Hatfield Borough Council's Licensing Policy 2015-2020 section 34.9 states '*Where a premises is used for film exhibitions, we will expect the premises to restrict access in line with any certificate granted by the British Board of Film Classification or the Council itself.*
- 4.5 The council has a duty to promote the licensing objectives, namely prevention of crime and disorder, maintenance of public safety, prevention of public nuisance, and prevention of children from harm.

5 Financial Implication(s)

- 5.1 None directly arising from this report. Licensing Committees regularly meet to make decisions regarding the Licensing Act 2003 and are covered by existing budgets.

6 Risk Management Implications

- 6.1 The risks related to this proposal are:
- 6.2 There is a legal obligation to have a statement of licensing policy made under the Licensing Act 2003. The council is at risk of challenge if it does not have such a policy in place or if it is not kept up to date.
- 6.3 Section 20 of the Licensing Act 2003 imposes a mandatory condition on the premises licence for CW Entertainment at Campus West requiring the admission of children to the exhibition of any film to be restricted in

accordance with that section. In this instance the licensing authority will make the recommendation on the restriction of children.

- 6.4 There is a reputational risk if the films are classified as appropriate for certain ages of children as we have a duty under the Licensing Act 2003 to protect children from harm.

7 Security & Terrorism Implication(s)

- 7.1 The council has an overarching duty to have due regard to the need to prevent people being drawn into terrorism, in the context of this report, that means the classification of the films should be considered in the light of the 'Specific Classification Considerations' in Appendix A which relate to imitable behaviour and violence.

8 Procurement Implication(s)

- 8.1 None arising directly from this report.

9 Climate Change Implication(s)

- 9.1 None directly arising from this report.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community" and is linked to statutory requirements under the Licensing Act 2003.

11 Equality and Diversity

- 11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the Licensing Act 2003 but not directly relating to this report.

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Date (8th November 2017)

Background papers to be listed

Licensing Act 2003

Welwyn Hatfield Borough Council's - Statement of Licensing Policy 2015-2020 under the Licensing Act 2003

Appendices to be listed

Appendix A – BBFC Guidelines