



Community film exhibition
Response from Arts Council England

August 2013

Question	Your views				
<p>1 Do you support the 'do nothing' proposal (Option 1, as set out in paragraphs 28-30) or the Government's proposal (Option 2, "deregulate not-for-profit film exhibition in "community premises" as set out at paragraphs 31-35. If not, please explain why.</p>	<p>Please tick your preferred response in the box below and add any additional information in the relevant area. You can continue your response on additional sheets of paper if required.</p> <table border="1" data-bbox="659 831 1366 958"> <tr> <td data-bbox="659 831 1246 891">Option 1</td> <td data-bbox="1246 831 1366 891"></td> </tr> <tr> <td data-bbox="659 891 1246 958">Option 2</td> <td data-bbox="1246 891 1366 958">x</td> </tr> </table> <p>Arts Council England supports steps towards the deregulation of film exhibition, and believes that the removal of unnecessary licensing burdens is a positive move in creating a thriving cultural sector in this country. We believe that the proposals outlined in Option 2 are the best way to affect this.</p> <p>Please note that we have added some additional thoughts underneath question 6.</p>	Option 1		Option 2	x
Option 1					
Option 2	x				
<p>2 If you generally support Option 2, do you agree with the Government's suggested definition of community premises? If not, please explain why.</p>	<p>Arts Council England supports the provision for the local Licensing Authority to determine which premises may be classed as 'community premises', however we are concerned that the definition under the Licensing Act 2003 is overly narrow.</p> <p>The definition:</p> <p><i>"premises that are or form part of (a) a church hall, chapel hall or other similar building, or (b) a village hall, parish hall, community hall or other similar building"</i>.</p> <p>is overly limiting in its scope, and does not reflect the reality of how people engage and participate in their local community. By limiting community</p>				

		<p>premises to religious buildings and ‘halls’, it excludes both smaller-scale premises and community buildings which have more regular day-to-day use, such as theatres and not for profit arts organisations.</p> <p>Many such buildings are already exempt from licensing by virtue of the exemption for local authority premises (such as libraries). ‘Art galleries’ and ‘museums’ are also exempt from film exhibition licensing under Schedule 1 (5). Expanding the list of deregulated activities to include the full range of public cultural premises would provide consistency and achieve the Government’s policy aims in this area.</p> <p>Cultural buildings are embedded in communities, and would benefit from the removal of additional administrative burdens. With the additional checks and balances in place (such as the restriction on time and audience size) and the ability for oversight from the Licensing Authority, there is no reason why the definition of community premises could not be broadened.</p> <p>We would welcome the inclusion of a broader range of cultural venues, such as theatres and community arts centres to the definition of community premises.</p>
3	<p>If you support option 2, do you agree with the Government’s proposals that the exemption should only extend to “not for profit” activities? If not, please explain why.</p>	<p>We do not agree that the proposals should only extend to ‘not for profit’ activities.</p> <p>If the definition of ‘community premises’ is appropriately delineated, then any risks that are associated with allowing commercial organisations access to this exemption will not apply.</p> <p>‘Not for profit’ is no guarantee of responsibility, and beyond inhibiting community premises’ ability to increase their share of earned income, this limitation serves little purpose.</p>
4.	<p>Do you agree that exhibition of film that is incidental to other entertainment</p>	<p>Yes. Arts Council England believes that there is strong precedent in this area and that film</p>

	activities that are not regulated under the 2003 Act should be exempt?	exhibition which is incidental to other activities which are not regulated <i>should</i> be exempt.
5	Do you agree that the Government's draft clause at Annex C will achieve the deregulation outlined in Option 2?	Beyond the issues raised elsewhere, we believe that the draft wording at Annex C accurately reflects the Government's aims in this area.
6	Do you agree that films that do not have an age classification rating should not be exhibited in community venues without a licence? If you do not agree, please explain why.	<p>Arts Council England does not agree with this proposal. Whilst we absolutely recognise the importance of governmental oversight in protecting children from inappropriate content, we are concerned that limiting this deregulation to films which have an age classification licence may not achieve the Government's policy aims in this area.</p> <p>A large number of the films shown outside of commercial environments, to which this exemption should apply, will be small-scale films without the budget to apply for BBFC rating or the capacity to apply for individual Licensing Authority ratings. Such films might include small documentaries, political films, artists' video, local films or student films.</p> <p>Arts Council England believes that an appropriate balance must be struck between protecting children and not over-regulating - to the extent that it deters or prevents - activities which are important to communities. We would encourage the Government to explore alternatives to the outlined option in this instance.</p>
	Additional comments	Arts Council England believes that the option to deregulate films with the lowest age-rating in all locations is a sound proposal and not one that should be dismissed by Government. The consultation document argues that there are an insufficient number of films classified as U (the lowest rating) for this proposal to be of wide benefit. However, ~12% of commercial releases rated U in 2012 is not an insignificant number (indeed, with 6 possible commercial ratings, 12.5% would be the expected percentage of total ratings in any one category). Whilst we believe this option can only be successful in tandem with

		the outlined Option 2, it would nevertheless be a simple measure to quickly alleviate licensing burdens in this country.
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