

# Regulatory Committee

1.30pm, Monday, 22 October 2018

## Cinemas Act 1985 – Proposed Update to Licensing Conditions

<b>Item number</b>	7.8
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All
<b>Council Commitments</b>	N/A

### Executive Summary

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This report requests that the Committee approves proposals to introduce revised and updated sets of Cinema Licence conditions under the Cinemas Act 1985.

This will simplify and modernise the conditions of licence.

## Cinemas Act 1985 – Proposed Update to Licensing Conditions

### 1. Recommendations

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- 1.1 The Regulatory Committee is asked to:
  - 1.1.1 Note this report;
  - 1.1.2 Agree to consult on the proposed conditions (Appendix 2); and
  - 1.1.3 Note that a subsequent report on completion of the consultation will be prepared for Committee.

### 2. Background

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- 2.1 Any public performance of a film exhibition is controlled by the Cinemas Act 1985. A cinema licence allows 'any exhibition of moving pictures' other than TV programmes on terrestrial TV or cable programmes which are licensed under the Cable and Broadcasting Act 1984.
- 2.2 The operation of cinemas is licensed by means of cinema licensing. At present there are 14 licensed cinemas in the city.

### 3. Main report

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- 3.1 The current conditions of licence for cinemas are out of date (for example, they refer to Council or other public sector staff roles which no longer exist). This was identified when the Committee considered a report on baby/parent screenings earlier this year.
- 3.2 The current conditions for cinemas are included at Appendix 1. Proposed revised conditions are attached in Appendix 2.
- 3.3 The draft revised conditions are streamlined in that they remove requirements laid down by existing legislation. The level of public protection remains unchanged and no new duties are created.

- 3.4 The proposed revised conditions will enable establishments to operate and meet the requirements of their customers, whilst ensuring that the statutory objectives of the Cinemas Act 1985 are met.
- 3.5 Should the Committee be minded to approve these changes in conditions after the appropriate consultation, the service will then publicise the changes and write directly to licence holders.

#### **4. Measures of success**

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- 4.1 That the city's licensing function is modernised to ensure that it meets the needs of customers
- 4.2 That any Licensing policy adopted balances appropriate protection of citizens with the need to ensure a minimum burden on economic development.
- 4.3 The review of cinema licensing is evidence led as part of a robust consultation process.

#### **5. Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018, however Cinema Licence fees are fixed by statutory instrument. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The development of policy in respect of licensing of cinemas is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the revised policy and conditions are consistent with these.
- 6.2 There is a statutory process for amending the policy and this approach is in line with the statutory requirements

#### **7. Equalities impact**

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- 7.1 This report does not directly affect public sector duties.

## **8. Sustainability impact**

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8.1 None.

## **9. Consultation and engagement**

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9.1 Should the Committee agree the proposed revised conditions in principle, a consultation exercise will follow.

## **10. Background reading/external references**

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10.1 None

## **11. Appendices**

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11.1 Appendix 1 – current cinema licensing conditions

11.2 Appendix 2 - Proposed revised conditions for the licensing and regulation of cinemas

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## **Appendix 1 – current cinema licensing conditions**

### **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 to see a film with an '18' certificate.

(c) No one under the age of 15 years shall be admitted to see a film with a '15' certificate.

(d) No one under the age of 12 years shall be admitted to see 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.

(ii) No one shall be admitted to membership until at least 24 hours after the application has been approved by the Licensee.

(iii) 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 exists 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.



## Appendix 2 – proposed revised cinema licensing conditions

### 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', '12', '12A', '15' OR '18' certificate from the British Board of Film Classification;
  - (b) No one under the age of 18 shall be admitted to see a film with an '18' certificate;
  - (c) No one under the age of 15 years shall be admitted to see a film with a '15' certificate;
  - (d) No one under the age of 12 years shall be admitted to see a film with a '12' certificate;
  - (e) No one under the age of 12 years shall be admitted to see a film with a '12A' certificate unless accompanied by an adult.
- 3 Any other film may be exhibited if the permission of the Council is first obtained and any conditions of such permission are complied with.
- 4 Notwithstanding that a certificate has been granted by the British Board of Film Classification, the Council may prohibit the showing of any film in the premises by giving written notice to the Licence holder on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or lead to disorder or to be offensive to public feeling.
- 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', '12', '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', '12', '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 Licence holder 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 assistance dogs. The licence holder shall not refuse admission to patrons with recognised assistance dogs.
- 12 All staff on duty shall wear a distinguishing uniform or armband or otherwise be identified by name badge, 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 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) 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 Licence holder;
    - (ii) No one shall be admitted to membership until at least 24 hours after the application has been approved by the licence holder;
    - (iii) Membership cards shall not be transferable.
- 14 The number of people admitted to the premises shall be strictly controlled to ensure that there is no overcrowding., in line with the capacity stated on the licence.
- 15 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.

- 16 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.
- 17 Emergency lighting signs should be either internally illuminated or illuminated by a light no more than 2 metres away and from a maintained system with 3 hours duration, in accordance with BS 5266: Part 1: 2011 at all material times. 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.
- 18 Any decorative surface finishes shall be either non-combustible or durably flame-proofed.
- 19 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.
- 20 The electric installation of the premises shall be kept in proper working order.
- 21 No temporary electric lighting installation shall be used in any part of the premises without the correct certification being in place. All temporary connections to the permanent installation in the premises shall be disconnected immediately after each performance
- 22 Any amplified music and speech shall be controlled so as not to be an audible nuisance to the satisfaction of the relevant Executive Directors.
- 23 The licence holder shall display the Cinema Licence and Conditions in a prominent position.
- 24 The relevant fire authority, any Police Constable and any authorised Council Officer shall be permitted free access to the premises at any time.

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