

THE DISTRICT COUNCIL OF TANDRIDGE

LICENSING COMMITTEE

Minutes and Report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 2nd February 2017 at 7.30 p.m.

PRESENT: Councillors Mrs. Thorn (Vice-Chairman), Mrs. Bradbury, Harwood, Mrs. Parker, Perkins and Prew.

ALSO PRESENT: Councillors Mrs. Webster and Wren.

APOLOGIES FOR ABSENCE: Councillors Allen, Mrs. Black, Botten, Cooley and Warner.

211. MINUTES

The Minutes of the meeting held on the 21st July 2016 were confirmed and signed by the Chairman.

212. FILM CLASSIFICATION GUIDELINES

A report was submitted for consideration by Members to approve guidelines for the classification of films by officers under Section 20 of the Licensing Act 2003.

The Council is responsible for licensing cinemas and other venues which exhibit films. The premises licence authorising films is subject to a mandatory condition known as the Section 20 requirement which restricts admission to a film in accordance with the age related classification given to the film, normally by the British Board of Film Classification (BBFC). An offence is committed if this is not observed by the cinema operator.

Classifications can also be determined by Licensing Authorities and their decision overrides that of the BBFC within the Local Authority area.

The BBFC classifications are normally observed and respected although, from time to time, Licensing Authorities may disagree. This occurred in 1993 when a 12A certificate by the BBFC was given to a film and a number of Licensing Authorities disagreed and reduced it to a PG.

The classifications and interpretations were set out on page 4 of the report.

Members were advised that a number of cinemas now operate baby clubs (children under the age of 12 months) where parents are encouraged to take small children. Films rated U, PG or 12A would not pose a problem but higher rated films of 15 and 18 would breach the mandatory condition and be an offence.

A cinema operator could approach the Licensing Authority to seek a reclassification. Following the number of cinemas that have experienced demand for higher-certificate films to be shown at baby club events, it was proposed to delegate both the rating of unrated films and any applications for reclassification to officers. This would enable such requests to be dealt with quickly, without the need to convene a Sub-Committee, which was currently the case.

RESOLVED – that the Committee

- A. delegates to the Chief Community Services Officer, the Head of Environmental Health and the Licensing Officers the power to make recommendations and notifications on behalf of the Licensing Authority in respect of the admission of children to films under Section 20 of the Licensing Act 2003; and
- B. approves the interim guidelines, attached at Appendix 'A' for use by officers when exercising the above power.

213. PRESENTATION - INDUCTION AND UPDATE FOR MEMBERS – LICENSING ACT 2003

Barry Crowhurst, the Council's Licensing Officer, addressed the Committee to give a short induction to any new Members of the Committee with regard to the Licensing Act 2003 and provide an update with regard to the Council's Licensing functions.

Further in-depth one-to-one induction sessions to cover the Licensing Act 2003 were offered to any Members who wished to attend one or any Member who would like a refresher.

Detailed information was given accompanying the slide presentation in respect of the activity that had taken place during the year and future changes. The slides covered:

- Duties of a Licensing Authority;
- Statement of Licensing Policy;
- Licensable Activities;
- Licensing Objectives;
- Temporary Event Notices (TENS);
- New Premises Licences/Club Premises Certificates;
- Full Variations;
- Minor Variations;
- Surrendered Premises Licences;
- New Personal Licences;
- DPS (Designated Premises Supervisor) Variations;
- Hearings; and
- Immigration Act 2016.

Members' questions focused on temporary event notices, noise nuisance as a result of those events, timescale for each temporary event, age verification and the need for an alcohol license if it was intended to sell alcohol at events such as quiz nights, which were all answered by officers.

Rising: 8.10 p.m.

APPENDIX 'A'

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Guidelines for Alternative Classifications

When exercising powers under Section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that officers will follow the BBFC's Classification Guidelines (www.bbfc.co.uk/whatclassification/guidelines), and where possible will issue a recommendation which is in accordance with one of the standard 'certificates'. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.

Where the licensing authority receives a request to override an existing admission recommendation, officers will need to request that the cinema facilitates a viewing of the film in question in order that they may make a full assessment. When making their recommendation officers will have regard to the BBFC's Classification Guidelines but will need to use their own independent judgement and will not be bound by the BBFC's existing recommendation.

If the purpose of the request to override an existing recommendation is to facilitate a 'parent and baby' screening, officers will need to consider whether allowing young children below 12 months of age to be admitted will lead to the child protection licensing objective being undermined. If they consider that that objective would not be undermined, they may agree to issue an alternative recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 12 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than will strong language, mild nudity and discriminatory content.

If officers consider that the child protection licensing objective would be undermined by allowing young children below 12 months of age to be admitted, they may not issue any alternative recommendation.