

Regulatory Committee

9.30am, Tuesday, 26 June 2016

Cinemas Act – Allowing Performance for Parents or Carers with Infants

Item number	7.1
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	n/a

Executive Summary

The Council, as Licensing Authority for cinemas under the Cinemas Act 1985, applies conditions to cinema licences.

Currently in Edinburgh local condition 2 is applied, which requires cinemas to restrict access by children or young people where they are under the age of the relevant age certificate issued by the British Board of Film Classification (BBFC). This means that any screening for parents and carers can only show certificate U, PG and 12A films.

At its meeting in February, Councillor Mary Campbell made a motion calling for a report on the feasibility of operating a scheme which would allow an infant not older than 12 months to attend specific screenings of age restricted performances, provided they are accompanied by a parent or carer over the age of 18.

Cinemas Act – Allowing Performances for Parents or Carers with Infants

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Agrees to a policy of allowing babies or infants to attend screenings with their parents;
 - 1.1.2 Allows individual cinemas to seek a variation to their licence in order to facilitate this; and
 - 1.1.3 Agrees revised conditions (Appendix 2) and notes that work on revising the current conditions of licence will be reported to a future committee.

2. Background

- 2.1 Cinema licensing currently applies only in Scotland. The Cinemas Act 1985 ('the Act') originally applied across the UK, and revised licensing legislation eventually replaced it in England and Wales. As a reserved matter, however, the Scottish Government does not have power to replace it in Scotland and the matter is thus in limbo.
- 2.2 The Act's language and the relevant concepts have become antiquated as the industry has moved on. The Act is thus not fit for its purpose.
- 2.3 Current conditions require films to be age certified and for premises to comply with the age restriction.

3. Main report

- 3.1 The Council has general discretion to allow non-certified films to be shown or to vary conditions to allow under-age attendance at appropriate film screenings.
- 3.2 For daytime showings at certain cinema it would be appropriate for this restriction to be relaxed, particularly to allow parents and carers (and their young children) access. This would have limited impact on the wider public as such showings are not normally marketed to other groups and would take place at times other than those of peak demand.

- 3.3 This variation to standard licence conditions would have to be applied for by each relevant premise.
- 3.4 The application will be required to clearly set out measures to ensure that rules are not abused.
- 3.5 The application will have to set out which type of films will be allowed and the proposed screening times.
- 3.6 Grant of the variation will be dependent on the child under the suggested age rating being accompanied by a parent or carer over the age of 16. Any parent aged 16 or 17 shall be subject to the normal age restriction of the film, i.e. will not be permitted to view an 18-certificate film.

4. Measures of success

- 4.1 That cinemas in the city can apply for a licence that ensures child safety.

5. Financial impact

- 5.1 A variation fee will be applicable for any application to vary a Cinema Licence.

6. Risk, policy, compliance and governance impact

- 6.1 This report establishes a policy and provides a mechanism of controlling how the policy will be implemented.

7. Equalities impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 The Council has received letters from a number of cinemas supporting this proposed policy.

10. Background reading/external references

10.1 None.

Paul Lawrence

Executive Director of Place

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11. Appendices

11.1 Appendix 1 – Current Cinema Conditions

11.2 Appendix 2 – Proposed conditions for Parent and Baby screenings

11.3 Appendix 3 – Motion by Councillor Mary Campbell

Cinemas Act 1985
LICENCE CONDITIONS

1. 'Film' in these conditions means 'Film exhibition' as defined in the Cinemas Act 1985. 'Council' means the Council as Licensing Authority under the 1985 Act.
2. Subject to conditions 3 and 4:
 - (a) No film shall be exhibited unless it has received a 'U', 'PG', '12A', '15' OR '18' certificate from the British Board of Film Classification.
 - (b) No one under the age of 18 shall be admitted seeing a film with an '18' certificate.
 - (c) No one under the age of 15 years shall be admitted seeing a film with a '15' certificate.
 - (d) No one under the age of 12 years shall be admitted seeing a film with a '12A' certificate unless accompanied by a responsible adult.
3. Any film may be exhibited if the permission of the Council is first obtained and any conditions of such permission are complied with.
4. The Council may prohibit the showing of any film by giving written notice to the Licensee.
5. The terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates.
6. There shall be prominently exhibited at each public entrance whenever premises are open to the public for the showing of films a notice indicating clearly:
 - (a) the title of each film to be shown on that day, other than trailers and films of less than 5 minutes duration.
 - (b) the approximate time of commencement of each film;
 - (c) whether each film has received a 'U', 'PG', '12A', '15' OR '18' certificate from the British Board of Film Classification and (d) the effect of the certificates on the admission of persons under the age of 18 years.
7. The type of certificate received from the British Board of Film Classification shall be clearly indicated by 'U', 'PG', '12A', '15' OR '18' in any advertisement of the film displayed at the premises.
8. No advertisement displayed at the premises of a film to be exhibited there shall depict any scene or incident not included in the film as certified by the British Board of Film Classification or as approved for exhibition by the Council.
9. Where the Council has given notice in writing to the Licensee objecting to an advertisement, that advertisement shall not be displayed at the premises.
10. The premises shall only open between 8am and 1am the following day unless the written consent of the Council is given to open earlier or later.
11. No animals shall be permitted in the premises during the exhibition of a film except guide dogs. The Licensee shall not refuse admission to patrons with guide dogs.

- 12 All attendants on duty shall wear a distinguishing uniform or armband, and shall, have in their possession an electric torch in working condition.
- 13 Films in the 'RESTRICTED (18)' category shall not be shown without the consent in writing of the Council.
Any consent granted in terms of this condition shall be subject to all the following conditions being complied with and any other conditions the Council consider necessary.
 - (a) Films in the 'RESTRICTED (18)' category shall not be exhibited except at licensed premises being operated as a club.
 - (b) No films in the 'RESTRICTED (18)' category shall be shown in a multi-screen complex unless the area used for such films and all facilities (including foyers, lavatories, and refreshment areas) are wholly segregated and accessible only through a separate entrance and box office.
 - (c) A register of members shall be maintained and made available for immediate inspection by Council officials or police constables. A membership card (with a photograph of the member) shall be issued to each member.
 - (d) Tickets shall not be sold to persons other than members.
 - (e) No one shall be admitted to view a film in the 'RESTRICTED (18)' category unless a valid membership card for that person is displayed at the time of admission.
 - (f) Advertising for films in the 'RESTRICTED (18)' category shall specify only the title of the film and the category and will not include pictorial material or other information about the names of performers or the plot.
 - (g) No one under 18 years shall be employed in any capacity at premises showing films in the 'RESTRICTED (18)' category.
 - (h) Membership rules for club cinemas shall include the following:-
 - (i) Membership shall only be open to people of not less than 18 years of age. Applications for membership, including name and address, shall be in writing and signed by the applicant. Applicants shall provide proof of their age to the Licensee.
 - (j) No one shall be admitted to membership until at least 24 hours after the application has been approved by the Licensee.
 - (k) Membership cards shall not be transferable.
- 14 The Licensee or Manager shall be responsible for the day to day running of the premises. There shall be sufficient staff on duty when the premises are open to the public.
- 15 The Licensee or Manager shall give clear instructions to staff on their duties in the event of fire. A legible statement of such duties shall be posted in conspicuous positions in the premises. The Licensee shall comply with any requirements of the Firemaster.
- 16 The number of people admitted to the premises shall be strictly controlled to ensure that there is no overcrowding.
- 17 The general layout and arrangement of the premises shall be such as to allow safe and orderly evacuation to the Council's satisfaction, in the event of an emergency.
- 18 All approaches, staircases and passageways shall be kept free from obstruction. No seat or other obstruction shall be placed in any of the passageways and no-one shall be allowed to stand or sit in any passageway during performances.

- 19 All doors and barriers shall open outwards and shall not be fastened or locked except by push bar mechanisms which release the door under pressure.
- 20 All exit doors in the premises shall be indicated by a fixed lighting transparency bearing the word 'EXIT' in letters no less than 10 centimetres high. All exit doors shall be useable at the end of each performance. The transparency shall be illuminated by a maintained system of lighting and must be visible from the auditorium at all times when the premises are open to the public.
- 21 Any decorative surface finishes shall be either non-combustible or durably flame-proofed.
- 22 All scenery, curtain drapes and fabrics shall be flame resistant.
- 23 The use of smoke bombs, smoke generators, flash powder, flash boxes, detonators and similar items is not permitted without the written approval of the Firemaster and the Council.
- 24 All upholstered furniture shall comply with the Smouldering Cigarette Test and Butane Flame Test in British Standard 5852, Part 2; 1982.
- 25 The Licensee or the Manager shall intimate every outbreak of fire to the Firemaster immediately.
- 26 Lasers or other similar devices shall not be used without the Council's written permission.
- 27 The premises shall be lit to the satisfaction of the Council. A maintained system of secondary lighting shall be provided throughout the building, kept in proper working order and kept on when the premises are open to the public.
- 28 The electric installation of the premises shall be kept in proper working order to the satisfaction of the Council. No alterations or additions to the electrical installation shall be made without the Council's written approval.
- 29 No temporary electric lighting installation shall be used in any part of the premises without the Council's written consent. All temporary connections to the permanent installation in the premises shall be disconnected immediately after each performance.
- 30 All electrical lighting switches to public areas shall be inaccessible to the public.
- 31 The premises shall be properly ventilated and heated to the satisfaction of the Council. Temporary or moveable forms of heating shall not be used without the Firemaster's written approval.
- 32 Sanitary accommodation shall be provided to the satisfaction of the Council.
- 33 The Food Hygiene Regulations and The Health and Safety at Work Act 1974 shall be complied with.

- 34 Any amplified music and speech shall be controlled so as not to cause annoyance to the satisfaction of the Director of Environmental and Consumer Services.
- 35 A telephone shall be installed in the premises.
- 36 The Licensee shall display the Cinema Licence and Conditions in a prominent position.
- 37 No alteration shall be made to the structure, seating arrangements or exits without the Council's written consent.
- 38 The Firemaster, any Police Constable and any authorised Council Officer shall be permitted free access to the premises at any time.
- 39 The Council or Firemaster shall have the power to set a limit on the maximum number of people to be admitted to the premises for any performance.
- 40 One or more leakage circuit breakers must be installed if live amplified music is to be performed on the premises. The installation should comply with the current Institute of Electrical Engineers Regulations.

Proposed Conditions for Parent and Baby Screenings

- No child over 12 months shall be admitted
- cinema shall take reasonable steps to control lighting, sound and other aspects of the theatre in a manner that prevents a negative impact on a child's welfare;
- cinema shall ensure that such screenings are restricted to adults/carers over the age of 16 with a child under 12 months; subject to the normal condition of licence which would not allow a 16 or 17 year old to attend an 18 certificate screening;
- cinema shall maintain a policy which sets out how these screenings will be managed and the policy shall be available for inspection by council officers and the Police

8.1 Motion by Councillor Mary Campbell - Baby and Carer Screenings Committee:

Notes that cinemas in Scotland are licensed by the Council under the Cinemas Act 1985 and each cinema must adhere to statutory requirements and local conditions of licence;

Notes that currently in Edinburgh local condition 2 is applied, which requires cinemas to restrict access to films by children or young people where they are under the age of the relevant age certificate issued by the British Board of Film Classification (BBFC) and that this means any screening for parents and carers can only show certificate U, PG and 12A films;

Notes however, that the Council can vary conditions of licence within the framework of the Act and can consider varying the requirements controlling admission of children for specific cinema screenings; Therefore agrees to call for a report on the feasibility of operating a scheme which would allow an infant not older than 12 months to attend specific screenings of age restricted performances provided they are accompanied by a parent or carer over the age of 18.