

EAST HAMPSHIRE DISTRICT COUNCIL

At a meeting of the Licensing Committee held on 18 March 2016

Present

Councillor: R Ayer (Chairman)

Councillors: D Brooks Jackson, K Carter, A Glass, G Hill, M Johnson, B Moulard, A Muldoon, D Phillips and R Saunders

17 Apologies for Absence

Apologies for absence were received from Councillors L Evans, C Louisson, J Onslow, I Thomas and A Waterhouse.

18 Chairman's Announcements

There were no chairman's announcements.

19 Declarations of Interest

There were no declarations of interest.

20 Confirmation of Minutes

The minutes of the Licensing Committee held on 2 October 2015 and the Sub-Committees held on 25 September 2015, 2 October 2015, 13 November 2015, 10am on 4 January 2016, reconvened to 28 January 2016 and 10.30am on 4 January 2016 were agreed and signed as correct records.

21 Licensing Act 2003 - Classification of a Film

The Senior Environmental Health Officer (Licensing) introduced the report and explained that Charlie Lyne, a filmmaker, had written to the council to ask permission for his film 'Fear Itself' to be shown at a cinema in Alton. The film did not have a certificate from the British Board of Film Classification (BBFC), therefore, in accordance with the Council's Constitution and Licensing Policy, it fell to the Licensing Committee to classify the film using the guidelines published by the BBFC.

She advised the committee that it could either classify the film itself or delegate the classification of the film to the Licensing Sub-Committee or an officer of the council.

The committee RESOLVED to classify the film itself, in accordance with the BBFC guidelines.

The majority of committee members had viewed the film in advance of the meeting, however two had not. Therefore, the committee RESOLVED to watch

a number of sequences that the Senior Environmental Health Officer (Licensing) had noted as being the most sexually explicit, gory or violent.

As the film had yet to be classified for showing in the district, the committee AGREED to go into exempt session in order to view the sequences highlighted by the Senior Environmental Health Officer (Licensing).

Therefore it was RESOLVED that the press and public be excluded from the meeting during the performance of the film as:

- (a) it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information as specified in Paragraph 6 of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972; and
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The committee viewed the sequences of the film highlighted as being the most sexually explicit, gory or violent by the Senior Environmental Health Officer (Licensing).

The committee went back into public session for the debate and classification of the film using the BBFC guidance. The committee noted that the BBC had rated the film as 16 on the iplayer, although it was highlighted that broadcasters always set their own guidelines, rather than relying on the BBFC guidance.

Committee members were divided in opinion as to whether the film should be rated as a 15 or an 18, however the majority felt that 18 was the most appropriate certification.

Based upon the BBFC guidance, Cllr Hill proposed that no person under 18 should be entitled to watch the film in the district. The reason being that despite the documentary nature of the film, the committee felt that the strongest gory images were not acceptable for persons under 18.

Cllr Mouland seconded this proposal.

Following the vote, the proposal was declared **CARRIED**, 8 Councillors voting **FOR** the proposal, no Councillors voting **AGAINST** the approval and 2 Councillors **ABSTAINING** from voting.

Therefore it was resolved that no person under 18 should be entitled to watch the film. Despite the documentary nature of the film, the committee felt that the strongest gory images are not acceptable for persons under 18.

The meeting commenced at 2.00 pm and concluded at 3.14 pm

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Chairman