



Subject:	The exhibition and rating of “Foscadh” Irish language film
Date:	16 March 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The report is to inform the Committee of a decision taken under delegated authority by the Strategic Director of Place and Economy to approve the exhibition of a film called “Foscadh” in cinemas in Belfast on the 11 March 2022 as part of an Irish Film Festival with an IFCO rating of 16.
1.2	Delegated authority of the Strategic Director of Place and Economy was sought as the request was received following the Licensing Committee in February and a decision was needed before the Licensing Committee on 16 March 2022.
2.0	Recommendations
2.1	The Committee is requested to note the content of the report.

3.0	Main report
	<p data-bbox="272 226 432 255"><u>Key Issues</u></p> <p data-bbox="165 293 1471 421">3.1 The Council licences cinemas and other venues under the Cinemas (Northern Ireland) Order 1991 for the exhibition of films. The main functions of the legislation relate to technical matters such as structural stability and fire safety and, as such, the powers to issue licences are delegated to the Director of Planning and Building Control.</p> <p data-bbox="165 461 1471 555">3.2 However, the Order also requires the Council to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of films designated as works unsuitable for children.</p> <p data-bbox="165 595 1471 689">3.3 Unlike other types of Licences there is no public notification and representation process for Cinema Licence applications hence there is normally no involvement of the Committee with Cinema Licensing.</p> <p data-bbox="165 730 1471 857">3.4 When issuing Licences, the Council establishes Conditions on each Licence regarding the general running and administration of the premises. One such Condition is that only films which have been classified with a certificate issued by the British Board of Film Classification (BBFC) may be shown.</p> <p data-bbox="165 898 1471 958">3.5 The BBFC is an independent body which classifies all films on behalf of local authorities, and they have strict guidelines and criteria in awarding films a classification.</p> <p data-bbox="165 999 1471 1160">3.6 Until recently it has been rare for a licensed cinema to seek permission to show a film that has not been through the BBFC process. However, with the development in the local creative industries and filmmaking sector here more films are being produced locally many of which are unclassified, or not classified by the BBFC, but the demand for them to be screened in local cinemas is growing.</p> <p data-bbox="165 1200 1471 1294">3.7 There is a proviso in the Licence Conditions which allows the Council to give permission to show an unclassified film if it is satisfied with that film. The Council can also append any Conditions it deems appropriate, including an age restriction.</p> <p data-bbox="165 1335 1471 1429">3.8 The Council has had requests in the past for permission to exhibit films which either do not have a classification or have a classification from another country. The Council has previously agreed such requests where it considered them to be acceptable.</p> <p data-bbox="165 1469 1471 1608">3.9 Council officers were contacted on the 21 February regarding the screening of an Irish Language film entitled “Foscadh” on the 11 March as part of an Irish Film Festival. Screenings are potentially planned at Omniplex cinema at the Kennedy Centre and at the Odeon in the City Centre.</p> <p data-bbox="165 1648 1471 1765">3.10 The film has been classified as a 16 rating by the IFCO (Irish Film Classification Office). It has not been given a rating by the BBFC. Information on the IFCO classification and the film plot line are provided in Appendix 1.</p> <p data-bbox="165 1805 1471 1933">3.11 Normally approval to permit the film to be exhibited is considered and given by the Licensing Committee. In this instance the request was received after the February Committee meeting and the March Committee meeting was too late to consider the request for the proposed screening on 11 March 2022.</p>

3.12	Discussions took place with Legal Services as to the options available to the Council and therefore the Strategic Director of Place and Economy under his delegated authority.
3.13	As there is no equivalent BBFC 16 rating that can be applied, three options were identified as lying within the Council's legal remit: <ul style="list-style-type: none"> - Agree to the film being shown with a 15 BBFC rating, - Agree to the film being shown with an 18 BBFC rating, or - Agree to the film being shown and advertised as having a 16 IFCO rating.
3.14	As the film has not been classified by the BBFC and there is no equivalent 16 rating, it was not considered appropriate for officers to determine whether it should be shown with a BBFC 15 or 18 rating.
3.15	Guidance from IFCO would suggest that a 16 rating is applied to films that would have historically been rated as an 18. The IFCO rating states that there is strong nudity/sex, violence and language in this film.
3.16	The matter was discussed with the Chair of the Licensing Committee and the appropriate course of action was considered to be that the film should be allowed to be shown and advertised as having an IFCO classification of 16 only.
3.17	Legal Services advised that this decision can be made under the delegated authority of the Strategic Director of Place and Economy (in accordance with para 2.3 of the Scheme of Delegation which deals with emergencies and cases of urgency) subject to advising the appropriate Chair and reporting the matter to the Licensing Committee at their next meeting.
3.18	This decision comes after a recent discussion at the Committee on the classification of The Batman film, which was rated 15 by the BBFC 15A by the IFCO. In that instance the Committee decided that the film should be shown with a 15 rating in accordance with the BBFC classification.
3.19	As Members will be aware when this matter was considered at the Full Council meeting it was agreed that the film could be shown with an IFCO 15A rating. It could be considered that the acceptance of an IFCO rating for the "Foscadh" film differs from the previous committee decision as this film has not been classified by the BBFC.
3.20	This report is to inform Members that the Strategic Director of Place & Economy exercised his powers of delegated authority and approved the exhibition of "Foscadh" in cinemas in Belfast on the 11 March 2022 as part of an Irish Film Festival with an IFCO rating of 16.
4.0	Financial & Resource Implications None
5.0	Equality or Good Relations Implications/Rural Needs Assessment There are no issues associated with this report.
6.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – IFCO rating information and film plot synopsis/film review