

Report to:	Licensing & Regulatory (Urgent Referrals) Committee	Date of Meeting:	Friday 26 July 2019
Subject:	Cinemas Act 1985 – “Four Gits and a Guitar”		
Report of:	Head of Highways and Public Protection	Wards Affected:	Church
Portfolio:			
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To give consideration to a request to exhibit a film which has not been certified by the British Board of Film Classification.

Recommendations:

The Committee’s instructions are requested.

Reasons for the Recommendations:

Under the Scheme of Delegation Officers cannot determine this type of application.

Alternative Options Considered and Rejected: (including any Risk Implications)

None.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
None

Legal Implications:
None
Equality Implications:
There are no equality implications.

Contribution to the Council’s Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener:

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and notes the report indicates no direct financial implications for the Council. (FD 5714 /19).

The Chief Legal and Democratic Officer has also been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4838/19).

(B) External Consultations

None.

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

None

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 A request has been received from Mr Tom McManus to exhibit “Four Gits and a Guitar”, a feature which is described as a comedy spoof concerning “a group of Merseyside men who attempt to get rid of Buster Brown, a man popular with the local ladies”.
- 1.2 The feature has not previously been exhibited in this Country and consequently has not received a BBFC classification.
- 1.3 The proposal is that the exhibition would take place at the Plaza Cinema, Crosby Road North, Waterloo, during September 2019.
- 1.4 The films run time is 1 hour 50 minutes.

2. Legislation

- 2.1 The Cinemas Act 1985 at Section 1 Paragraph (3) (a) states that the Licensing Authority may “...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 on the licence, as works unsuitable for children”.
- 2.2 All premises applying to show films are subject to Sections 20 or 74 of the Licensing Act 2003. These Sections require that the following mandatory conditions be placed on Premises Licences and Club Premises Certificates which authorize the showing of films:
 1. Admission of children (meaning persons aged under 18) to the exhibition of any film is to be restricted in accordance with the recommendations made by the specified film classification body (British Board of Film Classification known as “the BBFC”).
 2. Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 2.3 The above mandatory conditions therefore require that films shown in licensed premises must either be classified by the BBFC, or, where not classified by them, that the admission of children must be restricted in accordance with the recommendations of the Licensing Authority. They also allow the Licensing Authority, in respect of a particular film, to notify a Premises Licence holder or Club that, notwithstanding any BBFC classification, it will make a recommendation for that particular film.
- 2.4 The premises that will exhibit the film holds a Premises Licence issued under the Licensing Act 2003.

3. Procedure

- 3.1 In order for Members to come to a decision regarding whether or not to allow the exhibition of this film it would be prudent to view it in its entirety. The applicant has supplied a copy on DVD for Members to view.
- 3.2 The BBFC have the following classifications for films: U, PG, 12A & 12, 15, 18 and R18. These criterias are relevant and should be applied when considering this request.
- 3.3 The “meanings” behind these classifications will be made available for Members at the Hearing.