



Agenda

Meeting: **Licensing Sub-Committee**
Date: **16 December 2019**
Time: **10.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To Councillors Ian Meyers, Jim Martin and David Wimble**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

4. **Declarations of lobbying**

Queries about the agenda? Need a different format?

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Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

Members should complete the enclosed yellow form and return it to the Committee Administrator at the meeting.

5. **Classification of a film - Spell Bound, Living Advent Calendar (Pages 5 - 14)**

Folkestone & Hythe District Council has been asked to classify a film so that it can be shown at the Silver Screen Cinema in Folkestone on Monday 23rd December 2019 as part of the Living Advent Calendar schedule of events. The Licensing Sub-Committee is therefore asked to approve the recommendations below.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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This report will be made public on 6 December 2019

Agenda Item 5



Report Number **DCL/19/27**

To: Licensing Sub-Committee
Date: 16 December 2019
Status: Non-Executive Decision
Head of Service: Amandeep Khroud

SUBJECT: Classification of a film – Spell Bound, Living Advent Calendar

SUMMARY: Folkestone & Hythe District Council has been asked to classify a film so that it can be shown at the Silver Screen Cinema in Folkestone on Monday 23rd December 2019 as part of the Living Advent Calendar schedule of events. The Licensing Sub-Committee is therefore asked to approve the recommendations below.

RECOMMENDATIONS:

The Licensing Sub-Committee is asked to:

1. To receive and note the report DCL/19/27.
2. To receive the application for Film Classification.
3. To watch the film and set a classification age for it.

1. BACKGROUND

- 1.1 Local Authorities remain legally responsible for what is shown in cinemas under the Licensing Act 2003, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification (BBFC) is currently the only body which has been so designated) or by the licensing authority itself.
- 1.2 In order to protect children from unsuitable and even harmful content in films and videos and to give consumers information they might need about a particular film or video before deciding whether or not to view it, the BBFC examines and age rates films and videos before they are released. Usually films, including short public information films, are classified by the BBFC, however Local Authorities have the ability to override BBFC classification decisions, and can classify films that have not been considered by the BBFC. Incidental films, and those exhibited in museums or galleries are not considered regulated entertainment and are therefore exempt from requiring classification.
- 1.3 All films, even charity and public information films, have to be classified in order to be shown in a cinema. Since 1st April 2016 adverts can be classified/passed by the Cinema Advertising Association (CAA) for a fee, however, charity/public information films still have to be approved by the BBFC.
- 1.4 Jim Jam Arts has submitted an application for the Council to classify a film which they intend to screen on Monday 23rd December at the Silver Screen Cinema, Folkestone. The event will be free and open to the public.

2. DETAIL

2.1 Film: Spell Bound

Requested: U

Length: 15:00

Synopsis: A mocumentary film about a home for retired fairies. Film made by Word on the Street - community drama group.

Film Link:

<https://www.youtube.com/watch?v=VUmRyvTuDUc&feature=youtu.be&fbclid=IwAR08Lp-JMN3pEya4hTWb-H1vWblqA-qvD0PxBuNNci8f6fcl8xJ6eVIpHL0>

3. REGULATIONS

- 3.1 Please see attached Guidelines from the BBFC for film classification.

4. NEXT STEPS

- 4.1 The Licensing Sub-Committee are asked to classify the film and confirm their classification decision in writing to the Licensing Officer (details below) by email following the meeting.
- 4.2 A classification checklist template is attached to assist with classifying the film.

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's Comments (NE)

Licensed cinemas may screen films that have been certified by the British Board of Film Classification (BBFC). Notwithstanding this fact, under the Licensing Act 2003 local authorities are given the remit to license films and/or amend a BBFC classification. Cinemas looking to screen films that have not been BBFC certified must submit these separately to the local licensing authority for local certification.

6. RISK MANAGEMENT

The perceived risk is shown below

Perceived risk	Seriousness	Likelihood	Preventive action
The film could be shown without classification	High	Low	The Licensing Sub-Committee can classify the film at the meeting and then the cinema would be able to show the films classified
The film could be classified incorrectly and break one of the Licensing Objectives on section 4 of the Licensing Act 2003 'The prevention of children from harm'	Medium	Very Low	The film will be classified to ensure they do not present any risk of harm to children, the cinema will not allow entry to the film to anyone under the classification age

7. APPENDICES

App 1: BBFC Classification Guidelines see link
https://bbfc.co.uk/sites/default/files/attachments/BBFC%20Guidelines_2019.pdf

App 2: Classification checklist template

8. CONTACT OFFICERS

Councillors with any questions arising out of this report should contact the following officer:

Briony Williamson – Senior Licensing Officer
 Email: briony.williamson@folkestone-hythe.gov.uk

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Film Classification Checklist

Film name:

Requested classification:

	Circle rating
Discrimination	
No discriminatory behaviour	U
Discriminatory language or behaviour is clearly disapproved of.	U
Discriminatory language or behaviour is clearly disapproved of, in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.	PG
Discriminatory language or behaviour is present but not endorsed by the work as a whole. Aggressive discriminatory language or behaviour is clearly condemned.	12A
The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.	15
The work endorses discriminatory language or behaviour	18
Drugs	
No reference to drugs	U
References to illegal drugs or drug misuse are infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.	U
References to illegal drugs or drug misuse are innocuous or carry a suitable anti-drug message.	PG
References to misuse of drugs are infrequent and are not be glamorised or give instructional detail.	12A
Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.	15
The work promotes or encourages drug or dangerous substance misuse	18
Imitable behaviour	
No dangerous or anti-social behaviour	U
Potentially dangerous or anti-social behaviour which young children may copy is clearly disapproved of. No emphasis on realistic or easily accessible weapons.	U
No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.	PG
No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.	12A

Dangerous behaviour (for example, hanging, suicide and self-harming) does not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.	15
Dangerous or anti-social behaviour is encouraged. The depiction and use of weapons is glamorised and realistic.	18
Language	
No use of bad language	U
Infrequent use only of very mild bad language.	U
Mild bad language only. Aggressive or very frequent use of mild bad language should result in a work being passed at a higher category.	PG
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.	12A
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.	15
Very strong and frequent bad language	18
Nudity	
No nudity	U
Occasional nudity, with no sexual context.	U
More frequent nudity but no sexual context.	PG
There may be nudity, but any sexual context must be brief and discreet.	12A
There are no constraints on nudity in a non-sexual or educational context. There is nudity in a sexual context but without strong detail.	15
Nudity with strong sexual detail	18
Sex	
No references to sexual behaviour	U
Only very mild sexual behaviour (for example, kissing) and references to such behaviour.	U
Sexual activity may be implied, but is discreet and infrequent. Mild sex references and innuendo only.	PG
Sexual activity is briefly and discreetly portrayed. Moderate sex references are present but there are not frequent crude references	12A
Sexual activity is portrayed but without strong detail. Strong verbal references to sexual behaviour, but the strongest references are justified by context. No works whose primary purpose is sexual arousal or stimulation.	15
Works whose primary purpose is sexual arousal or stimulation.	18
Explicit works of consenting sex or strong fetish material	R18
Threat	
No unsettling or scary sequences likely to upset young children	U
Scary or potentially unsettling sequences are mild, brief and unlikely to cause undue anxiety to young children. The outcome is reassuring.	U

Frightening sequences or situations where characters are in danger are not prolonged or intense. Fantasy settings may be a mitigating factor.	PG
Moderate physical and psychological threat and horror sequences. Some scenes may be disturbing but the overall tone is not. Horror sequences are not frequent or sustained.	12A
Strong threat and horror but no sustained focus on sadistic or sexual threat.	15
Sexual or sadistic threats present.	18
Violence	
No violence present.	U
Mild violence is acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).	U
Violence is generally mild but there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).	PG
Moderate violence but not dwelling on detail. There is no emphasis on injuries or blood, but occasional gory moments are permitted if justified by the context. Sexual violence is only implied briefly and is discreetly indicated, its depiction is justified by context.	12A
Violence is strong but does not dwell on the infliction of pain or injury. Strong gory images are not acceptable. Strong sadistic violence is not acceptable. There may be detailed verbal references to sexual violence but the depiction of sexual violence is discreet and justified by context.	15
Strong violence and gory images are present and not justified by context.	18

Any issues/concerns?

Your recommended classification:

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Folkestone and Hythe District Council

**Licensing Sub-Committee
16 December 2019**

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

Application No.	Type of lobbying

SIGNED:

When completed, please return this form to the Committee Administrator at the meeting.

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