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Nottingham
City Council

LICENSING COMMITTEE

Date: Tuesday, 23 October 2018

Time: 10.30 am

Place: LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

A handwritten signature in cursive script, appearing to read 'G. Anderson'.

Corporate Director for Strategy and Resources

Governance Officer: Mark Leavesley **Direct Dial:** 0115 876 4302

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
If you need advice on declaring an interest, please contact the Governance Officer above, if possible before the day of the meeting
- 3 MINUTES** 3 - 4
Last meeting held on 09 October 2018 (for confirmation)
- 4 FILM RE-CLASSIFICATION: 'A NORTHERN SOUL'** 5 - 12
Report of Director of Community Protection

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

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NOTTINGHAM CITY COUNCIL

LICENSING COMMITTEE

MINUTES of the meeting held at Loxley House, Station Street, NG2 3NG, on 9 October 2018 from 10.30 am - 10.45 am

Membership

Present

Councillor Brian Grocock (Chair)
Councillor David Smith (Vice Chair)
Councillor Cheryl Barnard
Councillor Mohammed Saghir
Councillor Adele Williams
Councillor Michael Edwards

Absent

Councillor Nicola Heaton
Councillor Mohammed Ibrahim
Councillor Corall Jenkins
Councillor Sue Johnson
Councillor Gul Nawaz Khan
Councillor Dave Liversidge
Councillor Carole McCulloch
Councillor Toby Neal
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Ann Barrett - Legal Advisor to the Committee
Mark Leavesley - Governance Officer
Angela Rawson - Regional Licensing and Policy Manager

7 APOLOGIES FOR ABSENCE

Councillor Heaton) leave
Councillor Woodings)

Councillor Liversidge)
Councillor McCulloch) unwell
Councillor Neal)

8 DECLARATIONS OF INTERESTS

None.

9 MINUTES

The minutes of the meeting held on 26 June 2018 were agreed as a correct record and they were signed by the Chair.

10 CUMULATIVE IMPACT ASSESSMENT

Angela Rawson, Regional Licensing and Policy Manager, presented the report of the Director of Community Protection, which sought Committee approval to publish a Cumulative Impact Assessment (CIA) for the City. The report included details of the responses from consultation, an officer assessment of those responses and of

amendments made to the CIA as a result of them. Mrs Rawson also sought approval to an amendment to Section 7, Appendix 8, of the CIA to include reference to the Nottingham Local Plan (November 2005) which had been given regard but omitted from the Appendix.

In response to a question, Mrs Rawson stated that this document can be reviewed and amended during its 3-year life span, subject to there being evidence to support any amendments and a similar process of consultation being followed.

RESOLVED that the Cumulative Impact Assessment, amended to include the addition of the 'Nottingham Local Plan (November 2005)' in Section 7, Appendix 8 - Strategies, Policies & other published documents given regard, be approved for publication.

LICENSING COMMITTEE - 23 October 2018

Title of paper:	A Northern Soul	
Director:	Andrew Errington Director Community Protection	Wards affected: Bridge
Report author:	Katie Jones Telephone: 0115876 1759 E-mail: katie.jones@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Sarah Mills – Senior Solicitor, Planning Environment & Leisure Team Telephone: 8764416 E-mail: sarah.mills@nottinghamcity.gov.uk	
Relevant Council Plan Strategic Priority:		
Cutting unemployment by a quarter		<input type="checkbox"/>
Cut crime and anti-social behaviour		<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City		<input type="checkbox"/>
Your neighbourhood as clean as the City Centre		<input type="checkbox"/>
Help keep your energy bills down		<input type="checkbox"/>
Good access to public transport		<input type="checkbox"/>
Nottingham has a good mix of housing		<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs		<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events		<input checked="" type="checkbox"/>
Support early intervention activities		<input type="checkbox"/>
Deliver effective, value for money services to our citizens		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
This report asks members of the Committee to decide the re-classification of a film to be screened at the Broadway Cinema, 14-18 Broad Street, Nottingham, NG1 3AL.		
Recommendation:		
1	The Committee classifies the following film in regard to the admission of children to the venue screening it: <ul style="list-style-type: none"> A Northern Soul 	

1. REASONS FOR RECOMMENDATIONS

Failure to give recommendations would mean that the film could not be shown to the public without a criminal offence being committed.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The film is part of the 10ft Films Limited Production for BBC 2 and it will be screened to members of the public at the Broadway Cinema on Tuesday 6 November 2018.

A premises licence was granted to The Broadway Cinema on 20 October 2006 authorising the exhibition of films.

2.2 Under section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films the licence must include a condition requiring the admission of children to be restricted in accordance with that section. The Council's mandatory condition under that section states:

"The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. by the British Board of Film Classification (BBFC), where the film has been classified by that Board, or
- b. **by the Licensing Authority where no classification certificate has been granted by the BBFC**, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film."

2.3 The film is to be shown as part of the 10ft Films Limited Production for BBC 2 and has been classified by the BBFC as a 15 however it has been requested that the film be re-classified as a 12A and therefore in order to ensure compliance with the above condition the Licensing Authority has been asked to make recommendations regarding the admission of children to it.

2.4 The members of the Committee have been asked to view A Northern Soul prior to the meeting and to make a recommendation in respect of the film and to consider the film being re-classified as a 12 A rather than the current rating by the BBFC of 15.

To assist in this process a copy of the British Board of Film Classification Guidelines has been supplied to the Committee for reference.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

To not consider the re-classification.

4. FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

None.

5. LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 As indicated above the Committee is asked to give guidance as to the admission of children to the film concerned. This is in relation to the Council's duty to promote the protection of Children from Harm licensing objective. This is a function that the Committee is rarely called upon to exercise and whilst not bound by the British Board of Film Classification Guidelines they may give some assistance to the Committee in reaching a conclusion.

5.2 Whilst the Statutory Guidance does not deal with this issue in great detail it does indicate that the protection from children from harm objective includes protection from moral, psychological and physical harm including wider harm such as the use of strong language and sexual expletives (for example, in the context of exposure to certain films. Licensing authorities must also consider the need to protect children

from sexual exploitation when undertaking licensing functions (paragraph 2.22 – 2.31). It also advises that, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the Licensing Act 2003 to seek to impose conditions which censor the content of regulated entertainment (paragraph 10.17).

- 5.3 Crime and Disorder Act Implications – Close partnership working between the City Council, applicants, the local community and enforcement agencies is key to the delivery of the licensing regime. A key aim of the City Council is to reduce the risk of crime and disorder occurring in local neighbourhoods and the community in general.

6. EQUALITY IMPACT ASSESSMENT

Not needed (report does not contain proposals or financial decisions) .

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS

None.

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

A web link for A Northern Soul has been provided to the Committee Members:

9. APPENDIX 1

Online information page in respect of A Northern Soul, submitted upon request to re-consider the classification of the film.

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HOME SCREENINGS BEATS BUS STRONG LANGUAGE TEAM PRESS

MENU

Scroll down for info on how you can have your say on the issue

THE BBFC CERTIFICATE

In the UK, films screening in cinemas need to be certified for an age rating by the British Board of Film Classification, who can make decisions for the country as a whole, or by a local council who can make a decision for the geographical area that they represent.

After being classified a 12A by Sheffield and Hull local councils, **A Northern Soul** was classified as a 15 by the BBFC, due to the perceived strong language in the film, namely, the total number of uses of the 'F word' that is above the recommended 4 uses of the term in any film. Exceptions to this rule can be granted, and the context is taken in to account – how the words are spoken, who they are spoken to and whether the language is deemed aggressive.

A Northern Soul counts 19 uses of the F word, 14 in conversational contexts – never directed at anyone, never in front of children, never aggressive or hateful – and 5 in a song performed by Akala in the film. We believe that the rating makes the film seem to have a significant amount of strong language – because 'strong language' is often heard in every day speech, many people have not even noticed it. **We are curious to question working class representation as a result of this.** Because of the disparity between northern councils assessments and the London-based BBFC's understanding – is there a class bias in the decision to award the film a nationwide 15 certificate? To say that this film, about an inspiring man is not appropriate for children under the age of 15 is also a double standards when we look at other films who are rated a 12A despite significant violence.

BBC – A Northern Soul director Sean McAllister defies film censors over 15 rating

Big Issue – Director slams censors as new film A Northern Soul is rated as a 15

The Times – Film-maker Sean McAllister holds free screening of A Northern Soul to defy censors

Press Association – Sean McAllister says new film empowers young people after censor row

Screen – Hull Council rules to defy 'A Northern Soul' BBFC 15 rating

Vice – This Film Shows the Reality of Life in Austerity Britain

BFI Why A Northern Soul challenges TV's 'war on the poor'

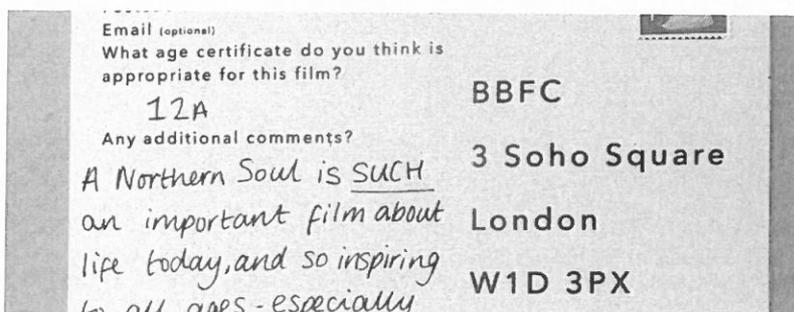
Huck Straight Outta Hull: Hope and hip hop in the age of austerity

The issue was also brought up in Parliament, by Hull MP Diana Johnson



ADD YOUR VOICE

The BBFC makes assessments based on ongoing public consultation. We are therefore keen to enable and encourage members of the public to share their thoughts about this issue.



You can do this in several ways:

– Contact the BBFC directly to share your opinion, you can

FOLLOW ON FACEBOOK

FOLLOW ON TWITTER



A Northern Soul

last Tuesday

What do you think of the BBFC giving A Northern Soul a 15 certificate? Councils across the country are choosing to rate the film. Have your say! <http://anorthersoulfilm.com/strong-language/>



ANORTHERNSOULFILM.COM

A Northern Soul Strong Language | A Northern Soul

Scroll down for info on how you can have your say on the issue. THE

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