

Licensing Committee Agenda



**9 July 2026 at 7.30pm or upon the rising of
the Regulatory Committee meeting**

Marconi Room , Civic Centre, Chelmsford

Membership

Councillor A. Thompson (Chair)
Councillor H. Clark (Vice-Chair)

and Councillors

N. Chambers, A. Davidson, S. Davis, D. Eley, J. Hawkins, R. Lee,
S. Manley, V. Pappa, S. Scott, S. Shah and S. Sullivan

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please email committees@chelmsford.gov.uk or telephone (01245) 606480

Licensing Committee

9 July 2026

AGENDA

1. Apologies for Absence

2. Minutes

To consider the minutes of the meeting held on 22nd June 2026.

3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk at least 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Licensing Act 2003 – Delegation of Powers for Section 20 Film Classifications – Essex International Film Festival

6. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 22nd June 2026 at 10am

Present:

Councillor A. Thompson (Chair of Hearing)

Councillors H. Clark and A. Davidson

1. **Apologies for Absence**

No apologies for absence were received.

2. **Declaration of Interests**

All Members were reminded to declare any interests where appropriate in any items of business on the meeting's agenda. None were made.

3. **Minutes**

The minutes of the hearing held on 1st June 2026, were approved as a correct record.

4. **Licensing Act 2003 – Application for a New Premises Licence – 6 The Green, Writtle, Chelmsford, CM1 3DU**

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representations made during the consultation period. These related to the promotion of the below Licensing objectives.

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The Committee were informed that the applicant had sought permission for the sale of alcohol, Monday's to Friday's between 08:00 and 20:00, between 07:00 and 20:00 on Saturday's and between 10:00 and 16:00 on Sunday's.

It was noted by the Committee that there were three options namely;

- Grant the application, on the terms and conditions applied for.
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

The below parties attended and took part in the hearing:

- Applicant
- Writtle Parish Council representative
- Two members of the public who had objected to the application

Officers informed the Committee that in response to the application, three representations had been received from members of the public and one from Writtle Parish Council, stating that the application did not promote the Licensing Objectives. No representations had been received from Responsible Authorities, including Essex Police, but conditions had been agreed between the applicant and Essex Police as detailed in the report.

The applicant gave an overview of their application to the Committee, summarising that they thought the venue was an ideal location for their business and that they wanted to work with the local community. They highlighted the reduction in opening times, as a result of neighbour concerns, the reduction in the size of outdoor space and the extensive soundproofing that had also been installed. They stated that they would be using local suppliers and were keen to bring local businesses together, and were keen to create a good environment for as many people as possible.

The Committee heard from the members of the public who had objected to the application. They highlighted concerns in their representations including, noise from other nearby licensed premises leading to noise at the front and backs of their properties, noise from customers leaving the venue, even shorter opening hours being preferable and that safeguards were required to keep the venue as a deli rather than a bar, along with concerns about the consumption of alcohol taking place after last orders.

In response to the points raised by those objecting to the application and questions from the Committee, it was confirmed by the applicant that:

- They had experience running a separate licensed premises and were used to dealing with the sale and consumption of alcohol, including knowing that the closing time is the closing time and that they would be closed at 8pm.
- They had installed soundproofing and made efforts to reduce noise levels but if any issues were forthcoming, they would be keen to work with local residents to resolve them and would welcome external sound level testing if required.
- The core business of the premises was as a wine business and they had cut the hours back as much as possible, but it was important to remember that hospitality businesses were struggling and that's why they wanted to be open as late as possible.
- There would not be any live music, only background music from a single speaker that would only be indoors.
- Bottle recycling would take place at suitable times and they would encourage suppliers, who were primarily small local businesses to make deliveries at appropriate times to avoid school traffic where possible.

The Committee's legal advisor clarified that on Saturday's, the playing of recorded music would not be possible between 7am and 8am, instead only after 8am in line with the deregulation rules.

The Committee thanked the attendees and officers for their input and advised that the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

The Committee gave careful consideration to this application for a premises licence and to all relevant representations both written and as expanded on in the course of the hearing. In addition, the Committee had due regard to the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and to the Council's own Licensing Policy.

RESOLVED that the Director of Sustainable Communities be authorised to grant the application for a premises licence on the terms applied for (for the sale of alcohol on and off the premises from 08:00 until 20:00 Monday to Friday, 07:00 until 20:00 on Saturdays and 10:00 until 16:00 on Sundays)

BUT SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1) THE MANDATORY CONDITIONS AND THE CONDITIONS WHICH ARE SET OUT IN SECTION 18 of the Application to be added to the licence.

(The Committee has noted that the applicant has agreed these conditions and is not disputing that they are required).

Reasons for decision

1. In reaching its decision the Committee gave careful consideration to the application including (i) the case put forward by the applicant at the hearing and (ii) the representations made by the local residents.
2. The Committee also had due regard to the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and to the Council's own Licensing Policy, including paragraph 3.1 thereof.
3. In determining the application, the Committee was mindful of the fundamental requirement (as set out in paragraph 9.43 of the section 182 guidance and reiterated by case law) that any determination made by it had to be evidence-based and justified as being appropriate for the promotion of the licensing objectives.
4. The Committee gave due weight (as it was bound to do so) to the fact that **none** of the responsible authorities (including Essex Police and the Council's

Environmental Health department) had objected to the application.

5. The Committee recognised the view of the neighbouring residents that the sale and consumption of alcohol until 8pm and particularly the provision of outdoor seating for consuming alcohol could lead to noise nuisance and the residents proposed end time of 7pm. The Council also recognised the view of Writtle Parish Council that the early sale and supply of alcohol could potentially lead to public nuisance behaviour, and that a start time of 10am would be better. However, the Committee was mindful that any determination made by it had to be evidence-based and justified as being appropriate for the promotion of the licensing objective. The objections were speculative rather than evidence-based.
6. The Committee also considered that the applicant had demonstrated within their operating schedule and in the course of the hearing that they had in place management controls including training programmes for retail staff and CCTV systems to ensure, so far as possible, the promotion of the licensing objectives. The Applicant explained that they do own another bar in Chelmsford so they are aware of the requirements of running a licensed premises. The Applicant expressed that they wish to work with the local community and they had already scaled back the hours they were seeking for selling alcohol, and had scaled back the outdoor seating area and had installed sound-proofing, in conjunction with talks with the local residents and neighbours with the aim to create a good environment for as many people as possible.
7. At the time of the hearing there was no evidence before the Committee on which it could properly conclude that, if the application were to be granted, that any of the licensing objectives would be undermined.

Informatives

- 1) No music (other than incidental music as defined within Schedule 1 of the Licensing Act 2003) to be played on the premises on any day before 8 am or

otherwise outside licensable hours (this to be compliant with the Licensing Act 2003).

2) The parties are advised that if, subsequent to the grant of the licence, there is evidence that the operation of the premises for the sale of alcohol is undermining one or more of the licensing objectives then the licence can be referred to the Committee for review. On review of the licence, and subject to the Committee being of the view that the concerns are evidence-based, the Committee may impose further conditions on the licence and/or cut back on its scope. In serious cases the Committee can revoke the licence. If local residents consider that the licensing objectives are being undermined (e.g. the sale of alcohol is resulting in anti-social behaviour, such as noise nuisance or other disturbance) in the immediate vicinity of the premises, then they should report such concerns to the appropriate authority e.g. the Council's Environmental Health / Community Protection team in the case of noise nuisance, or Essex Police in the case of crime.

It should be noted, however, that the Licensing Committee can only take into account public nuisance or other anti-social behaviour, or crime, which can be shown to be linked to the sale of alcohol from the premises.

3) The applicant is encouraged to ensure, so far as is practicable, that deliveries to the premises take place outside of peak high traffic times (for example, after 9am).

The meeting closed at 10.25am

Chair



Chelmsford City Council Licensing Committee

DATE: 9th July 2026

LICENSING ACT 2003 - DELEGATION OF POWERS FOR SECTION 20 FILM CLASSIFICATIONS - ESSEX INTERNATIONAL FILM FESTIVAL

Report by: Director of Sustainable Communities

Officer Contact: Daniel Winter, Lead Licensing Officer

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Purpose

To consider the delegation of powers to officers for determining film classifications under Section 20 of the Licensing Act 2003 specifically in relation to the 2027 Essex International Film Festival.

Recommendations

- To delegate authority to the Public Health and Protection Services Manager to determine film classifications under Section 20 of the Licensing Act 2003 solely in relation to the 2027 Essex International Film Festival.
- To delegate authority to the Public Health and Protection Services Manager to determine film classifications under Section 20 of the Licensing Act 2003 in relation to the 2027 Essex International Film Festival and future film festivals or events involving multiple unclassified films.
- To delegate authority to the Public Health and Protection Services Manager to determine film classifications under Section 20 of the Licensing Act 2003, with officers retaining discretion to refer controversial, sensitive or borderline matters to Licensing Committee where considered appropriate.

- To authorise officers to recover reasonable costs associated with film classification work in accordance with the Council's cost recovery principles.

1. Background

1.1 Under Section 20 of the Licensing Act 2003, local authorities are responsible for determining the classification of films that do not hold a British Board of Film Classification (BBFC) certificate where those films are exhibited within their district.

1.2 Under Section 7 of the Licensing Act 2003, the discharge of licensing authority functions must be undertaken by the Licensing Committee, a Sub-Committee, or pursuant to delegated authority.

1.3 Historically, Chelmsford City Council has received very few requests to classify films under Section 20. Prior to the Essex International Film Festival 2025, the Council had only dealt with one such application in recent years.

1.4 In October 2024, Chelmsford City Council Licensing Committee approved a specific delegation to officers for the purposes of the 2025 Essex International Film Festival due to the significant number of films requiring classification and the impracticality of referring all films individually to Committee. Members also resolved a suited approach for reimbursement of officer time when classifying the films.

Appendix A.

1.5 Following the Licensing Committee resolution, a briefing paper was prepared setting out the proposed approach to recovering officer time associated with film classification work for the 2025 Essex International Film festival. The approach was subsequently agreed with the relevant Cabinet Member. A Copy of the briefing paper is attached at Appendix B.

1.6 The 2025 festival took place across several Essex authorities including Chelmsford, Colchester and Basildon. Tendring District Council undertook a lead advisory role in reviewing films and producing recommended classifications which assisted participating authorities in reaching their own determinations.

1.7 Officers consider that the arrangements implemented for the 2025 festival operated effectively and enabled classifications to be completed within the required timescales whilst maintaining appropriate oversight.

2. Information

2.1 Essex County Council and the organisers of the Essex International Film Festival have approached Chelmsford City Council regarding proposals for the 2027 festival.

2.2 Unlike the 2025 festival, which took place across several local authority areas, the current proposal is for the 2027 festival to be hosted solely within Chelmsford.

2.3 The festival is expected to include approximately 50 independent and short films ranging between approximately 3 and 15 minutes in duration. These films are unlikely

to hold BBFC classifications and will therefore require classification by Chelmsford City Council prior to exhibition.

2.4 Due to the anticipated volume of films requiring classification, referring each film individually to Licensing Committee may create a significant administrative burden and could make the process impractical within the available timescales.

2.5 Delegating authority to officers would allow classifications to be processed efficiently whilst retaining appropriate safeguards, including the ability for officers to refer controversial or borderline classifications to Members where necessary.

2.6 Officers are currently in discussions with the festival organisers regarding the practical arrangements for classification, including film submission processes, viewing arrangements, timescales and cost recovery.

2.7 Any fees charged would need to comply with the Council's general cost recovery principles. Officers are exploring whether a single agreed fee or hourly rate approach may be more appropriate than the Council's standard per-film fee of £180, due to the volume of films involved.

2.8 Chelmsford City Council already has an adopted Policy for Determining Film Classification under the Licensing Act 2003. A copy of the current policy is attached at **Appendix C** for Members' reference.

3. Consideration

3.1 Officers have limited experience of film classification outside of the Essex International Film Festival process. However, the 2025 festival provided useful operational experience and established a workable process for undertaking classifications involving multiple independent films.

3.2 In determining classifications, officers may utilise BBFC classification guidance, relevant statutory guidance, and where appropriate have regard to advice, guidance or recommendations from authorities or advisers experienced in film classification matters.

3.3 Officers consider that a standing delegation arrangement would provide a proportionate and efficient mechanism for dealing with future requests involving multiple independent films, film festivals or short film events.

3.4 Appropriate safeguards would remain in place under any delegation arrangement, including the ability for officers to refer films to Licensing Committee where:

- the content is considered controversial or sensitive,
- there is uncertainty regarding the appropriate classification category,
- there are wider public interest considerations, or
- Members' oversight is otherwise considered appropriate.

3.5 Delegating authority to officers would improve administrative efficiency whilst maintaining appropriate governance and Member oversight where required.

4. Conclusion

4.1 The proposed delegation arrangements would provide a practical and proportionate mechanism for managing the anticipated workload associated with the 2027 Essex International Film Festival and any future similar events.

4.2 Delegation would build upon the operational experience gained during the 2025 festival whilst retaining appropriate safeguards and the ability for controversial or sensitive matters to be referred to Licensing Committee where necessary.

Appendices:

Appendix A – Chelmsford City Council Cabinet response (2024 film festival)

Appendix B - Cabinet response

Appendix C – Film Classification Policy

Background reading:

- Licensing Act 2003 – Section 20 Film Classification
- Secretary of State’s Guidance issued under Section 182 of the Licensing Act 2003
- British Board of Film Classification (BBFC) Classification Guidelines
- Chelmsford City Council Film Classification Policy

Corporate Implications

Legal/Constitutional: The Licensing Committee may delegate functions under Section 20 of the Licensing Act 2003 pursuant to Sections 7 and 10 of the Act

Financial: Officer time will be required to review and classify films. The Council may recover reasonable costs associated with film classification work in accordance with its adopted fees and charges principles. Further work is ongoing regarding the most appropriate fee structure for large-scale film festival events involving multiple short films.

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

MINUTES

of the

LICENSING COMMITTEE

held on 3rd October 2024 at 7pm

Present:

Councillor R. Lee (Chair)

Councillors D. Clark, H. Clark, A. Davidson, J. Frasca, J. Hawkins, L. Mascot, S. Scott and P. Wilson

1. Apologies for Absence

Apologies for absence were received from Councillors Chambers, Davis, John and Pappa.

2. Declaration of Interests

All Members were reminded to declare any interests where appropriate in any items of business on the meeting's agenda. None were made.

3. Minutes

The minutes of the meeting held on 13th September, were approved as a correct record.

4. Public Question Time

No public questions were asked at the meeting.

5. Gambling Act 2005 – Statement of Principles 2025-2028

The Committee considered a report on the revised statement of principles to the Statement of Gambling Policy under the Gambling Act 2005. The Committee was asked to agree the consultation process for adopting the revised policy prior to its adoption in early 2025 by the Council.

The Committee were informed that under legislation the policy had to be reviewed every three years and that a comprehensive review had been carried out in 2021/2022. The Committee heard that since 2022 there had been proposed and implemented changes to Gambling policies and legislation, covering Player Protection Measures, Land-Based Gambling Charges and Age Verification, which were detailed at paragraph 3.4 of the report. The Committee were also reminded that with the recent change in Government, there had been a delay in the much anticipated release of updated guidance from the Gambling Commission. The Committee noted that when this was available, a more comprehensive review of the policy could be undertaken. It was noted that the revised statement would be

advertised on the Council's website, a local newspaper and brought to the attention of other stakeholders. The Committee heard that if no responses were received the policy would next be considered by the Cabinet, but if adverse comments were received then they would be considered by the Chair in consultation with officers under delegation, before going to Cabinet.

In response to questions from the Committee, officers confirmed that;

- The consultation would run for four weeks.
- The amounts of £150 and £500 for light-touch financial vulnerability checks had been proposed by the Gambling Commission.
- Licence holders would have to be aware of and implement the measures mentioned to assist with protecting vulnerable individuals and the Licensing Authority would be able to request evidence that the monitoring or checks were taking place appropriately.

RESOLVED that;

1. The revised Statement of Principles be agreed as fit for purpose and public consultation take place and
2. Following the public consultation
 - (i) If no adverse comments were received, the policy be forwarded direct to the Cabinet for consideration and recommendation for formal adoption by Full Council; but
 - (ii) If adverse comments were received these be considered by the Chair of the Committee, in consultation with the Public Health and Protection Services Manager, to consider and make any changes ahead of the Cabinet meeting.

(7.01pm to 7.13pm)

6. [Licensing Act 2003 – Delegation of Powers for Section 20 Film Classifications](#)

The Committee considered a report on the possible delegation of power to the Public Health and Protection Services Manager for determining Film Classifications under Section 20 of the Licensing Act 2003. The Committee were provided with three options to delegate the function to officers or a fourth option of no change i.e. classification of all films to be referred to the Committee, as is the current position.

The Committee heard that the report had been produced, in relation to an upcoming Pan-Essex Film Festival organised by Essex County Council. The Committee heard that in recent years, the Council had not received many requests to classify films, so the workload for the Committee had been light, but due to the film festival, there would be a significantly increased number of films requiring local classification. Therefore, officers saw the delegation as an opportunity to streamline the process for the upcoming film festival. The Committee were advised that the delegation could be made under Section 10(1)(b) of the Licensing Act 2003. It was confirmed therefore, that the function could lawfully be delegated to officers.

The Committee heard that Tendring District Council had agreed in principle to take the lead on rating the films, due to their experience in doing so. The Committee were informed that Colchester Council, as the other Council involved with classifying and having the films shown in their district, already had a delegation to officers for the classification of films. The Committee were advised that as detailed in the report, Colchester Council planned for their officers to watch the films and charge an hourly rate for officer time.

In response to questions from the Committee, officers informed them that;

- Tendring District Council had not indicated that they would charge either Chelmsford or Colchester for the reports.
- The reports provided by Tendring, would highlight any specific areas that needed to be watched in detail, allowing a local decision on the classification to be made.
- It would be significantly quicker for the Council, if a delegation was to be agreed, due to not having to convene Committee meetings to watch and classify the films.
- If the delegation was not made and the Committee remained responsible for viewing and classifying the films, then Officer's and Councillors time could in effect be duplicated as officers would need to support the meetings.
- The current cost of £180 per film classification, would not be viable for the Festival, therefore the joint approach with Tendring had been considered.
- The films would generally be short in length and from amateur film makers, but there could be up to 105 hours of film, although it was not clear which films would be shown in each individual district.

Members of the Committee, raised concerns about the amount of officer time that could be required to watch the films and how the Council would be reimbursed for classifying the films. In response, officers stated that if the delegation was granted, then discussions could be held by officers and the Cabinet Member to ensure that any officer time spent classifying the films was suitably reimbursed.

The Committee discussed the proposals and agreed in principle, that they were happy for the delegation to be made to officers, specifically for the Film Festival, therefore the first option provided in the report. The Committee felt that this would allow the approach to be trialled and support the festival, before a decision could potentially be made on a wider delegation in the future. The Committee were also informed by their Legal Advisor, that even with the delegation in place, officers could still if required, refer any classifications back to the Committee for a decision.

RESOLVED that;

1. The power to classify films specifically for the 2025 International Film Festival be delegated to the Public Health and Protection Services Manager and;
2. Officers discuss with the Cabinet Member for Safer Chelmsford, a suitable approach for the reimbursement of officer time when classifying the films.

(7.14pm to 8.06pm)

7. Urgent Business

There were no items of urgent business.

The meeting closed at 8.07pm

Chair

APPENDIX B

Briefing Note

30 October 2024

Film Classifications for Essex International Film Festival 2025

Background

The Essex international film festival is due to take place from 27th to 30th March 2025 across venues in the Chelmsford, Colchester and Tendring Council areas. These district councils were approached by ECC who are supporting the festival to help facilitate a joint licensing approach to classifying the short independent films that will be shown during the festival.

Under Section 20 of the Licensing Act 2003, local authorities are responsible for determining the classification of films that do not carry a British Board of Film Classification (BBFC) certificate. Traditionally, these decisions have been made by the Licensing Committee. However, in light of the increased volume of films to be classified at the 2025 International Film Festival a report was taken to Licensing Committee to streamline the process by delegating these powers to an officer, Public Health and Protection Services Manager.

The committee agreed to delegate this power to the officer for the films to be shown at the film festival in 2025. The minutes of the Licensing Committee in respect of this item are reproduced below.

Classification

Officers from Tendring Council have experience in classifying films and have agreed in principle to view and then advise Colchester Borough Council and this Council on their proposed rating to assist in the process. They will also highlight particular parts of the films to view that are significant in determining the overall rating to reduce the time officers from Chelmsford will need to spend viewing the films.

Fees

Licensing Committee resolved that a suitable approach for the reimbursement of officer time when classifying these films is agreed with Cabinet Member for Safer Chelmsford to ensure there no financial loss to the Council. This was rather than pursuing the stated £180 fee to classify a single film as listed in our fees and charges. To impose such a fee on a large number of short films would make the film festival unviable due to excessive costs. It is suggested that the hourly rate (with on-costs) for the Licensing Lead Officer is used as the hourly rate to charge for time taken in the film classification. This equates to £50.89/hour and would therefore cover our costs.

6. Licensing Act 2003 – Delegation of Powers for Section 20 Film Classifications

The Committee considered a report on the possible delegation of power to the Public Health and Protection Services Manager for determining Film Classifications under Section 20 of the Licensing Act 2003. The Committee were provided with three options to delegate the function to officers or a

fourth option of no change i.e. classification of all films to be referred to the Committee, as is the current position. The Committee heard that the report had been produced, in relation to an upcoming Pan-Essex Film Festival organised by Essex County Council. The Committee heard that in recent years, the Council had not received many requests to classify films, so the workload for the Committee had been light, but due to the film festival, there would be a significantly increased number of films requiring local classification. Therefore, officers saw the delegation as an opportunity to streamline the process for the upcoming film festival. The Committee were advised that the delegation could be made under Section 10(1)(b) of the Licensing Act 2003. It was confirmed therefore, that the function could lawfully be delegated to officers.

The Committee heard that Tendring District Council had agreed in principle to take the lead on rating the films, due to their experience in doing so. The Committee were informed that Colchester Council, as the other Council involved with classifying and having the films shown in their district, already had a delegation to officers for the classification of films. The Committee were advised that as detailed in the report, Colchester Council planned for their officers to watch the films and charge an hourly rate for officer time. In response to questions from the Committee, officers informed them that;

- Tendring District Council had not indicated that they would charge either Chelmsford or Colchester for the reports.

- The reports provided by Tendring, would highlight any specific areas that needed to be watched in detail, allowing a local decision on the classification to be made.

- It would be significantly quicker for the Council, if a delegation was to be agreed, due to not having to convene Committee meetings to watch and classify the films.

- If the delegation was not made and the Committee remained responsible for viewing and classifying the films, then Officer's and Councillors time could in effect be duplicated as officers would need to support the meetings.

- The current cost of £180 per film classification, would not be viable for the Festival, therefore the joint approach with Tendring had been considered.

- The films would generally be short in length and from amateur film makers, but there could be up to 105 hours of film, although it was not clear which films would be shown in each individual district.

Members of the Committee, raised concerns about the amount of officer time that could be required to watch the films and how the Council would be reimbursed for classifying the films. In response, officers stated that if the delegation was granted, then discussions could be held by officers and the Cabinet Member to ensure that any officer time spent classifying the films was suitably reimbursed. The Committee discussed the proposals and agreed in principle, that they were happy for the delegation to be made to officers, specifically for the Film Festival, therefore the first option provided in the report. The Committee felt that this would allow the approach to be trialled and support the festival, before a decision could potentially be made on a wider delegation in the future. The Committee were also informed by their Legal Advisor, that even with the delegation in place, officers could still if required, refer any classifications back to the Committee for a decision. RESOLVED that;

1. The power to classify films specifically for the 2025 International Film Festival be delegated to the Public Health and Protection Services Manager and;

2. Officers discuss with the Cabinet Member for Safer Chelmsford, a suitable approach for the reimbursement of officer time when classifying the films.

Policy for determining film classification

1. INTRODUCTION

- 1.1 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.
- 1.2 The public exhibition of films on licensed premises must therefore either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.3 The purpose of this Policy is to set out the formal procedure for Chelmsford City Council (the Licensing Authority) to determine within its area, the classification of previously unclassified films, to amend classifications and deal with appeals by distributors against the BBFC's decisions or requests to reclassify films.
- 1.4 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on Chelmsford City Council to have 'due regard to the need to prevent people from being drawn into terrorism'.
- 1.5 Where a premises seeks or intends to exhibit film(s), the venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003, apart from the limited exemptions detailed at Section 8 of this policy. In the case of a Temporary Event Notice, the Licensing Act 2003 mandatory condition relating to films does not apply, but applicants may still request the assistance of the Council in determining the classification of a film(s)
- 1.6 The Act defines children as 'any person under the age of 18' and the exhibition of film as 'the exhibition of moving pictures'.

2. BACKGROUND

2.1 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the Chelmsford City Council district. Typically this will be for:

- A film festival covering a specific period of time
- A one off screening of a film(s)
- A trailer for a film

2.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when:

- A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening with recommendations on age restrictions) or;
- An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

3. PROCEDURE FOR SUBMISSION OF FILM(S)

3.1 Applications for authorisation of film(s) shall be referred to the Director of Public Places and will be determined by the Licensing Committee.

3.2 Applications should be submitted to the Licensing Authority, for the attention of the Director of Public Places, at least 28 days before the proposed screening.

3.3 An application for authorisation needs to be in a form that can be viewed, read and understood, should state detailed reasons for the request and include the following information:

- The date(s), time(s) and proposed venue for the exhibition of the film(s)
- The name of the film maker;
- A brief synopsis of the film(s);
- Any recommendation that may have been made by the film maker regarding an age limit for the intended audience for exhibition of the film;
- Any existing classification issues by an existing classification body, whether within or outside the UK.
- If the film has previously been classified by another Licensing Authority, details of the classification awarded by that authority, together with the date and venue at which it was shown.
- 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;
- The language spoken in the film and whether there are subtitles in English
- Details of how any age restrictions will be enforced;

3.4 All requests shall be accompanied by the film(s), where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible, then arrangements will be made for a suitable venue to view the film(s).

3.5 If the film contains dialogue in a language other than English, an interpreter, approved by the Licensing Authority may be required for the classification, the cost to be borne by the applicant.

3.6 Applicants must ensure all material subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, the Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.

4. PROCESS

- 4.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 4.2 A Licensing Officer will view the film and prepare a brief report outlining any areas of concern or note in accordance with the BBFC guidelines, and the Licensing Committee will view the film and assess it against the BBFC guidelines and Government Guidance. At least one of the Chair or Vice Chair will be present at the viewing.
- 4.3 The Chair will have the final decision on the classification to be applied to the film. In the absence of the Chair, the decision will be made by the Vice Chair.
- 4.4 A notice of determination will be issued within 5 working days of the viewing.
- 4.5 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 4.6 Where the Licensing Authority has determined to refuse the authorisation of a film, reasons for the decision shall be given.
- 4.7 A fee of £180 will be payable on application.

5. CLASSIFICATION

- 5.1 The BBFC classifies film in accordance with published guidelines that are based on extensive research into public opinion and professional advice, generally reflecting public sensibilities and expectations as they change over time.
- 5.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted and will use this system together with any future amendments that may apply, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). The Licensing Authority, however, is not obliged to follow these guidelines.
- 5.3 Where a licensed premises within the Chelmsford City Council district seeks to exhibit a film(s) that has not been classified by the BBFC, then it will be the responsibility of the Licensing Authority to authorise that film(s).
- 5.4 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 in 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.
- 5.5 The Licensing Authority shall concern itself primarily with the protection of children from harm and will not use its powers to censor films unless there is a clear cause to believe that this is required to promote the licensing objectives.

6. PROTECTION OF CHILDREN FROM HARM

- 6.1 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.*
- 6.2 In line with the Government Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 6.3 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any person under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.
- 6.4 In these circumstances, the licence holder will be required to display in a conspicuous position, a notice clearly stating the relevant age restrictions and requirements or non-admittance. E.g.:
- Persons under the age of (insert appropriate age) cannot be admitted to any part of the programme*
- Persons under the age of (insert appropriate age) cannot only be admitted to the programme if accompanied by an adult.*

7. AUTHORISATION

- 7.1 Any authorisation(s) for the exhibition of film issued by the Licensing Authority will only apply when the film is exhibited within the area covered by Chelmsford City Council and does not affect the authorisations of any other Authority.
- 7.2 Once authorised by the Licensing Authority a film(s) will be authorised for a particular showing or festival only and subject to the recommendations imposed by the Licensing Authority.
- 7.3 The issue of any authorisation by the Licensing Authority is strictly limited to the determination of film classification and it will be assumed that all relevant third party consents and licences in respect of any and all copyright confidential information and all other intellectual property rights have been obtained.
- 7.4 Where the Licensing Authority has authorised unclassified material to be shown, it will require an undertaking from the applicant of that they are satisfied, after making proper enquiry, that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 7.5 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.

7.6 Each application will be considered on its individual merits. There is no right of appeal to the classification imposed by the Licensing Authority, save by way of Judicial Review of the decision.

7.7 All authorisations issued under a Premises Licence or Club Premises Certificate will be subject to the mandatory conditions contained in the Act relating to the exhibition of film.

8. EXEMPTIONS

8.1 The provision of the exhibition of film is exempt from regulation by The Act if either:

- It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery, or:
- Its sole or main purpose is to:
 - demonstrate any product,
 - advertise any goods or services, or
 - provide information, education or instruction
- the film is shown on a 'not-for-profit' basis in a community premises between the hours of 08.00 and 23.00 provided that the audience does not exceed 500.

9. CONTACT DETAILS

9.1 All applications should be sent for the attention of:

Director of Public Places
Licensing Section
Chelmsford City Council
Civic Centre
Duke Street
Chelmsford
Essex
CM1 1JE

Tel: 01245 606727

E-mail: licensing@chelmsford.gov.uk