



Walsall Council

Document Pack 1

Licensing Sub – Committee

24 October 2023 at 12:30pm

*Request for Classification of the
Film – Runs in the Family*

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REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES TO THE**LICENSING SUB – COMMITTEE****24 OCTOBER 2023****LICENSING ACT 2003 – DETERMINING FILM CLASSIFICATIONS**

**Light Cinema
Walsall Waterfront
Wolverhampton Street
Walsall
WS2 8DD**

1. Summary of Report

- 1.1. The Council received a request on the 7th October 2023 to certify a short film entitled 'Runs in the Family', which is to be shown at the Light Cinema, Walsall.
- 1.2. This film has not been classified by The British Board of Film Classification (BBFC) and is therefore a matter for Members of the Licensing Sub-Committee to determine the classification of the film by following the BBFC Guidance.

2. Recommendation

- 2.1. That the Sub-Committee issue the film with one of the following classifications as set out in the BBFC classification guidance (attached as **Appendix 2**):
 1. U (Universal)
 2. PG (Parental Guidance)
 3. 12A
 4. 12
 5. 15
 6. 18
 7. R18

3. Background Information

- 3.1. A synopsis of the film is attached as **appendix 1**. In addition to this, the applicant provided a summary as follows:-

Varun (Ace Bhatti) and his transgender son River (Gabe Gabriel) must take a road trip from Durban to Eswatini to rescue River's estranged mother in this heartwarming exploration of identity and family. Truly capturing the forgotten side of South Africa's natural beauty, this film is complete with laugh-out-loud comedy, heartfelt dialogue and extravagant drag performances. An exciting and sweet film that's bound to get you smiling.

- 3.2. In the absence of an approved Policy in relation to film classification, the Council shall follow, with the agreement of the applicant, the procedure and process attached as **Appendix 2**.
- 3.3. The Light Cinema, at which the film is to be shown has a current premises licence in place which permits the exhibition of films. A copy of the licence is attached as **Appendix 3**.

4. Resource Considerations

- 4.1. **Financial:** Currently there are no application fees attached to this process.
- 4.2. **Legal:** Public exhibition of films is a form of Regulated Entertainment and constitutes a licensable activity under the Licensing Act 2003 ('the Act'). This means that when a film is shown to entertain an audience and either takes place in the presence of a public audience or, if in private, with a charge made with a view to profit, the activity is licensable. As a result, the premises will need to hold a Premises Licence, Club Premises Certificate or a Temporary Event Notice (TEN).
- 4.3. All films which are used for public exhibition under a Premises Licence or Club Premises Certificate must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under Section 20 of the Act.
- 4.4. In this case, the Licensing Authority has received a request to classify a film for local screening with recommendations on age restrictions.
- 4.5. When authorising/classifying films, the licensing authority shall at all times take into account the Act, Guidance issued under Section 182 of the Act, BBFC guidance on film classification and the council's Statement of Licensing Policy.

4.6. Staffing issues:

There are no staffing issues arising from this report.

5. Citizen Impact

- 5.1. Residents or businesses ('Other Persons') within the licensing authorities' area are able to submit 'relevant representations'. Ensuring the correct classification is given to this film will ensure children in particular are safeguarded against being exposed to any behaviours which may have a negative impact upon them whether intended or otherwise.

6. Community Safety

- 6.1. Issues raised in relation to potential public safety are addressed by committee through the decision-making process. The community of Walsall have an expectation that any decision made will be in their best interests to protect them from 'harm'.

7. Environmental Impact

- 7.1. Nothing arising from this report.

8. Performance and Risk Management Issues

- 8.1. The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them. "Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images".
- 8.2. There is no right of appeal when a decision is made by the Council but any decision could be the subject of a judicial review. This risk is minimised by adopting a policy, following the BBFC guidance and ensuring that classification decisions are made in line with the Licensing Act 2003 Section 182 Guidance.
- 8.3. There is currently no formal scheme of delegation in place in relation to the classification of films. This introduction will ensure a robust and transparent procedure is followed

9. Equality Implications

- 14.1 When considering this application and reaching a determination the Licensing Authority must always have due regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10. Consultation

Consultation/advertising is carried out in accordance with prescribed statutory regulation.

11. Associated Papers

Appendix 1 – Request from applicant.

Appendix 2 – Proposed Process to follow

Appendix 3 – Current Premises Licence in place

12. Contact Officer

Muhammed Sayful Alom, Licensing Team Leader –
Licensing@walsall.gov.uk

Sayful Alom

From: Licensing
Subject: FW: Film Classification

Importance: High

From: Bhaskar Choudhury [redacted]
Sent: Saturday, October 7, 2023 7:57 AM
To: Licensing <Licensing@walsall.gov.uk>
Cc: Dharmesh [redacted]
Subject: Re: Film Classification
Importance: High

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Hi Reba,

Thank you for your response. Unfortunately we have received confirmation of the screenings later than expected, and hence the screening times are less than 4 weeks away - we would be really grateful if it would be possible to get the authorisation as soon as possible.

Please find below the details of the films to be screened at the Light Cinema in Walsall. For all screenings, these will be exhibited in association with the Light Cinema, and they will enforce any age restrictions.

Eega (The Fly) - BBFC Cert 12A

[redacted]

Runs in the Family

[redacted]

European Premiere

Dir: Ian Gabriel

With: Ace Bhatti, Gabe Gabriel, Kathleen Stephens, Paul Snodgrass

English

A couple of moments of moderate violence and threat but not dwelt on. Some discriminatory language

Varun (Ace Bhatti) and his transgender son River (Gabe Gabriel) must take a road trip from Durban to Eswatini to rescue River's estranged mother in this heartwarming exploration of identity and family. Truly capturing the forgotten side of South Africa's natural beauty, this film is complete with laugh-out-loud comedy, heartfelt dialogue and extravagant drag performances. An exciting and sweet film that's bound to get you smiling.

I hope this covers everything you need, if you require anything further, please do not hesitate to get in touch.

Thanks

Bhaskar

On 2023-10-06 10:05, Licensing wrote:

Good morning Bhaskar,

If your film(s) haven't been classified by the BBFC they will need to be assessed and authorised by the Licensing Authority.

Normally at least 28 days would be required for a local film classification, so we would ask you to please submit the following information, in respect of each film requiring authorisation, as a matter of priority:

- name of the film maker,
- a brief synopsis of the film,
- total running time of the film,
- any filmmaker recommendations in respect of age limit for the intended audience for exhibition of the film
- information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film,
- language spoken in the film and whether there are subtitles in English,
- details of how any age restrictions will be enforced,
- a full and final version of the copy of the film(s) either in DVD format or a link to the film.

We look forward to receiving the information above.

Kind regards



Reba Danson

Licensing Officer

www.walsall.gov.uk



Walsall Council

PROUD OF OUR PAST, OUR PRESENT AND FOR OUR FUTURE

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From: Bhaskar Choudhury [redacted]
Sent: Tuesday, October 3, 2023 5:41 PM
To: Licensing <Licensing@walsall.gov.uk>
Subject: Re: Film Screenings at The Light Cinema, Walsall

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Hi,

Sorry for chasing, can you please confirm if there are any forms that need to be completed to request to exhibit a film with no BBFC certificate? If so, can you please forward these through as soon as possible?

Thanks

Bhaskar

On 2023-10-02 19:31, Bhaskar Choudhury wrote:

Hi,

Thank you for the rapid response, and thank you for the confirmation of the licence for Light Cinema. The films we are planning to show have not been certified by the BBFC, do we need to complete a request to exhibit this film with Walsall Council, as is required with Birmingham council? If so, can you please send through any required forms for this?

Thanks

Bhaskar

On 2023-10-02 16:20, Licensing wrote:

Dear Mr Choudhury

Thank you for your email, there is a licence in place for this premises, the licence is held by Light Cinemas (Walsall) Limited, you will need to contact the licence holder direct to get the answers to your questions , we have a telephone number of [REDACTED] Or alternatively you can write to them - The Light Cinema Walsall

Walsall Waterfront, Wolverhampton Street, Walsall, WS2 8DD

I hope this helps

Regards



Karen Price

Licensing Officer

Resilient Communities

Economy Environment & Communities

licensing@walsall.gov.uk

www.walsall.gov.uk



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From: Bhaskar Choudhury [redacted]
Sent: Monday, October 2, 2023 12:50 PM
To: Licensing <Licensing@walsall.gov.uk>
Subject: Film Screenings at The Light Cinema, Walsall

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Hi,

As part of the Birmingham Indian Film Festival later this month, we are screening some films at the Light Cinema in Walsall. Can you please forward over the licensing proformas required for Walsall, and let me know the best contact to get in touch with, to arrange the certification for the films?

I had tried calling to discuss, but couldn't get through to anyone. Would it be possible to get back to me as soon as possible on the above?

Kind regards,

Bhaskar

--

Bhaskar Choudhury

Venue Manager, Birmingham

Birmingham Indian Film Festival

Presented by LIFF

Europe's Largest Indian & South Asian Film Festival



Facebook: [BIFF](#) | Twitter: [@weLoveBIFF](#) | Instagram: [@weLoveBIFF](#)

Join our mailing list [here!](#)

Process to follow for determining classification of film by a licensing authority

1. Licensing Authority to request the following information to help with their determination:
 - name of the film maker,
 - a brief synopsis of the film,
 - total running time of the film,
 - any filmmaker recommendations in respect of age limit for the intended audience for exhibition of the film
 - information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film,
 - language spoken in the film and whether there are subtitles in English,
 - details of how any age restrictions will be enforced,
 - a full and final version of the copy of the film(s) either in DVD format or a link to the film.
2. Licensing authority to collate information into a report and set a date for Licensing Sub-Committee to commence 5 working days following the initial request.
3. Prior to meeting, report shared with members of committee together with a link to the video or a copy of the DVD.
4. Pre-brief to take place between legal, democratic services and Licensing to ensure they have viewed the film and are able to understand the classifications.
5. Meeting to convene at council building, where the applicant will be invited.
6. Members to deliberate in private and make decision on classification.
7. Decision of classification given verbally to all parties on the day, written copies to go out within 5 working days.



Licensing Act 2003 Premises Licence Number: WS/PRL/1050
(Walsall Council reference WK/202224031)

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Light Cinema Walsall Walsall Waterfront Wolverhampton Street Walsall West Midlands WS2 8DD	
Telephone number of premises	01922 841 344

Where the licence is time limited the dates
The licence is not time limited

Subject to the conditions set out in this licence and its annexes, the following licensable activities are licensed:
Performance of Plays Exhibition of Films Live Music Recorded Music Performance of Dance Activities Similar to Live or Recorded Music or Performance of Dance Late Night Refreshment Alcohol Sales

The times the licence authorises the carrying out of licensable activities
<u>Performance of plays, Live Music, Performance of dance, Activities similar to Live or Recorded Music or Performance of Dance, Alcohol Sales</u>
Monday to Sunday 10:00 to 02:00
<u>Exhibition of films</u>
Monday to Sunday 09:00 to 04:00

Recorded Music

Monday to Friday 07:00 to 02:00

Late Night Refreshment

Monday to Friday 23:00 to 02:00

The opening hours of the premises

Monday to Sunday 07:00 to 04:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Only "On"

Part 2 – Details of Licence Holder

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Light Cinemas (Walsall) Limited
Walsall Waterfront
Wolverhampton Street
Walsall
West Midlands
WS2 8DD

Registered number of holder, for example company number, charity number (where applicable)

SC362465

Part 3 – Details of Designated Premises Supervisor

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Emmett Polland

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number – 832810
Licensing Authority – Southwark Council

Part 4 – Licence approval

Approved on behalf of Walsall Metropolitan Borough Council



David Elrington
Head of Community Safety and Enforcement

Effective from: 03 May 2022 (*Original Licence: 11 March 2016*)

Annex 1 - Mandatory conditions

The following conditions apply where relevant:

Conditions that apply to the sale of Alcohol:

No supply of alcohol may be made under this licence;

- of
- (a) At a time when there is no Designated Premises Supervisor in respect of this licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a personal Licence or his/her personal licence is suspended

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence

Conditions that apply to Security:

Each individual at the premises in order to carry out security activity must be licensed by the Security Industry Authority (SIA).

Conditions that apply to the exhibition of films:

Where a film classification body has specified that the exhibition of a film is restricted, the admission of children to the film must be restricted in accordance with the recommendations of that body.

Mandatory Licensing Conditions (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Licensing Conditions Order 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

1. In this condition:—

- (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where—
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
2. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
3. Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Performance of plays Indoors		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Exhibition of films Indoors		
Day	Start	Finish
Mon	09:00	04:00
Tues	09:00	04:00
Wed	09:00	04:00
Thurs	09:00	04:00
Fri	09:00	04:00
Sat	09:00	04:00
Sun	09:00	04:00

Live Music Indoors		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Recorded Music Indoors		
Day	Start	Finish
Mon	07:00	02:00
Tues	07:00	02:00
Wed	07:00	02:00
Thurs	07:00	02:00
Fri	07:00	02:00
Sat	07:00	02:00
Sun	07:00	02:00

Performance of dance Indoors		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Activities similar to Live or Recorded Music or Performance of Dance Indoors		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Late Night Refreshment Indoors		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Alcohol Sales On the Premises		
Day	Start	Finish
Mon	10:00	02:00
Tues	10:00	02:00
Wed	10:00	02:00
Thurs	10:00	02:00
Fri	10:00	02:00
Sat	10:00	02:00
Sun	10:00	02:00

Opening Hours		
Day	Start	Finish
Mon	07:00	04:00
Tues	07:00	04:00
Wed	07:00	04:00
Thurs	07:00	04:00
Fri	07:00	04:00
Sat	07:00	04:00
Sun	07:00	04:00

The following adult entertainment or services, activities or other matters ancillary to the use of the premises that might give rise to concern in respect of children have been highlighted by the applicant:

None

Conditions volunteered by the applicant in order to promote the licensing objectives:

(a) General – all four licensing objectives

The licence holder will participate in the Local Pub Watch Schemes and any other schemes promoted by local police in partnership with businesses. Staff are to be rigorously trained in sale of alcohol matters and this training will always be recorded. The licence holder will participate in the challenge 25 scheme to prevent the sale of alcohol to minors. The licence holder to be proactive in seeking to work with the local Police and Licensing Authorities to promote safe environments for enjoyable responsible drinking.

(b) The prevention of crime and disorder

Staff will be trained to spot the warning signs of crime and disorder and to report it correctly. Challenge 25 to be enforced to prevent the sale of alcohol to minors. CCTV will be used in all public areas and will be operated on the premises and recordings kept for 31 days. Recordings of incidents will be supplied to the police or authorised officer on request by transportable media. The CCTV must capture facial images of persons entering the premise.

(c) Public safety

To participate fully with the local authority, Police, and Fire Service, to create a safe and secure environment for our patrons to use. Staff will be trained to spot the warning signs of danger or bad behaviour and to report it correctly. Managers to be trained in safety, standards will be met through regular recorded checks. Staff will be trained to ensure the environment is safe for themselves and patrons. No glass, open bottles, or glass drinking vessels to leave the premises.

(d) The prevention of public nuisance

Staff to be trained about the safe supply of alcohol and will not sell alcohol to be consumed off site. To maintain and record regular and visible checks on all areas used by the public to ensure that staff are always aware of any potential problems and issues.

(e) The protection of children from harm

Rigorous checks to be in place for age restricted products. Challenge 25 will be operated to restrict sale of alcohol to minors.

Conditions agreed by the applicant following mediation

The following conditions were agreed with West Midlands Police on 4th March 2016.

Prevention of Crime and Disorder

CCTV to be operational and recording at all times.

Time and dates to be visible and correct.

Images to be stored for no less than 28 days.

Images to be made available to any registered authority upon request.

Public Safety

Toughened drinking vessels to be used where appropriate.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable - this application was not subject to a hearing.

Annex 4 – Plans

Plans detailing those aspects of the premise covered by this Licence form part of this Licence and are attached.

End of annexes

Our Ref: 23/06547/FIFEST

westminster.gov.uk/licensing



City of Westminster

Westminster City Council, as the film classification body for premises licensed for the exhibition of films under the Licensing Act 2003 within the City of Westminster has classified the following films:

London Indian Film Festival

**Berlin
Runs in the Family
Sahela**

No-one younger than 15 may see a 15 film in a cinema. No sales/entry to anyone under the age of 15.

A handwritten signature in blue ink, appearing to read 'S. Robbie'.

Mrs S. Robbie – Senior Licensing Officer
On behalf of the Executive Director of Environment, Climate & Public Protection

Classified: 12 October 2023