

**REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES TO THE****LICENSING SUB – COMMITTEE****Thursday 27 June 2024 at 14:45****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 30 May 2024 to certify 2 short films entitled 'Mithya' and 'The Queen of My Dreams', which are 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 each 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 films is attached as **appendix 1**. In addition to this, the applicant provided a summary as follows:-

#### **Mithya:**

Mithun, an impressionable eleven-year-old boy struggling to come to terms with the loss of his parents, is sent back to his idyllic home village to live with his estranged family. As he tries to adapt to his new surroundings, with locals squabbling over his custody, he learns of secrets that will change his life forever. Grounded by an extraordinary central performance from young actor Athish Shetty, Sumanth Bhat's debut feature is a delicate coming-of-age tale exploring themes of loss and acceptance.

#### **The Queen of My Dreams:**

In this colourful and song-soaked delight of a film, young Pakistani woman Azra lives an alternative lifestyle with her white female buddy in Toronto, which is worlds apart from her conservative Muslim mother's traditional values. When her beloved father suddenly dies on a trip home to Pakistan, Azra finds herself on a flight to Karachi, where she discovers her Bollywood inspired connection to memories of childhood and the truth of her once liberal mother and father's 1960s love marriage.

- 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. The Licensing Authority recognises the principle within the **Human Rights Act 1998** that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959, or is on breach of the Copyright Design and Patents Act 1988, or the Counter Terrorism and Security Act 2015; or has been created through the commission of a criminal offence.
- 4.7. The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.
- 4.8. The protection of children from harm is a licensing objective under the Act Section 182 Government Guidance to Licensing Authorities under the Act states:

*It includes the protection of children from moral, psychological and physical harm. This includes not only protection children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives, for example, in the context of exposure to certain films or adult entertainment. Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.*

## **5. Staffing issues:**

- 5.1 There are no staffing issues arising from this report.

## **6. Citizen Impact**

- 6.1 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.

## **7. Community Safety**

- 7.1 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'.

## **8. Environmental Impact**

- 8.1 Nothing arising from this report.

## **9. Performance and Risk Management Issues**

- 9.1 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".
- 9.2 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.
- 9.3 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.

## **10. Equality Implications**

- 10.1 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.*

**11. Consultation**

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

**12. Associated Papers**

Appendix 1 – Request from applicant.

Appendix 2 – Proposed Process to follow

Appendix 3 – Current Premises Licence in place

**13. Contact Officer**

Muhammed Sayful Alom, Licensing Team Leader –  
[Licensing@walsall.gov.uk](mailto:Licensing@walsall.gov.uk)