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**The legal history of the Old Cinema: from 'disorderly house' to high-class cinematograph**

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# *The legal history of the Old Cinema: from 'disorderly house' to high-class cinematograph*

Guy Osborn

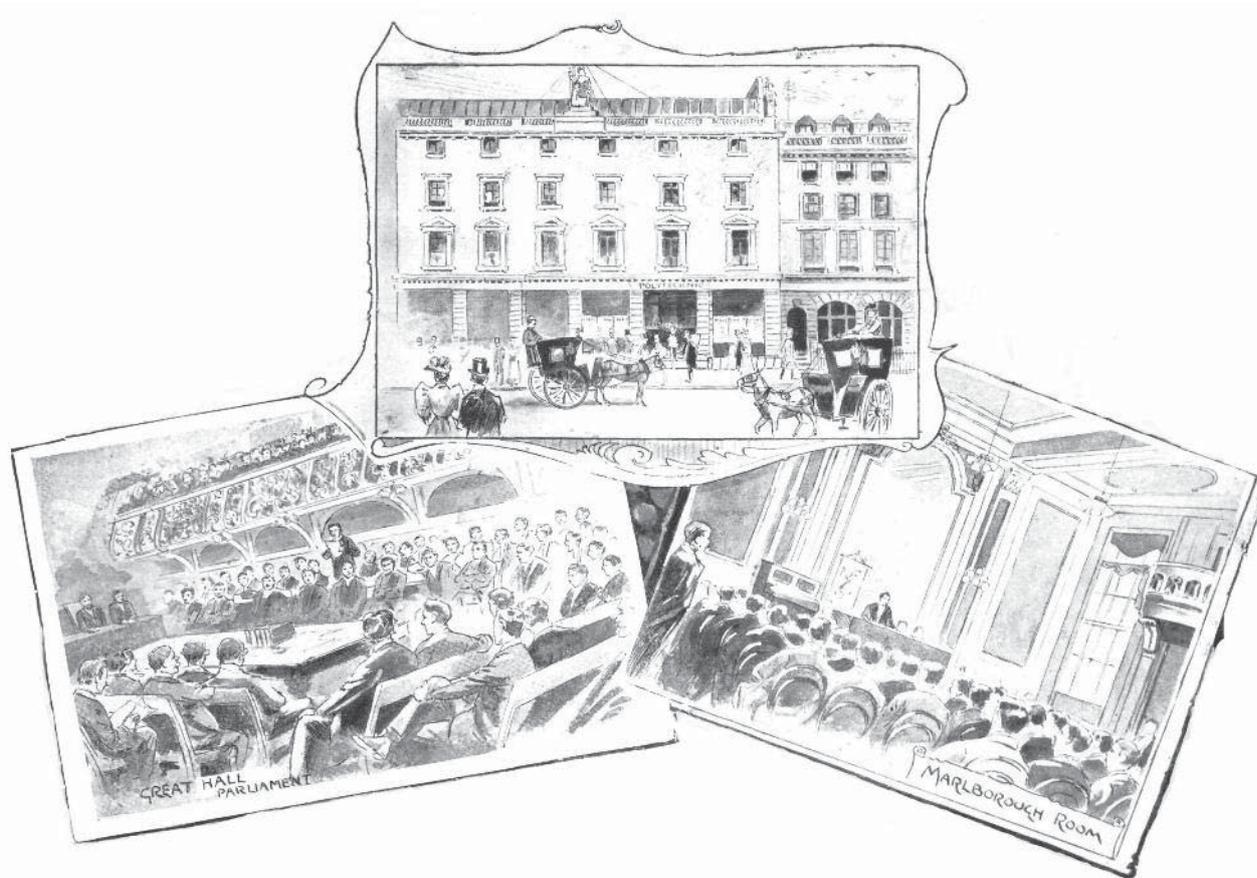
## INTRODUCTION

Discussing the film *Hugo* (Scorsese, 2011), the critic Philip French beautifully encapsulated the allure of cinema and the medium of film when he said that 'cinema was a place to congregate, a magical place to let your imagination run free'.<sup>1</sup> The spatial and architectural aspect of this in terms of our own cinematic space has been neatly detailed in the previous chapter, and the magic to which French alludes forms the basis of the book as a whole. That the Regent Street Cinema is an important symbolic space is unquestionable and its illustrious history is detailed elsewhere in this volume. This chapter, however, celebrates the history of the Cinema from a different perspective, that of how the law has framed it. Its point of departure is the interaction of law with the medium of film,<sup>2</sup> focusing upon the restrictions and guidelines that concerned the exhibition of film, and it tells this story via the vehicle of one cinema. As such it is part local history, part social history and part legal history, with these three narratives crossing, intersecting and told simultaneously.

This chapter looks more specifically at how the law has shaped our Cinema, from the point at which it was first used to show the moving image. The story begins during the reign of Queen Victoria and pauses at the beginning of the 1980s, when a whole host of new technological and legal problems were beginning to come to the fore. The narrative revolves around the 'Old Cinema', (as it became known to staff and students in the late twentieth century) but is located within the context of the whole institution, and the history and ethos, of the University of Westminster. In fact, the history becomes even more interesting when we explore the tension between educational underpinnings and aspiration against broader commercial imperatives, something that remains an issue for the higher education sector as a whole in the twenty-first century. It will be shown how, in many ways, the Cinema is a useful litmus paper of this ongoing tension.

1 Philip French, 'Hugo – Review', *The Observer*, 4 December 2011.

2 The interaction between law and film more generally has been of interest in recent years. Westminster Law School pioneered the first Law and Film module in the UK in 1993, and has fostered links with the British Board of Film Classification, including the jointly curated *Classified* exhibition held in 2012.



#### OF AMBULANT SHOWMEN: THE EDUCATIONAL MISSION AND THE EMERGENCE OF CINEMA

In *The Education of the Eye*, Brenda Weeden recounts the early history and development of the Royal Polytechnic Institution.<sup>3</sup> The Institution had a very particular ethos and approach, and its aim was ‘to help its visitors to understand the inventions and discoveries which were changing their lives, their city and their society; it planned to achieve that aim through display and demonstration’.<sup>4</sup> This is something that is still visible in the University’s mission statement and corporate strategy today, and informs the work and principles of the modern-day University of Westminster.<sup>5</sup> Indeed, it should be noted that when the Lumière brothers first presented their Cinématographe to a British audience on 21 February 1896, the space had been rented to them by the Polytechnic’s Board of Governors and a fee paid. While we tend to think of the move towards a more commercially oriented higher education landscape as a modern phenomenon,<sup>6</sup> commercial possibilities have in fact always been there, and often exploited.

From a legal perspective, even before we consider the medium of film itself, legal issues arose around various events at the Polytechnic. Early arguments

Fig. 59

*The first screening of the Cinématographe took place in the Great Hall (bottom, left) but later showings were held in the Marlborough Room (bottom, right).*

3 Brenda Weeden, *The Education of the Eye: History of the Royal Polytechnic Institution 1838–1881* (Cambridge: Granta Editions, 2008).

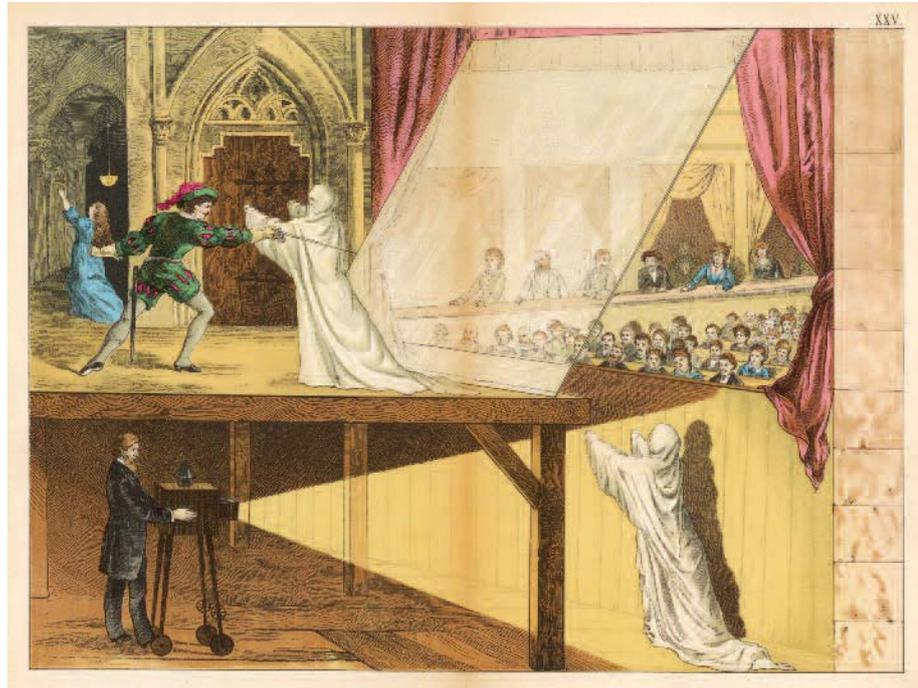
4 Weeden, p. 7.

5 *Westminster 2020* (London: University of Westminster, December 2014).

6 Derek Bok, *Universities in the Marketplace: the Commercialization of Higher Education* (US: Princeton University Press, 2003).

Fig. 60

*The principles behind the Pepper's Ghost illusion are still in use today, most notably for teleprompters and concerts featuring absent or deceased performers.*



regarding the status of Pepper's Ghost, for example, were in fact precursors to the licensing debates that would occur later in terms of cinema. Famously, the staging of Pepper's Ghost took place at the Royal Polytechnic Institution on a number of occasions, following its first performance as part of Charles Dickens's *The Haunted Man* on Christmas Eve 1862. As manager and star performer at the Polytechnic, 'Pepper and Polytechnic became synonymous in the public mind'.<sup>7</sup> In 1865, in the case of *Day v Simpson*,<sup>8</sup> Pepper's Ghost was held to be a stage play for purposes of the Theatres Act 1843 and thus a performance of it was in need of a licence.<sup>9</sup> In fact various licences, such as for music and dancing, were needed in the late nineteenth century depending on the type of entertainment. For example, theatres were regulated either by the Playhouse Act 1737<sup>10</sup> if a 'legitimate theatre', which essentially referred to the two patent theatres of Drury Lane and Covent Garden; or otherwise they were dealt with under the Disorderly Houses Act 1751. This latter Act would have been the key one for the purposes of the Polytechnic, and it was indeed used initially to regulate film showings.<sup>11</sup> Sarah J. Smith noted that 'the 1751 Act was expressly designed to control the leisure activities of "the lower sort of people"',<sup>12</sup> and she also commented how as cinema became more popular and moved away from fairgrounds and into theatres, the pressure to regulate became more overt.

The powers of magistrates to grant licences under the 1751 Act were transferred to county councils after the passing of the Local Government Act 1888. Initially the Act only applied within 20 miles (32 km) of London, although this was extended in 1890. There were numerous debates about the meaning and interpretation of the statute, and even at this stage there were various conditions

- 7 Weeden, p. 51.  
 8 *Day v Simpson* (1865) 18 CB(NS) 681.  
 9 C.J. Erle found that 'the law requires that every person who keeps a house or other place of public resort for the exhibition of stage-plays or other entertainments on the stage, shall be licensed'; and this exhibition was held to fall within that definition. *Day v Simpson* (1865) 18 CB(NS) 681, at 691.  
 10 Repealed by the Theatres Act 1843.  
 11 Neville March Hunnings, *Film Censors and the Law* (London: Allen and Unwin, 1967).  
 12 Sarah J. Smith, *Children, Cinema and Censorship. From Dracula to the Dead End Kids* (London: I.B. Tauris, 2005), p. 20. This shows that the low culture/high culture debate is not a purely modern construct.



Fig. 61

*The first purpose-built cinemas in the UK opened in 1909 (i.e. The Electric in Birmingham and The Palace in Letchworth). Prior to that, cinematograph entertainments were exhibited in fairgrounds, or rented halls like the Polytechnic Theatre.*

attached to the licences, even if their efficacy was sometimes questionable. As Rachel Low observed: ‘Ventilation, exits, fireproof operating boxes, electricity installation, staffing – requirements made by people with little or no technical knowledge of film projection – varied from eminently wise to hopelessly ignorant’.<sup>13</sup>

The question of whether local councils actually had the authority to attach conditions to licences was discussed in the case of *R v County Council of West Riding of Yorkshire*.<sup>14</sup> This case established that a council, while exercising its discretion, could take into account a number of factors including, for example, the close proximity of the venue to another establishment that sold liquor, and thus impose a condition to prevent the applicant from applying for a liquor licence in such circumstances.<sup>15</sup>

A serious issue in the late nineteenth century was the flammability of buildings lit by gaslight, and a number of disasters occurred, including at the Exeter Theatre Royal 1887 where one hundred and eighty-six people died, and where it was said that ‘the entire responsibility lay with the licensing magistrates’.<sup>16</sup> Safety was a key concern and began to be more and more seriously considered. In 1889, the London County Council (LCC) was formed and one of its duties was to implement the 1890 Public Health Amendments Act that had resulted from concerns about theatre fires. The Act impacted almost immediately on the Cinema as the Polytechnic was forced to purchase property adjacent to 309 Regent Street. The result was to create a new direct entrance to the Cinema from Regent Street and thus greatly improve ingress and egress to the space.<sup>17</sup> At this time the cinema was developing rapidly, with a shift away from the ‘ambulant showmen’ hiring halls, towards established and purpose-built theatres.<sup>18</sup> Interestingly, the Cinema was a true hybrid, as it was not purpose-built as a cinema and it continued to provide for a number of different uses such as lectures and other shows as well as its film screenings. More

13 Rachel Low, *The History of the British Film 1906–1914* (London: Allen and Unwin, 1948), p. 59.

14 [1896] 2QB 386.

15 In addition the case began the debate as to whether the cinema could be framed within the 1751 Act. See Hunnings, p. 32.

16 *Ibid.*, p. 36.

17 See Chapter 2, p. 36 for details.

18 See also David R. Williams, ‘The Cinematograph Act of 1909: An introduction to the impetus behind the legislation and some early effects’, *Film History* (1997), Vol. 9, pp. 341–50.

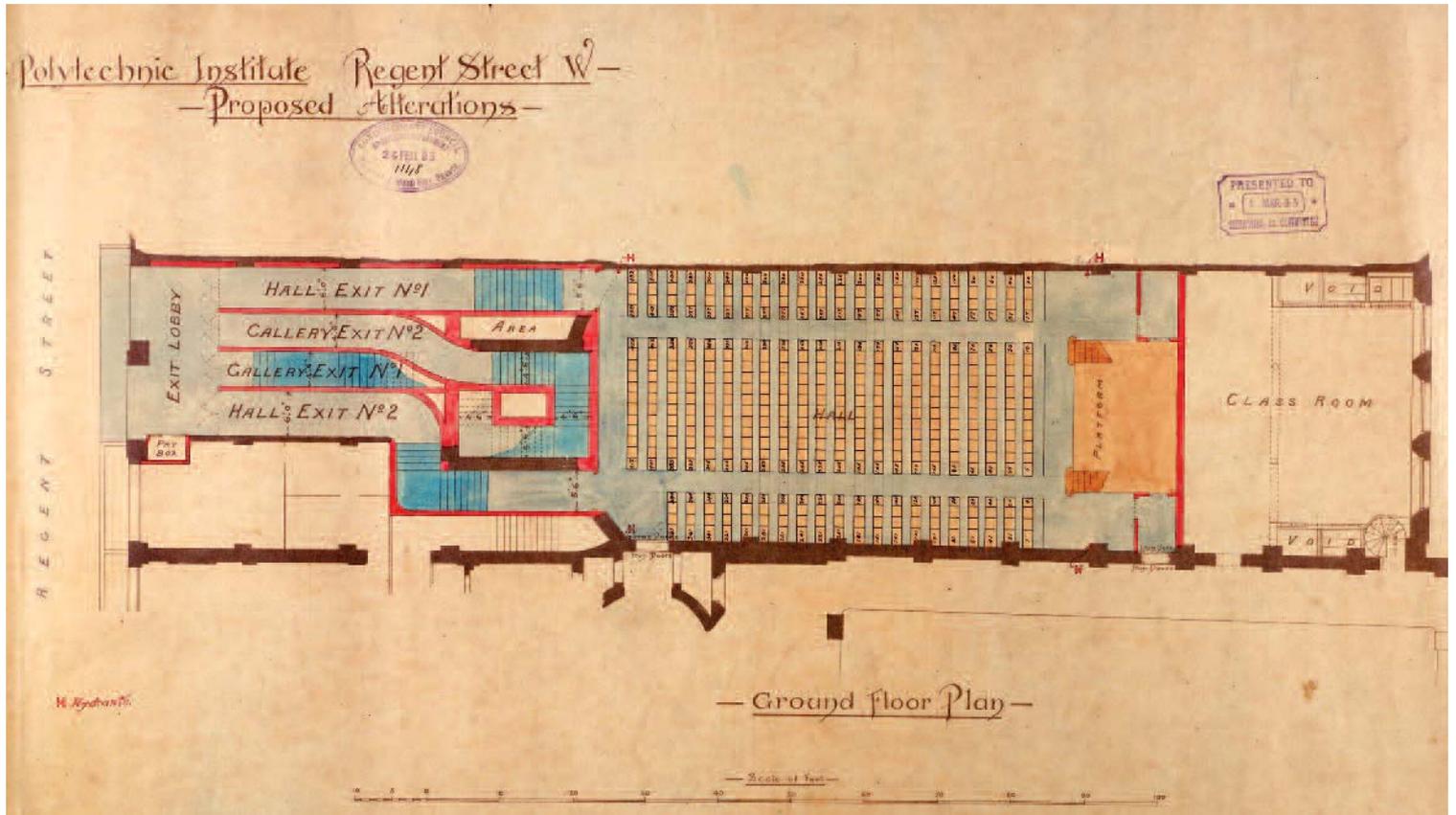


Fig. 62

Before the entrance was created onto Regent Street in 1894, the audience entered the Great Hall through an internal door in the main Polytechnic building.

broadly, however, 'from 1907 the cinematograph was becoming big business and permanent picture palaces were replacing the "penny gaffs" and fairground booths. Cinemas were booming and their number was practically doubling year by year'.<sup>19</sup> Safety issues were to be key, particularly with the combustibility of film; and, in conjunction with awareness of the increasing social and economic importance of film, safety was the basis for statutory intervention in the form of the Cinematograph Act 1909.

#### INFLAMMABLE MATERIAL: THE CINEMATOGRAPH ACT 1909

In 1908 the LCC began to put pressure on Parliament to give it more powers to deal with the emerging cinematograph industry. This was largely based around the problems of dealing with fire, as nitrate film was highly flammable,<sup>20</sup> although the impact on children attending this new medium was also raised as a potential issue of concern. The cinema industry eventually supported the push for specific legislation for cinemas when they realised that they could promote the cinema as a safe and clean leisure environment for that hitherto elusive middle-class audience.<sup>21</sup> This was in contrast with the original audience base for the cinema, which was predominantly from the 'lower orders':

<sup>19</sup> Hunnings, p. 35.

<sup>20</sup> Ibid., p. 45. An interesting further aspect was the call for projectionists to be officially registered, to try and ensure those in charge of the film were properly trained and responsible. This suggestion was not adopted.

<sup>21</sup> See Hunnings, p. 46 and Smith, p. 25.



Fig. 63

*Although the licence from the Howard de Walden estate required that no advertisements were placed on the street, this rule seems to have been regularly flouted.*

As the vast majority of early film audiences were from the working classes, it is hardly surprising that denigration of film viewing came mainly from the well-to-do. Criticism generally related to issues of class, taste and respectability, with major targets being film images of vulgarity, crime, drunkenness and licentiousness.<sup>22</sup>

Against this background, a Parliamentary Bill was introduced, described as a ‘small Departmental Bill’,<sup>23</sup> and characterised as being urgent in nature:

there is a great number of places both in and outside London which are unlicensed, and altogether without control; many of them are dangerous in structure, and no adequate precautions are taken against fire, and unless they are brought under control disaster is sooner or later almost inevitable.<sup>24</sup>

Not everyone was in agreement that legislation was needed. Some queried whether the flammability of films themselves was the main issue. Mr Watson Rutherford, MP, argued that legislation was unnecessary, describing ‘the effect of increasing those grandmotherly, and in many cases, entirely unnecessary, precautions which are supposed to be in the interests of the public, but which really inflict very considerable hardship upon individuals’.<sup>25</sup> Others took exception to the very word ‘cinematograph’, describing it as absurd to use such a word in a Bill, and were scathing about the Bill’s premise and scope and the necessity for these ‘wretched pictures’.<sup>26</sup>

However, the idea of a nationwide registration system, and one that would give an official badge of safety to premises, was welcomed in most quarters. Nonetheless, the reality of the bureaucratic nature of the system was not as welcome as the idea underlying it. On 13 December 1909 a circular was sent

22 Smith, p. 22.

23 HC Deb 21 April 1909, Vol. 3, cc1595–9.

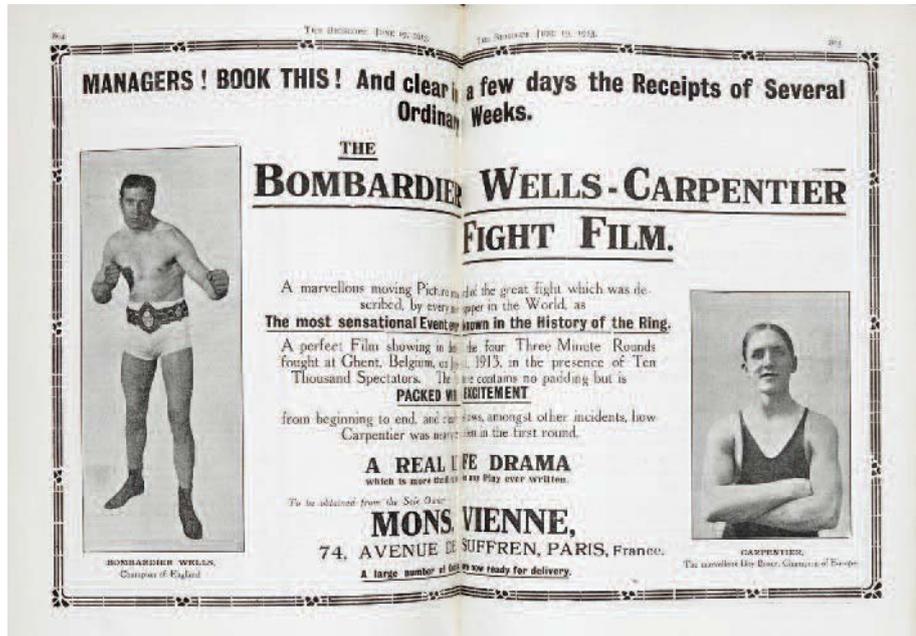
24 HC Deb 21 April 1909, Vol. 3, cc1595–9 (Mr Herbert Samuel, Under Secretary for the Home Office).

25 HC Deb 21 April 1909, Vol. 3, cc1595–9 (Mr Watson Rutherford, Liverpool West Derby).

26 ‘Call it by some name that people will understand. Nobody ever heard of this thing ten years ago; now it is to have statutory recognition. Some word ten years ago was taken out of the Greek, and that name is given to this instrument, and now it is to be legalised by Statute. It is perfectly absurd, and I must confess I am surprised that the Home Office should give countenance to such absurd action’. Mr T.M. Healy, (Louth North) Hansard (HC) 2 August 1909, Vol. 9, cc2260–5. It was also noted that a search for the word ‘cinematograph’ in the English Historical Dictionary proved fruitless, although the first use of the word was accredited to the Regent Street Polytechnic in February 1896. *The Mercury*, 20 January 1910.

Fig. 64

Boxing was a popular subject for earlier filmmakers. Billy 'Bombardier' Wells would go on to be the 'gongman' for the J. Arthur Rank films.



- 27 Circular from the Clerk, LCC to Polytechnic, 13 December 1909, UWA RSP [P103c].
- 28 Letter from the Polytechnic to the LCC, 16 December 1909, UWA RSP [P103c]. The Cinema was called the 'Marlborough Hall' from 1894, although it was also variously referred to as the Large Hall, Polytechnic Hall and Polytechnic Theatre in the early twentieth century. See p. ix for details.
- 29 Letter from the Clerk, LCC to the Polytechnic, 30 December 1909, UWA RSP [P103c]. The following year there was some correspondence as to whether the licence would be renewed for 1911 (Letter from the Clerk, LCC to the Polytechnic, 13 July 1910, UWA RSP [P103d]). This was primarily because rebuilding works were due to take place, but it was decided to continue notwithstanding this. (Letter from the Secretary of the Polytechnic to the Clerk, LCC, 7 July 1910, UWA RSP [P103d]).
- 30 Low, p. 62.
- 31 The development of censorial practice under the Cinematograph Act 1909 is detailed later in this chapter; on a broader conception of censorship see, for example, the definition provided in the context of music by Martin Cloonan and Reebee Garofalo, eds., *Policing Pop* (USA: Temple University Press, 2003).
- 32 Williams, 'The Cinematograph Act,' p. 341.

to the Polytechnic from the LCC, noting that the Cinematograph Act 1909 was to come into force on 1 January 1910, and that as a consequence a licence would be needed to show film. The circular stated that licences of a year in length (or shorter) could be granted for a fee not exceeding £1, and that persons acting in contravention of the provisions would be liable to a fine not exceeding £20 on summary conviction.<sup>27</sup> The Clerk to the Governors replied three days later, stating that as cinematograph entertainment was given in the Hall for around eight months of the year, his view was that a licence would be needed and therefore requested a formal application.<sup>28</sup> Soon after, just before the Act came into force, the LCC approved the Polytechnic's application for a licence, conditional upon the fee of £1 being paid.<sup>29</sup>

Initially, safety was the key aspect of these new provisions, although from an early stage we start to see a more nuanced view of safety developing, as local authorities saw the Act as their opportunity to consider public well-being in a far more holistic way than simply enforcing health and safety. Indeed, the exhibitors feared that strict licensing conditions would be, in effect, a form of censorship.<sup>30</sup> This was prescient: the industry recognised censorship in broad terms, outside of a narrow approach predicated solely on criminal or public order grounds as was the norm; such fears were later proven to be well founded.<sup>31</sup> An unintentional result of the Act was 'the controlling powers it gave to local authorities to determine programming as well'.<sup>32</sup>

The extent of the powers granted by the Cinematograph Act 1909 was tested shortly after it came into force. Local authorities had taken the view that the same sort of approach as was allowed with music hall licences could be adopted, and on this basis imposed a condition that film shows would not be allowed on Sundays. This decision was swiftly challenged by the cinema industry in the case of *London County Council v The Bermondsey Bioscope Company Ltd.*<sup>33</sup>

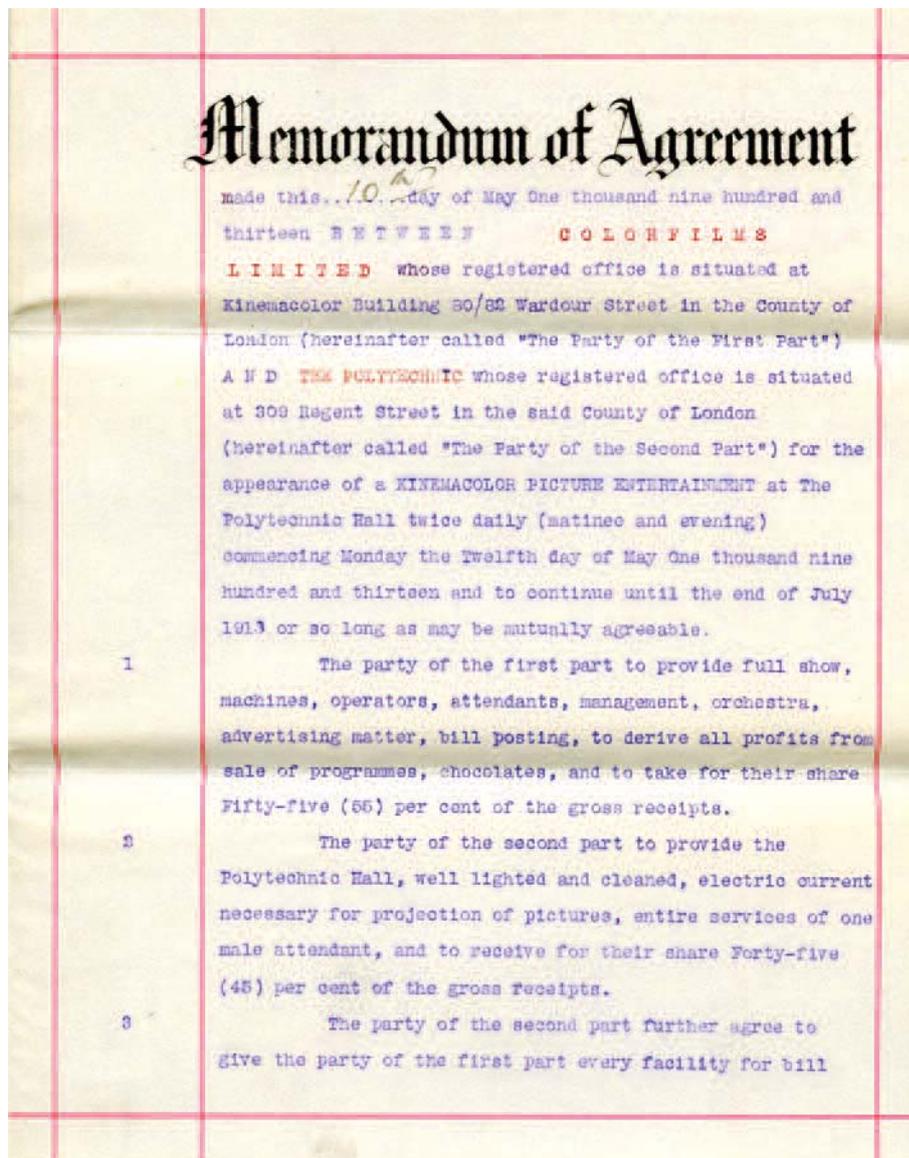


Fig. 65

*Kinemacolour was a process of projecting black and white films behind alternating red and green filters to make them appear as if they were colour. It was used commercially between 1908 and 1914 but it is not known how many performances were given at the Polytechnic under this licence.*

The case concerned the alleged unlawful use of the London Bridge Picture Palace and Cinematograph Theatre for a cinematograph exhibition in breach of their licence. The licence, granted under the regulations on 19 January 1910, and pursuant to the Cinematograph Act 1909, precluded the use of the premises on 'Sundays, Good Friday or Christmas Day'. The Bermondsey Bioscope Company made their contention on the grounds that the explicit purpose of the Act was to secure and preserve the safety of the public; as such, the Council had no legal power to impose the condition relating to the use of the cinematograph on a Sunday as it was beyond the Act's remit and the Council were therefore acting *ultra vires*.<sup>34</sup> The court, however, found differently.

Lord Alverstone CJ, while agreeing that s1 of the Act dealt with safety, noted that s2 was broader and allowed something else outside of the purview of s1 to be included. Adopting a plain meaning approach to statutory interpretation,

<sup>33</sup> *London County Council v The Bermondsey Bioscope Company Ltd* [1910] 1 KB 445 (*Bioscope*).

<sup>34</sup> Literally this means 'beyond the powers', and describes an action taken beyond the legitimate powers granted to a body.

and bemoaning the lack of a preamble to the Act, he noted that ‘In my opinion that section s2(1) is intended to confer on the county council a discretion as to the conditions which they will impose, so long as those conditions are not unreasonable’.<sup>35</sup> The Court of Appeal thus allowed the assumption of censorial powers by local authorities, prompting the cinema industry to come to the opinion that it would be far preferable if the industry itself were to control its products rather than leaving them to the whim of the local authorities.

The wider consequence of this case was the emergence of a body that was to have an important impact on British cinema, and also later a strong relationship with the University of Westminster; the British Board of Film Censors. This body, today tellingly renamed, or perhaps even reclassified, as the British Board of Film Classification (BBFC), emerged as a by-product of the Cinematograph Act 1909 after the filmmakers’ industry body, the Kinematograph Manufacturers’ Association (KMA), approached the Home Office to suggest a self-regulatory body be set up to deal with censorship.<sup>36</sup>

It is within this context, that is the passing of the Cinematograph Act 1909 and the creation of the BBFC, that the rest of this chapter is set as these two events frame much of the history and development of the Regent Street Cinema.

#### SAFETY AND WAR

Safety was the key component of the 1909 Act, and the Polytechnic, while occasionally falling foul of the regulations, was quick to try to rectify any problems identified by the regular inspections of the LCC. This is detailed in correspondence surviving in the University Archive collections.<sup>37</sup> This correspondence is extensive and continues over many years, and there are various instances documented that are of technical interest. For example, the state of the electrics and similar issues are often raised, and schedules of works survive indicating the matters to be completed. To give a flavour of this, the list of ‘Matters in Need of Attention’, following an inspection of 5 August 1931, noted that the emergency exit and other exit boxes should be illuminated by two systems, a stop should be fitted on the operating box dimmer, the dimmer cupboard needed cleaning and various wiring was in need of attention.<sup>38</sup>

While safety was of course paramount, other issues also began to emerge and started to form part of the licensing conditions. The LCC was not beyond commenting on potential impropriety, as is illustrated by a note tucked away in a general safety letter after an inspection noting that care should be taken when dealing with the issue of male and female staff at the Polytechnic:

It was found that a room at first floor level, from which the manager’s office is approached, was used as a staff room for male and female attendants. I am directed to inform you that separate accommodation should be allocated for the staff of both sexes.<sup>39</sup>

35 Alverstone CJ also rejected a double penalty argument based on the fact that Sunday opening was already covered by the Sunday Observance Act 1780. *London County Council v The Bermondsey Bioscope Company Ltd* [1910] 1 KB 445, 451.

36 For more on the BBFC see John Trevelyan, *What the Censor Saw* (London: Michael Joseph, 1973).

37 UWA RSP [P98a and P99a].

38 Chief Officer London Fire Brigade for LCC to The Secretary, 8 August 1931, UWA RSP [P98a].

39 Letter from the Clerk, LCC, to the Polytechnic, 1 May 1923, UWA RSP [P103].

The passing of the Cinematograph Act was followed some four years later by the onset of the First World War. During the war, safety was still a concern, but some interesting aspects of how concerns changed in the wartime context can also be seen. In 1916 a letter from the LCC to the Polytechnic pointed out that during an inspection, in addition to the two persons lawfully allowed to be in the operating enclosure, two disabled soldiers were also present, contrary to No. 5 of the Home Secretary's Regulations.<sup>40</sup> Replying to this, apologising for the breach and thanking the Council for not raising a specific objection due to the 'exceptional circumstances', the following aside was added by the Polytechnic Secretary: 'We are, as perhaps you know, training disabled soldiers in various trades and occupations and a good many are going in for cinematograph operating and the practical instruction we are able to give them is of exceptional value'.<sup>41</sup> The role of the Polytechnic with regard to training and re-education was further embedded later during the war when the Ministry of Pensions wrote in 1917 asking whether the Director of the Polytechnic, Major Robert Mitchell (1855–1933), could be placed at their disposal to this end, and to which the Board of Governors graciously acceded.<sup>42</sup>

#### THE EMERGENCE OF TALKIES AND THE ISSUE OF CONTROL

Important technological developments were taking place in cinematography in the late 1920s; in particular the emergence of the talkies, where sound was synchronised with film. The contracts of the film stars had to be altered to deal with this technological development, altering their terms to include adding sound, or the voice, to studio entitlements.<sup>43</sup> The film *The Jazz Singer* (Crosland, 1927) is regarded as the first example of a talkie, and by the early 1930s the synchronisation of sound with film had become a global phenomenon. The Secretary of the Polytechnic wrote to the Clerk of the LCC in February 1930 to discover its position in terms of licensing this new phenomenon:

In connection with the Cinematograph Licence granted to the Polytechnic with respect to the Marlborough Hall, it is desired to conduct experimental work in the use of a talking machine. [...] I will be glad to hear whether permission can be given for this arrangement. [...] In the event of it being decided to introduce the talking machine at public performances, the necessary application for the licence of the Council will be submitted.<sup>44</sup>

Showing notable flexibility, given their sometimes rather regimented approach to licensing provisions, the Council responded that it would raise no objection to the proposed arrangement. The LCC did, however, specify that certain conditions would need to be complied with, including 'making the door between the rewinding room and cinematograph swing both ways and be self-closing and the slide lantern to be removed from the cinematograph enclosure'.<sup>45</sup> The Head of the Department of Electrical Engineering wrote to

40 Letter from Clerk, LCC, to the Polytechnic, 2 November 1916, UWA RSP [P103i].

41 Letter from Secretary, the Polytechnic, to the Clerk, LCC, 6 November 1916, UWA RSP [P103i].

42 Letter from Secretary, Ministry of Pensions, to the Polytechnic, 6 March 1917; Letter from the Polytechnic to Sir Matthew Nathan, Ministry of Pensions, 10 March 1917; Letter from Secretary, Ministry of Pensions, to the Polytechnic, 14 March 1917, UWA RSP [ST59]. For further details of the role of the Cinema within the context of education, and the use of the Cinema during the wars, see Chapters 1 and 4. See also Anthony Gorst, '“Those who did fall in”: war, military service and the Polytechnic', in *Educating Mind, Body and Spirit*, pp. 159–99.

43 Jane M. Gaines, *Contested Culture. The Image, The Voice, and the Law* (London: BFI Publishing, 1992).

44 Letter from Secretary, the Polytechnic, to the Clerk, LCC, 19 February 1930, UWA RSP/2/2.

45 Letter from Clerk, LCC, to the Polytechnic, 28 April 1930, UWA RSP/2/2/1/1.

JAMES FERMAN, THE BBFC AND PCL

James Ferman (1930–2002) was the sixth and longest-serving Secretary<sup>1</sup> of the British Board of Film Censors (BBFC). He held the post from 1975 to 1999, a period of radical change for the industry, which saw the introduction of home video and the subsequent furore over ‘video nasties’.

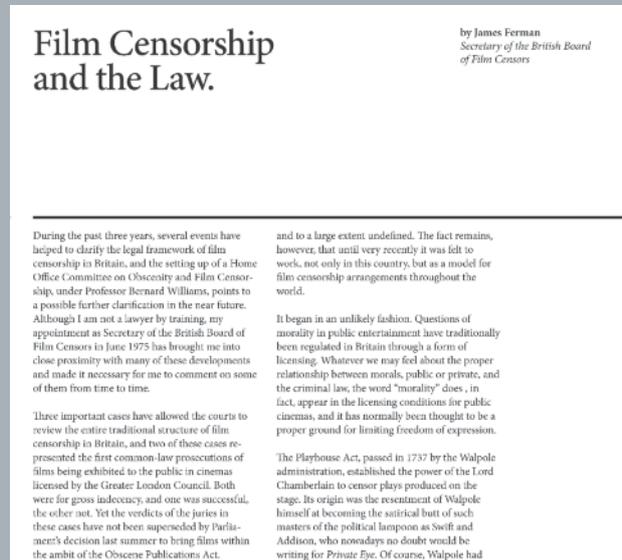
Ferman was born in America but came to England during his national service and remained in the country, working as an actor as well as becoming an acclaimed film producer and director. His documentary work, particularly *Drugs and Schoolchildren* (1973), resulted in his being invited to teach a course on the subject by the Polytechnic of Central London (now the University of Westminster). While at the Polytechnic Ferman lectured part-time in Community Studies (1973–6) and ran a thirteen-week course as part of a Community Mental Health programme.

Ferman seems to have maintained his links with PCL after he took up his new role as Secretary of the BBFC,

as he contributed an article to the *Poly Law Review* in spring 1978.<sup>2</sup> The article, ‘Film censorship and the law’, was published shortly after Ferman had lobbied successfully for film to be brought within the bounds of the Obscene Publications Act 1959. This Act provided the medium of film with the defence of artistic merit for the first time. In the article Ferman stated that he had always believed ‘that the British X certificate is a protection not only for children, who are denied admission, but for adult filmmakers and adult audiences who wish to concern themselves with material, either serious or frivolous, which is the legitimate concern of adults’.

Ferman’s previous experience as a director and educator was never far from the surface. He noted in one of his private papers, ‘I never stopped thinking as a filmmaker, I’ve tried to see the Board’s role less as a policeman of the industry than as its conscience’.<sup>3</sup>

- 1 This role was changed to Director during Ferman’s tenure.
- 2 *Polytechnic Law Review*, Vol. 3, No. 2, Spring 1978, pp. 5–13.
- 3 BFI Archive, James Ferman Collection, ‘Poacher Turned Gamekeeper’, undated, JF/64.



Figs. 66 & 67  
 James Ferman (Fig. 66) lectured part-time at PCL before taking up his role as Secretary of the BBFC, and continued to maintain links with the Poly (Fig. 67).



Fig. 68  
*Thirty-five years since it was last used as a commercial cinema, the projection box is once more coming back to life.*

Fig. 69  
*The First World War was the first conflict to be widely filmed and there was a huge appetite for footage from the Front.*

the LCC confirming assent to these conditions,<sup>46</sup> and in July 1930 the first talkie was shown at the Poly: *Song O' My Heart* (Borzage, 1930).<sup>47</sup>

The LCC was concerned with a different notion of 'control' at this time too, specifically in terms of who was in charge of the cinema for licensing purposes. This became particularly pronounced when a change of tenant for the Cinema was anticipated in May 1931. The question of the letting was referred to a Sub-Committee of the Polytechnic's Finance and General Purposes Committee, comprising the Polytechnic's Vice-President Lord Hailsham (1872–1950)<sup>48</sup>, the Director of Education and the Clerk of Governors.<sup>49</sup> It subsequently reported to the Polytechnic's Finance and General Purposes Committee on 21 September 1931 that the tenancy of the Cinema had changed hands and that Mr Ralph Specterman had been accepted as a tenant.<sup>50</sup>

Once Ralph Specterman took over the lease an interesting issue arose: the complications of a three-way relationship between the control of the premises, the cinematographic licence and the tenancy. In response to notification of the change, the LCC replied on 4 November 1931 that if responsibility for the control of the premises were to be divided between the Governors and Mr Specterman, then this would necessitate the granting of a separate licence

46 Letter from Philip Kemp, to the Director of Education at the Polytechnic, 14 May 1930, UWA RSP/2/2/1/1.

47 See also pp. 54–5.

48 Douglas McGarel Hogg, First Viscount Hailsham was the eldest son of Quintin Hogg. He continued his father's legacy as Vice-President of the Polytechnic c.1920–49. He also had a distinguished political career as a Conservative Member of Parliament. See *ODNB* for details.

49 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 18 May 1931, UWA RSP/1/FP.

50 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 21 September 1931, UWA RSP/1/FP.

Fig. 70

*The Polytechnic's Robert Mitchell (1855–1933) was appointed Director of Training for the Ministry of Pensions. Courses at the Polytechnic for disabled soldiers included electrical engineering and cinematograph operation.*



to each party. The LCC made it clear that ‘the Council is not, however, prepared to depart from its settled policy of licensing one person or company only in respect of a place of public entertainment’. It continued:

I am accordingly to state that, if it is desired to continue to use the premises for public entertainment, steps must be taken at once by the Governors to modify the tenancy with Mr Specterman so that they are themselves solely responsible for the management and conduct of the premises during the whole of the time that they are in use under the Council’s licence.<sup>51</sup>

The Governors responded robustly, arguing that ultimate responsibility was solely in their hands,<sup>52</sup> and continued that the agreement between the Polytechnic and Specterman provided that the tenants would not exhibit any film that had not been submitted to, and approved by, the Governors. Further to this, the tenant would act in accordance with the regulations of the LCC and the tenancy could be terminated for non-compliance. The Board continued to try to settle the matter by clarifying that:

In drawing up this agreement there was no intention on the part of the Governors to delegate the responsibility of the conduct of the Hall, and actually the maintenance staff of the Hall, including the electrical and heating staff, belong to the staff of the Polytechnic.<sup>53</sup>

51 Letter from Clerk, LCC, to the Polytechnic, 4 November 1931, UWA RSP/2/2.

52 Letter from Secretary, the Polytechnic, to Clerk, LCC, 4 December 1931, UWA RSP/2/2.

53 Ibid.

However, the LCC were not satisfied with this response as they felt that Ralph Specterman, as the tenant, was still responsible under the tenancy agreement.<sup>54</sup> The eventual consequence was that the LCC required the tenancy agreement to be modified to ensure that the Governors were solely responsible for management of the premises. It was therefore reported on 23 May 1932 that:

Arrangements had now been made to provide in the agreement that the Governors should at all times have access to all parts of the premises and control the general arrangements, and while the licensee should be the Secretary of the Polytechnic he should be represented by the tenant or his manager.<sup>55</sup>

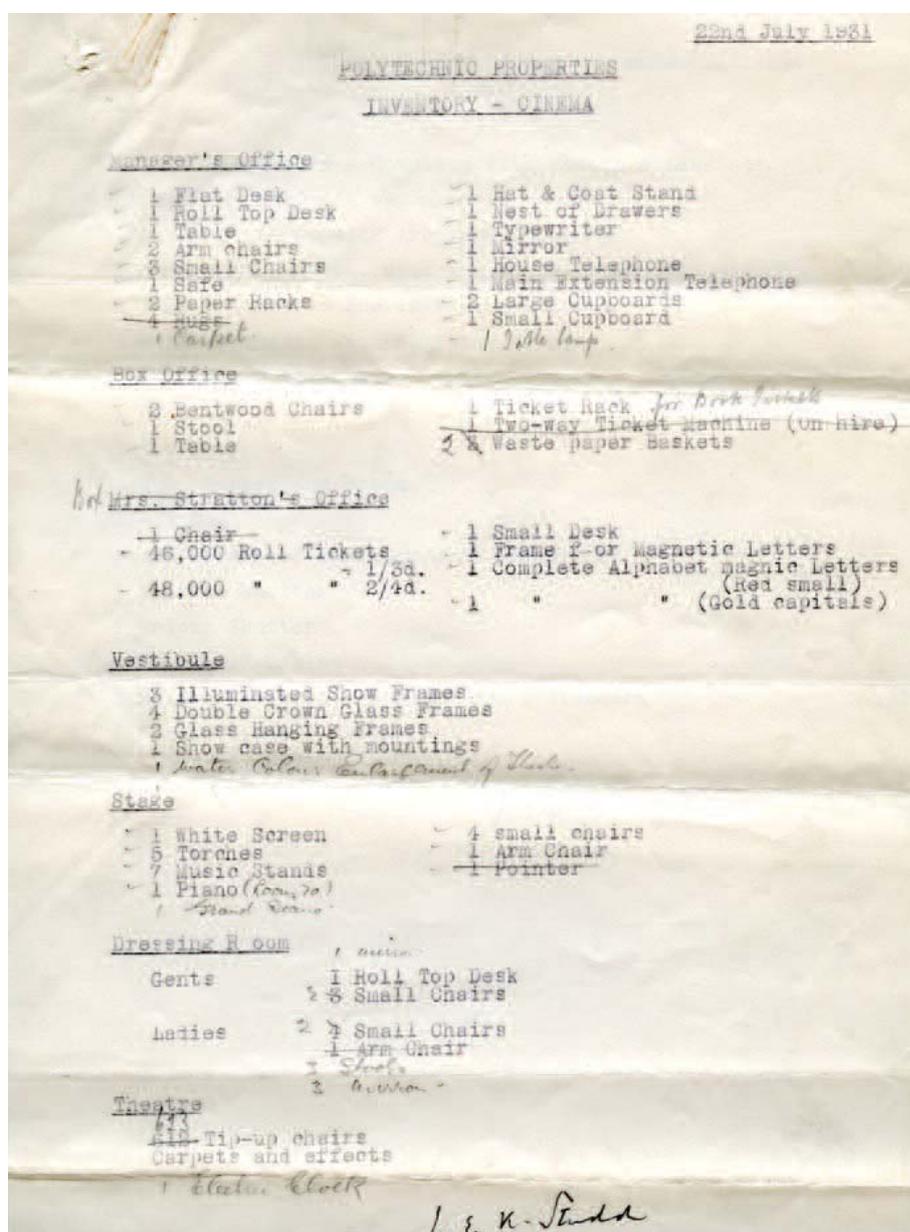


Fig. 71

This 1931 inventory mentions a piano installed on the stage – this would be replaced by a Compton organ five years later.

54 Letter from Clerk, LCC, to the Polytechnic, 2 February 1932, UWA RSP2/2.

55 Polytechnic Finance & General Purposes Committee Minutes, meeting of 23 May 1932, UWA RSP1/FP1/9.

Fig. 72  
*The Compton organ was installed by Ralph Specterman, as a condition to the extension of his tenancy.*



The Polytechnic agreed to insert a clause to the effect that the Governors exercised ‘full control’, and emphasised that the power the governors exercised in fact had other broader benefits and that this meant that ‘the entertainment provided is generally admitted to be of a much higher standard than the entertainment at the usual cinema’.<sup>56</sup> The variation was sent to the LCC for approval and on 19 July the LCC replied stating that this endorsement to the agreement was acceptable to them.<sup>57</sup> In some ways this may have seemed something of a storm in a teacup, but the Council were acutely aware of legal ramifications and were keen to ensure that the procedural requirements were followed and that the issue of control was clarified.

<sup>56</sup> Letter from Secretary, the Polytechnic, to Clerk, LCC, 18 April 1932, UWA RSP2/2.

<sup>57</sup> Letter from Clerk, LCC, to the Polytechnic, 19 July 1932, UWA RSP2/2.

<sup>58</sup> Christopher Lane, ‘On the Victorian Afterlife of the 1781 Sunday Observance Act’, *BRANCH: Britain, Representation and Nineteenth-Century History* in Dino Franco Felluga (ed.). Available online: [www.branchcollective.org/?ps\\_articles=christopher-lane-on-the-victorian-afterlife-of-the-1781-sunday-observance-act](http://www.branchcollective.org/?ps_articles=christopher-lane-on-the-victorian-afterlife-of-the-1781-sunday-observance-act) [accessed 11 June 2014]. The Act was passed in 1780 but was enacted in 1781.

### THE FEAR OF THE CONTINENTAL SUNDAY

As noted above, when discussing the *Bioscope* case, Sundays were potentially a popular day for cinema but there were other issues to contend with regarding the showing of films on this specific day of the week. Historically, under the Sunday Observance Act (1780), described as ‘An Act for preventing certain Abuses and Profanations on the Lord’s Day called Sunday’, the use of any room for public entertainment or debate on a Sunday was prohibited. Over the years this statutory intervention had been bolstered by the formation of supportive groups such as the Lord’s Day Observance Society, although in 1894 a counter group, the National Federation of Sunday Societies, was established with the aim of removing such restrictions.<sup>58</sup> In 1910, partly as a response to the *Bioscope* case, and specifically to deal with the issue of use of the Cinema on a Sunday, the Cinematograph Defence League (CDL) formed to fight for the ability to

show films on a Sunday.<sup>59</sup> The question of film screenings on a Sunday had been a problem since at least 1908, and was what Low characterised as the fear of the ‘Continental Sunday’; that although ‘middle-class virtue might survive golf and bridge, [...] the Sabbatarianism had sufficient life in it still to stigmatise the vulgar new working-class entertainment as too flagrant a flaunting of the Devil’s house’.<sup>60</sup> The key legal question became, however, whether the LCC was actually able to impose Sunday closing:

Did granting licences ‘to such persons as they think fit, on such terms and conditions and under such restrictions as subject to regulations of the Secretary of State, the Council may by the respective licences determine’ cover the prohibition of Sunday shows?<sup>61</sup>

As noted above, the *Bioscope* case had established that Councils were at liberty to insert conditions relating to the issue of licences, including the use of cinemas on Sundays. Following robust debate in the press, and various committee meetings, the LCC Theatres and Music Halls Committee decided that



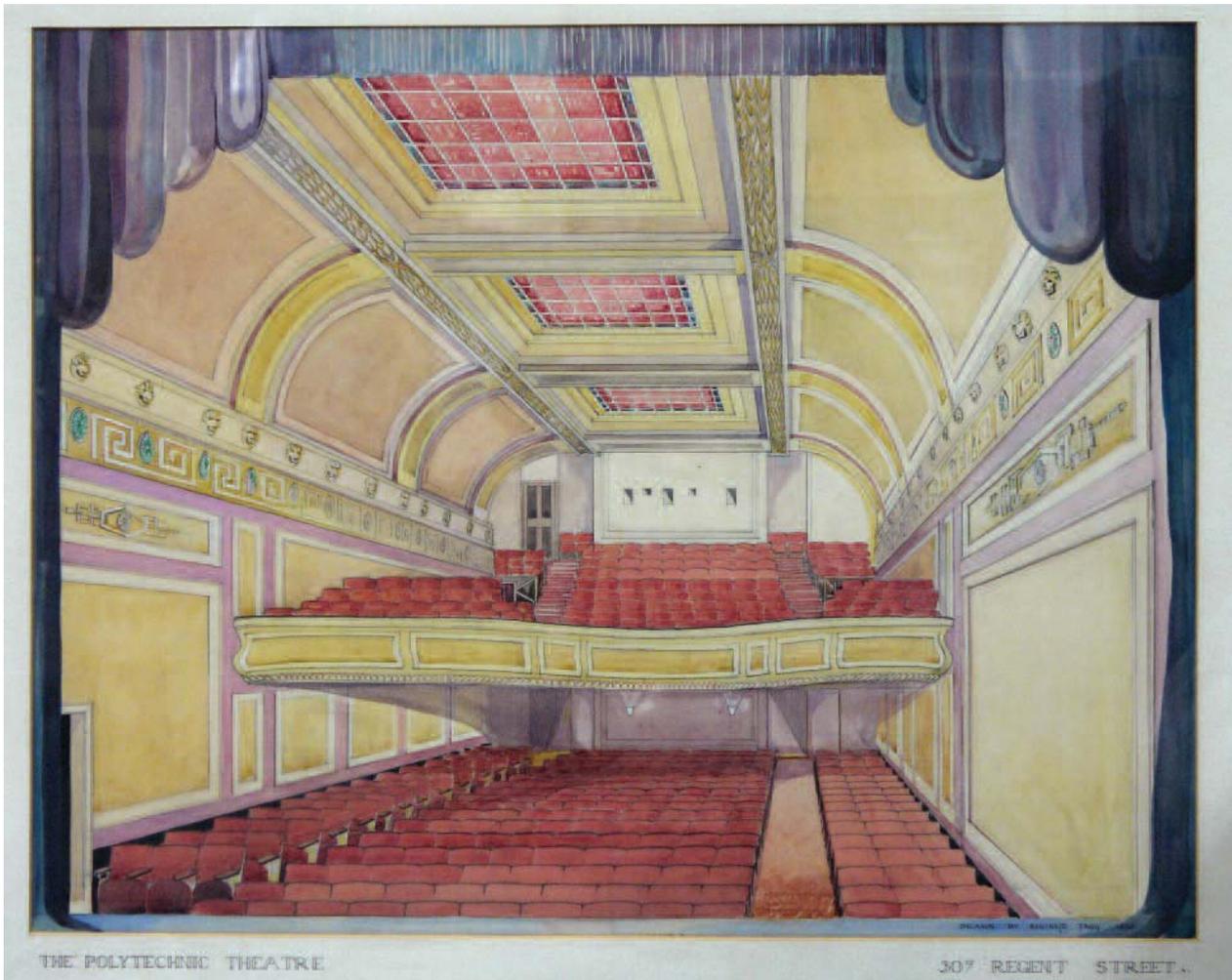
Fig. 73

*Advertisements for Chang emphasised the Governors’ control over the Polytechnic Theatre’s programming.*

59 The League was formed on 13 January 1910. Directors included Montagu A. Pyke, a prominent figure in British cinematography at the time. At its peak in 1910–11, Pyke’s circuit managed fourteen cinemas in central London. However, by 1915 his business had collapsed and he was bankrupt.

60 Low, p. 63.

61 *Ibid.*, p. 64.



**Fig. 74**  
*This rare colour picture from 1932 shows the Cinema's Art Deco colour scheme. It was drawn by Reginald Fagg, a former student and Clerk of the Works at the Polytechnic who later designed the Ladies' Extension Pavilion at Chiswick.*

such Sunday entertainment *could* fulfil a legitimate and useful purpose and should be allowed, as long as stringent conditions were applied. These stringent conditions included the donation of all profits gleaned on a Sunday to charity. Although this condition was observed to a degree, it seems that it was fairly easy to evade and difficult to enforce. In fact just before the outbreak of the First World War, a number of councils, including Middlesex, announced that exhibitors opening on Sundays was not to be allowed and the LCC itself only allowed Sunday opening during this period if the charity clause was strictly observed.<sup>62</sup>

The issue of cinemas opening on a Sunday was eventually formally addressed by the Sunday Entertainments Act 1932, which provided that showing films on Sundays would *not* create an offence under the 1870 Act:

no person shall be guilty of an offence or subject to any penalty under the Sunday Observance Acts [...]1780, by reason of his having managed, conducted, assisted at, or otherwise taken part in or attended or [...] by reason of his being the keeper of any place opened and used on Sundays for the purpose of any cinematograph entertainment.<sup>63</sup>

<sup>62</sup> Ibid., p. 105.

<sup>63</sup> The Sunday Entertainment Act 1932, Section 4.

One concession contained within the Act was that five per cent of takings from these Sunday shows was to be paid to a 'Cinematograph Fund' and, under s2 of the Act,<sup>64</sup> this was designed for 'encouraging the use and development of the cinematograph as a means of entertainment and instruction'. This was in fact very much in accordance with the approach of the Polytechnic and the Board of Governors to the Cinema (namely, that the use of the Cinema should be for high-class and educational matters), although there was some debate about what the monies in this fund could be used for and how they would be distributed. A letter to *The Spectator* under the heading 'The Cinematograph Fund' in August 1932 attempted to clarify whether the Privy Council, which was to monitor the fund, would be able to distribute funds to bodies such as schools who might wish to utilise aspects of the cinema in their teaching, but who could not otherwise afford the equipment. The letter detailed a reply from a 'legal authority' to the effect that although such distribution of funds was technically possible, it was questionable whether the Privy Council would be minded to actually make such a grant.<sup>65</sup> In a reply to a question raised in the House of Commons it was reported that one hundred and twenty-six licensing

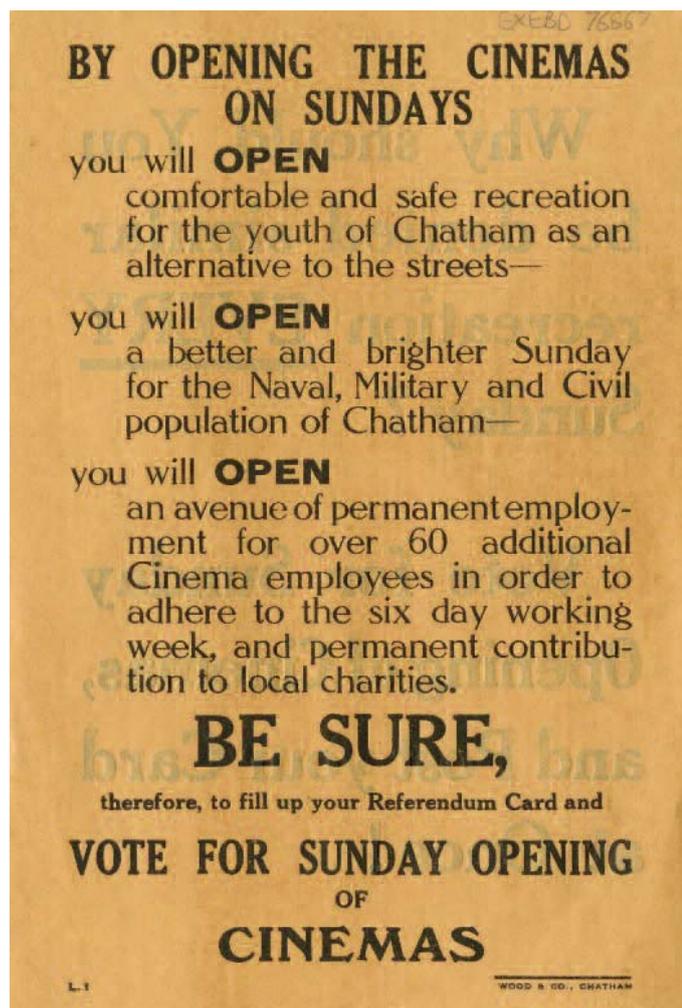


Fig. 75

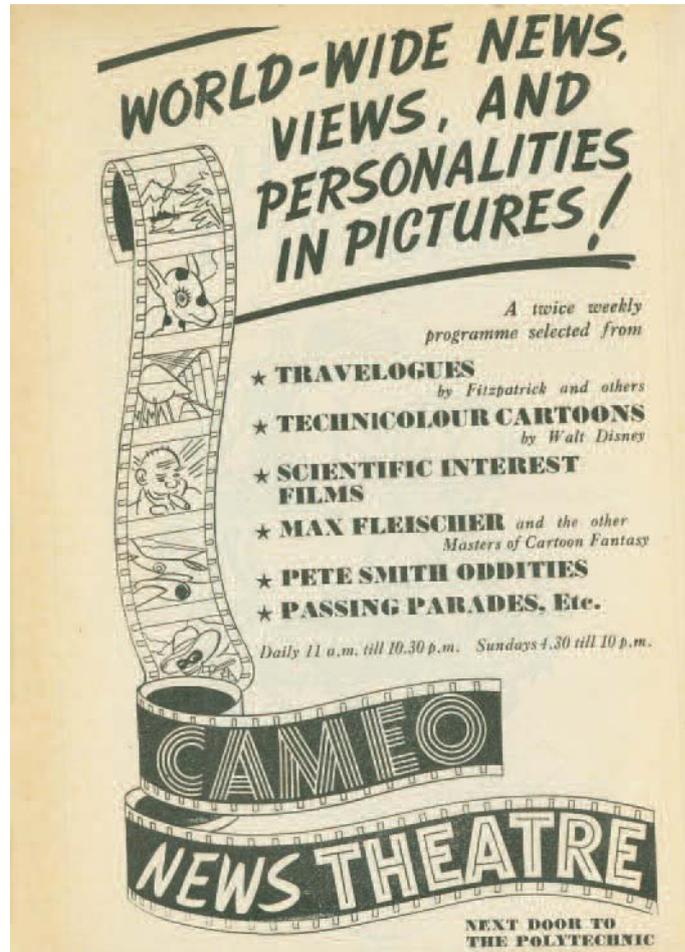
*Many areas of the country held referendums to decide whether cinemas should open on a Sunday. At the Polytechnic, the decision was taken by the Governors.*

64 Later amended by the Sunday Cinema Act 1972, and repealed by Statute Law (Repeals) Act 1978, Schedule 1, Part. IX.

65 James Marchant, 'Letter to the Editor', *The Spectator*, 13 August 1932, p. 14.

Fig. 76

*The Polytechnic Cinema struggled during the Second World War, with diminishing audience numbers and a lack of available staff.*



66 HC Deb 16 November 1936, Vol. 317, cc1328–9 (Mr James Duncan, Kensington North).

67 See the BFI website: [www.bfi.org.uk/about-bfi](http://www.bfi.org.uk/about-bfi) [accessed 11 June 2014].

68 See Elaine Penn, (ed.), *Educating Mind, Body and Spirit: The Legacy of Quintin Hogg and The Polytechnic, 1864–1992* (Cambridge: Granta Editions, 2013). The institution held important religious services (such as Founders Day or the Harvest Festival) in the Cinema several times a year.

69 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 31 March 1941, UWA RSP/1/FP.

70 Ronald G. Studd was the son of the former President of the Polytechnic, Sir Kynaston Studd (1858–1944). In addition to his role as Governor, he was also Director of the Polytechnic Touring Association from 1922.

71 *Polytechnic Governing Body Minutes*, meeting of 28 April 1941, UWA RSP/1/BG/1/4.

authorities were paying into the fund, and that the total amounts paid in for 1933, 1934 and 1935 were £3,367, £7,620 and £9,117 respectively.<sup>66</sup> This money was to form the original source of funding for the British Film Institute established in 1933, shortly after the Act was passed.<sup>67</sup>

In line with the Christian ethos of the Polytechnic,<sup>68</sup> its cinema did not open on Sundays, but during the Second World War the Polytechnic received an application to reopen the Cinema and to allow Sunday entertainments with the assurance that the ‘usual standards’ were to be maintained. It was resolved that this proposal be approved as a war measure, subject to one month’s notice for termination and that an application should be made to LCC for Sunday use.<sup>69</sup> The decision was not met with uniform support at the Poly. Commander Ronald G. Studd (1889–1956)<sup>70</sup> voiced his displeasure to the Board of Governors:

A letter was read [from Studd] stating that he was deeply grieved that such a decision (opening of cinema on a Sunday) had been taken. He felt so deeply about the proposed arrangement that if confirmed by the Governors it would leave him no option but to tender his resignation as a Governor, with deep regrets.<sup>71</sup>

RIALTO CINEMAS LTD.

Cameo News Theatre at The Polytechnic:  
Receipts Year Ended 31st December 1945.

		£	s.	d.
* Net Takings after deduction of Entertainment Duty	30814.		7.	7.
Less 12½% of Net Sunday Charity takings	461.		18.	11.
1/9th L.C.C. Charity Administration Charge.	24.		6.	5.
			486.	5. 4.
				50328. 2. 3.
<u>Polytechnic Share: First £150 per week free.</u>	-		-	-
10% of Takings between £150 & £300 per week.	780.		-	-
15% of Balance	2209.		2.	5.
Initial Rent payable in advance	1500.		-	-
Adjustment in calculation (1941-1945)	5.		3.	4.
			4494.	5. 9.
<u>Rialto Cinemas Ltd Share of Receipts</u>			25833.	16. 6.
* (Net Takings <sup>by Poly</sup> 3rd August 1945 to 21st January 1946 - £1643. 6. 9.) * * (Net Takings <sup>by Poly</sup> 4th August 1944 to 19th January 1945 - £ 848. 15. 7.) *				

*\* Total of weekly receipts received by Poly for period equalled.*

Fig. 77

*A balance sheet from 1945 showing the Sunday takings paid into the Cinematograph Fund – the original source of funding for the BFI.*

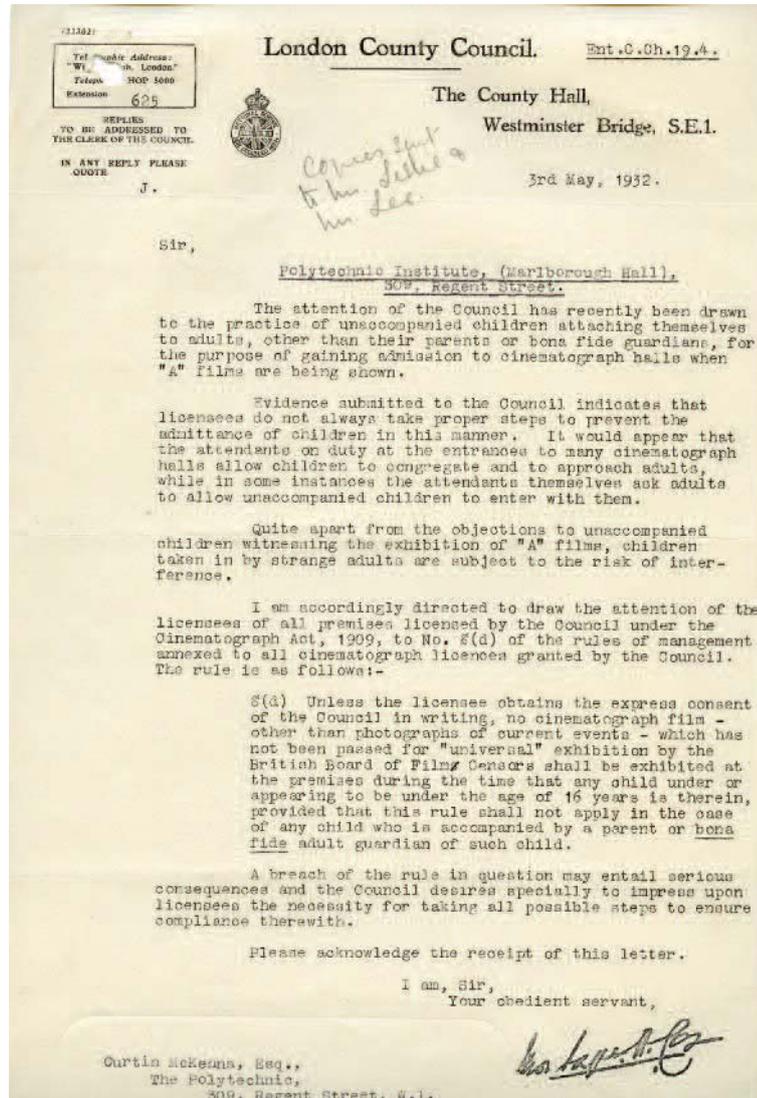
In 1945, the Polytechnic Men's Council wrote to the Board of Governors about the Sunday opening, and also the related practice of children queuing outside the Cinema on Sundays, arguing that 'such counter-attraction was contrary to the high ideals of the Founder of the Polytechnic and also to the high traditions of the Institute'.<sup>72</sup> In addition to complaining that children should be properly supervised when waiting outside, the Council stated its belief that when the time came to renew the lease, Sunday screenings should not be allowed. Unfortunately for the Council the precedent had been set during the war. Despite the complaint, the Polytechnic agreed to Sunday opening, provided that the tenants controlled the queues on Sunday afternoons and considered ending the arrangement under which children only paid half price. The tenants (Rialto) also agreed to release the Cinema to the Polytechnic on six Sundays during the year for its own use.<sup>73</sup>

<sup>72</sup> *Polytechnic Governing Body Minutes*, meeting of 16 April 1945, UWA RSP/1/BG/1/4.

<sup>73</sup> *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 12 December 1945, UWA RSP/1/FP.

Fig. 78

Although considered a modern worry, this 1932 letter shows that 'stranger danger' was as much a concern for the authorities as was the content of adult films.



- 74 Perceval Gibbon, *Souls in Bondage* (Edinburgh & London: William Blackwood, 1904); see also Graham Stewart, "She felt the future in her bones" - Gibbon's *Souls in Bondage*, *Alternation*, Vol. 5, Issue 2, 1998, pp. 104-13.
- 75 Letter from the LCC to the Polytechnic, 11 March 1915, UWA RSP [P103h]. Curiously the Internet Movie database lists the release of the film as January 1916; it may have been the case that an earlier version of the film existed that was later superseded.
- 76 Letter from the Secretary, Polytechnic to the Clerk, LCC, 15 March 1915, UWA RSP [P103h].
- 77 Letter from the Clerk, LCC, to the Polytechnic, 12 June 1919, UWA RSP [P103j].

#### X MARKS THE SPOT: MORALITY AND THE CENSORIAL AGE

Censorship had arisen for the cinema as early as 1915, when the LCC wrote to all licence holders regarding the film *Souls in Bondage* (Lewis, 1916), a film based on a short story and concerning the white slave trade.<sup>74</sup> The film had apparently been shown in various halls in London but the LCC stated that in its opinion 'the film is not suitable for exhibition in a place of public entertainment'.<sup>75</sup> The Polytechnic Governors evidently agreed with the Secretary writing to the LCC that 'I do not think I need assure you that this film is not likely to make its appearance at the Polytechnic'.<sup>76</sup> Four years later, the LCC wrote again with regard to the film *Attila* (Mari, 1918), noting that 'I have been directed to inform you that the Council considers the film to be unsuitable for exhibition in a place of public entertainment'.<sup>77</sup> In October 1925 the Polytechnic had proposed to

show the film *Red Russia Revealed* (1923) but this was withdrawn following consultation with the censor.<sup>78</sup> In a short piece in the *Aberdeen Press Journal* it was noted that Captain Noel (of Mount Everest fame) had arranged to present the film at the Polytechnic but that the BBFC had banned it as ‘in the present state of public and political opinion [such as the burning of Lord Curzon’s effigy in Moscow] it would be inadvisable to exhibit certain portions of the film’.<sup>79</sup> Interestingly, the Polytechnic did not always unquestioningly follow the censor’s edicts. In 1919 it proposed to show *The End of the Road* (Griffith, 1919), a film that concerned the perils of venereal disease. While the BBFC had refused to sanction the film and grant it a certificate, the manager of the Polytechnic Cinema, possibly after a conversation with the Governors, decided that he did not agree with the BBFC decision. He noted that the Ministry of Health had approved the film, and medical opinion was solidly behind his decision to screen it, with the internally imposed stipulation that no one under 18 years old would be admitted.<sup>80</sup> This was reported in the press as ‘Censors to be Disregarded’ and it is a good illustration of the Polytechnic seeing the educational value of the film as trumping the view of a quasi-regulatory body, as well as a reiteration of the fact that the BBFC had no real legal powers, but was in essence an industry association.

Of course, as has already been noted, the problem with the ‘character’ of films in terms of broader LCC regulation had been raised previously under the guise of other licensing requirements. However, censorship became very explicit after the Second World War. Following the war, the Governors were keen to see a return to the approach that characterised their idea of how the Cinema should be used as it had been at its inception, with the focus on education and culture. The issue became pressing, as the lease with Rialto, entered into in 1941, was due to expire in August 1946, and the Chairman of the Company, Sir Albert Clavering (1887–1972), was keen to ascertain the Governors’ intentions. The Governors seemed quite clear as to their vision that the cinema showed films of an educational character.<sup>81</sup>

In November 1945, Lord Hailsham, Mr Harry Salmon (1881–1950) and the Director of Education, J.C. Jones, with the Clerk to the Governors Curtin McKenna in attendance, met Sir Albert Clavering to discuss arrangements for the Cinema. Given that the lease was to finish shortly, the Polytechnic was keen to stress the need to ‘revert to an educational basis more in keeping with the scheme and traditions of the Polytechnic’. It appeared that this was not going to be as easy as the Board of Governors hoped, Mr Salmon reported:

Sir Albert Clavering stressed the great difficulty in getting a sufficient supply at the present time of travel and nature films. He was, however, willing to work on building up a programme on the lines indicated and would eliminate any films of which the Polytechnic disapproves.<sup>82</sup>

An important development was noted in the Polytechnic Governors’ Meeting Minutes on 9 May 1947, when the tenants suggested a further change

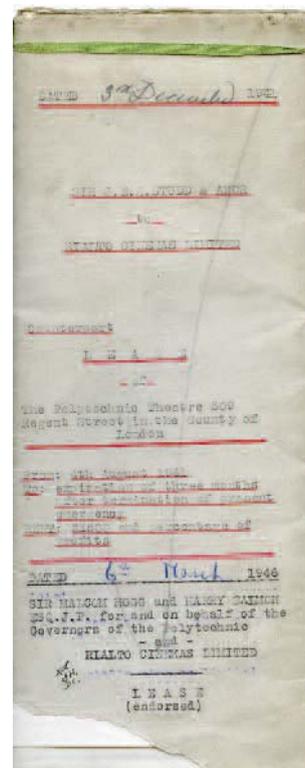


Fig. 79

*Although the name over the door and the name of the company was to change many times, the actual tenant of the Cinema stayed the same from 1941 until its closure in 1980.*

78 *The Times*, 6 October 1925.

79 *Aberdeen Press Journal*, 20 October 1925.

80 *Evening Telegraph*, 20 December 1919. Interestingly, there is no reference to the film screening in the Polytechnic Governing Body minutes of the period.

81 *Polytechnic Governing Body Minutes*, meeting of 22 October 1945, UWA RSP/1/BG/1/4.

82 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 19 November 1945, UWA RSP/1/FP. See also Fig. 122 and Chapter 4, p. 127.

Figs. 80 &amp; 81

The *Times* of 12 September 1949 described the chosen inaugural showing as 'a film of quality and imagination, entrancing the eye and beguiling, if sometimes confusing, the mind'.



- 83 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 21 March 1949, UWA RSP/1/FP.
- 84 *Polytechnic Governing Body Minutes*, meeting of 25 April 1949, UWA RSP/1/BG/1/5.
- 85 *Polytechnic Governing Body Minutes*, meeting of 18 July 1949, UWA RSP/1/BG/1/5.
- 86 *The Times*, 29 August 1949.
- 87 *Polytechnic Governing Body Minutes*, meeting of 17 October 1949, UWA RSP/1/BG/1/5. A side issue of the shift in programming concerned the tax position occasioned by this proposed move. Rialto had queried whether breach of the 'educational and cultural' clause in their agreement would lead to the Governors becoming liable for the payment of income tax, and whether they would then be liable for additional rent on this basis. It was, however, suggested at the Finance & General Purposes Committee that any covenant by a tenant to repay landlords' property tax was in fact void. *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 20 February 1950, UWA RSP/1/FP.
- 88 *Polytechnic Governing Body Minutes*, meeting of 17 July 1950, UWA RSP 1/BG/1/5.

to their programming. They were keen to introduce the exhibition of foreign films in place of the existing diet of news and cartoons. This was a proposal that was received favourably by the Governors, perhaps believing that 'foreign' or 'continental' denoted a raising of the bar of quality, and was more in line with the educational mission and ethos of the Polytechnic. On that basis the tenants were asked to submit a more detailed proposition for consideration.<sup>83</sup> The Governors meeting of 25 April 1949 noted that a more detailed proposal had been submitted but that due to the increased expense of showing such films it would be necessary to amend the existing terms of the agreement to reflect this:

The Governors decided to approve the proposal of the tenants and to agree to the variation in the existing terms of rental subject to a minimum payment of £4,000 a year and to a review of the position at the end of each twelve months during the next three years.<sup>84</sup>

The Governors agreed that this change of programming would take place on 6 September 1949, and would be inaugurated with the première of a French film, *Le Secret de Mayerling* (Delannoy, 1949). It was to be a rather grand event, with a reception to which Embassy officials and other VIPs were invited.<sup>85</sup> The change in policy was reflected in an announcement in *The Times* that the 'poly is to be used [...] as a shop window for continental films of recognised merit'.<sup>86</sup> The event was later reported to the Governors as a success and the tenants were accordingly congratulated.<sup>87</sup> However, Rialto wrote on 4 July 1950 stating that they had made a large trading loss since the commencement of screening continental films, and were therefore disinclined to continue this policy.<sup>88</sup> Although they were under contract to continue with the continental film policy

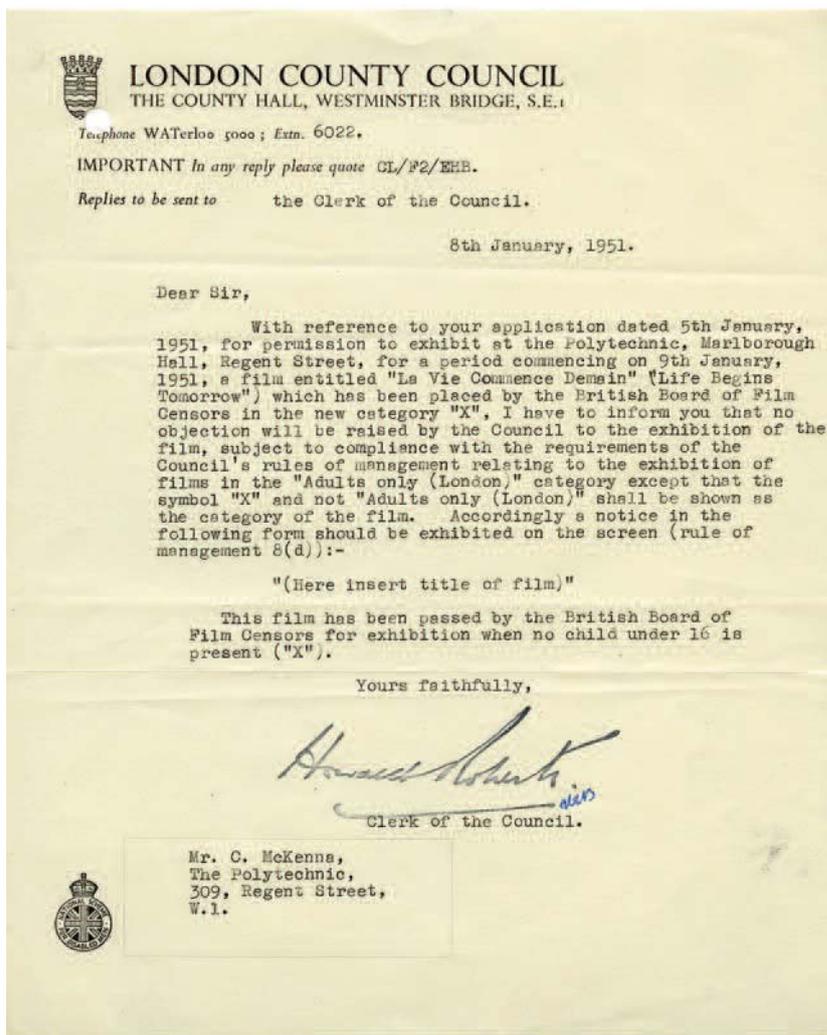


Fig. 82

*The X certificate was introduced to allow censors a 'third way' between requiring severe cuts to a film or issuing an outright ban. With the new X certificate in place, La Vie Commence Demain was able to be screened without cuts.*

until the end of the following year, they asked whether the Governors would be amenable to bringing this forward twelve months. The Governors agreed, but asked the tenants to inform them of the nature of future programmes as soon as possible and also drew their attention to clause 4(viii) of the principal deed, which laid down that the tenants should, as far as possible, 'exhibit films mainly of an educational and cultural type, including subjects dealing with travel, science, nature study and drama'.<sup>89</sup> In particular, the Governors expressed the wish that the showing of short cartoons would not be repeated.

While the continental film 'experiment' appeared to be floundering, an important and notable event occurred at the Polytechnic. In 1950 the BBFC had, following the recommendations of the Wheare Committee, decided to introduce a new category of films, denoted by an 'X' certificate, from screenings of which children would be excluded.<sup>90</sup> The intention of the BBFC was not to suggest that this category was solely for the purpose of denoting 'smut', as Arthur Watkins (1907–1965)<sup>91</sup> noted: 'It is not our desire that X films should be merely sordid films dealing with unpleasant subjects but films which, while

89 Ibid.

90 Prof. K.C. Wheare chaired a committee established by the Home Office, the Ministry of Education and the Scottish Office to examine film censorship in Britain with a view to recommending changes. The 'X' certificate effectively replaced the H advisory designation introduced in January 1932, which later became a specific category, but had been suspended during the Second World War and little used since. The idea behind the 'H', for 'Horrific', was to try and curb the exhibition of 'frightening' films. See Robert James, "The People's Amusement": Cinemagoing and the BBFC 1928–48', in Edward Lamberti (ed.), *Behind the Scenes at the BBFC. Film Classification from the Silver Screen to the Digital Age* (London: Palgrave Macmillan, 2012), pp. 16–26.

91 Arthur Watkins became Secretary of the BBFC in 1948. Watkins was thought to be a more modern appointment, fresh from the Home Office and previously a PR officer and a part-time playwright, and noted as the first Secretary to begin to take a sympathetic approach towards artistic merit and a more liberal approach than previous Secretaries.

Fig. 83  
 Less than ten years after its  
 release, *Occupe-toi d'Amélie* was  
 adapted for stage by Noël Coward  
 as 'Look After Lulu'.



not being suitable for children, are good adult entertainment and films which appeal to an intelligent public'.<sup>92</sup>

When *Keep an Eye on Amélie/Occupe-toi d'Amélie* (Autant-Lara, 1949) had been proposed for exhibition at the Poly in 1950 there were some misgivings as it was felt by the Board of Governors to be not altogether appropriate. They did, however, agree that it could be shown on the basis of the tenant's policy of showing continental films, as long as some judicious cuts were made. The film was described by *The Times* as being very much a French farce, and the review also alluded to some of the scenes that Mrs Wood<sup>93</sup> and the Chairman of the Board of Governors, had identified as problematic:

There is a bedroom scene and a scene in a bed, there is a great deal of running about and hiding behind curtains; there is a prince, cut to the pattern of Groucho Marx, without his trousers and Amélie without her dress.<sup>94</sup>

Certainly this does not appear immediately to accord with the notion of educational films demanded by the Polytechnic. Eventually, the Board of Governors noted that:

92 Cited in Steve Chibnall 'From the Snake Pit to the Garden of Eden: A Time of Temptation for the Board', in Lamberti, p. 35.

93 Ethel Mary Wood (1878–1970), daughter of Quintin Hogg, governor of the Polytechnic and President of the Women's Institute 1945–70.

94 *The Times*, 6 November 1950.

## CAMEO-POLY

By 1952 the cinema at 307 Regent Street was known as the 'Cameo-Poly', the name many people still remember it by today. As part of the Cameo cinema chain run by Sir Albert Clavering, it became a destination for continental films in the West End. The chain was described by Geoffrey Nowell-Smith as being 'on the art/sex boundary' showing continental films 'which the British censor had allowed in with an X certificate but [that] had more sex content than was allowed in British or American films'.<sup>1</sup>

Clavering also oversaw the Cameo-Poly Distributors circuit, which also provided films to the Continentale and Berkeley cinemas in the West End, and the new Classic cinema in Hendon. In 1954 they announced a collaboration with Gala Film Distributors, which gave them a prominent position in terms of foreign film exhibition both in London and major cities across the UK.<sup>2</sup> Advertisements for the Cameo-Poly regularly boasted of sold-out performances and showed large queues snaking down Regent Street. These presumably had a dual function, both enticing in cinemagoers and persuading regional cinema managers to book the films.

Between 1946 and 1954 the number of cinemas in Britain regularly showing continental films rose from 20 to 100.<sup>3</sup> In central London the Cameo-Poly's main competitors were the Academy in Oxford Street, the Paris Pullman in Chelsea and the Curzon in Mayfair. These were cinemas that specialised in art-house fare and had a reputation as more 'prestige' venues – however, the films shown still largely carried an X certificate.<sup>4</sup>

Some of the Cameo's other cinemas were less salubrious. The Cameo Moulin in Great Windmill Street<sup>5</sup> showed films such as *Naked as Nature Intended* (Harrison Marks, 1961). This was produced by Compton-Cameo Films, a partnership between Clavering, Tony Tenser (1920–2007) and Michael Klinger (1921–1989). Tenser and Klinger also ran the private members Compton Cinema Club in Soho.<sup>6</sup> They would later

back the production of Roman Polanski's *Cul-de-Sac* (1966), which received its première at the Cameo-Poly.

Other premières held at the Cameo-Poly, as the flagship of the chain, included *Kwaidan* (Kobayashi, 1964) and *The Committee* (Sykes, 1968). *The Committee* featured a soundtrack by Pink Floyd, two of whom had met while students at the Regent Street Polytechnic. By the mid-sixties the Cameo-Poly had become a by-word for urban sophistication. Sylvia Plath and Paul McCartney both visited,<sup>7</sup> and the venue is name-checked twice in Margaret Drabble's 1965 novel *The Millstone*.

In 1970 Barney Platts-Mills' *Bronco Bullfrog* opened at the Cameo-Poly to positive reviews. Shot on a budget of £18,000 and using untrained actors from the East End, the film captured the lives of young Londoners in the 1960s. However, eighteen days after opening it was pulled to accommodate a gala première of Lawrence Olivier's *Three Sisters*. The screening was attended by Princess Anne, who also regularly visited the Cameo-Poly cinema in an informal capacity. The cast of *Bronco Bullfrog* organised a voluble protest outside the cinema –



Fig. 84

*The Cameo-Poly traded as much on the artistic merits of its films as on their X certificates.*

or 'a chanting, howling crowd of 200 East End skinheads and other young people', as the *Daily Telegraph* reported it.<sup>8</sup> Princess Anne was later invited to a screening of *Bronco Bullfrog* at the Mile End ABC, which she gamely attended.

The Cameo chain was acquired by Classic Cinemas in 1967, and the cinema was renamed Classic Poly in 1972. The programming remained consistent with its Cameo-Poly days, showing X-rated films such as *The Sidelong Glances of a Pigeon Kicker* (Dexter, 1970). However, in November 1973 the Classic Poly was advertising a rare opportunity to hear the twelve-year-old pianist Jeremy Atkins in performance, and in February the following year it was one of three cinemas in the Classic chain to be converted into a theatre.<sup>9</sup>

- 1 Geoffrey Nowell-Smith, 'The Reception of the *Nouvelle Vague* in Britain', in Lucy Mazdon and Catherine Wheatley, eds, *Je t'aime... moi non plus. Franco-British cinematic relations* (New York: Berghahn Books, 2010), 117–26, (p. 121).
- 2 Lucy Mazdon and Catherine Wheatley, *French Film in Britain: Sex, Art and Cinephilia* (New York: Berghahn Books, 2013) p. 92.
- 3 Ibid. p. 91.
- 4 Nowell-Smith, p. 121.
- 5 Previously known as the Cameo Piccadilly, the cinema was renamed in 1961 with its reorientation towards explicit films.
- 6 See also Chapter 4, p. 132.
- 7 Plath to see *Through a Glass Darkly* (Bergman, 1961) in 1962, and McCartney a year later to see *The Trial* (Welles, 1962).
- 8 *Daily Telegraph*, 3 November 1970.
- 9 See Chapter 3, pp. 98–9 for details.

## Top of the pops at the Cameo-Poly

IN the foyer of the Cameo-Poly Cinema, Regent Street, there is a large chart which shows the audience figured for all the films shown from March, 1956, to October, 1963. It has been made by Mr. Basil Clabering, director of the cinema.

"The Cameo-Poly is the Old Vic of the cinema," he says. "We have a specialised audience who are selective in their choice of entertainment. They want to see only the best; therefore the films which are the most popular with our audiences may also be called the best films."

Mr. Clabering chooses the films (Pick of the Best) mainly British premieres—from the finest of those which he sees at film festivals and in cinemas abroad.

The most popular in the seven years covered by the chart was Jacques Tati's *Mon Oncle*, which was seen by a 99% capacity audience when it was first shown in 1959. (Yet when it was shown again in 1961 the audience was only 5%.)

"The audience at the Cameo-Poly is an intellectual one," said Mrs. Elridge, who is in charge of the box-office. "They come because they want to see the film, not just to have an evening out."

evening out.

"We have regulars," she went on, "But we never get exactly the same audiences for each film. For instance, the people who came to see *Mon Oncle* would not be the same ones who saw Fellini's *8½*." (This was the most popular film of 1963; it was an abstract autobiographical essay.)

Mrs. Elridge said that Princess Margaret and Lord Snowdon were regular patrons of the cinema. They always come informally, and the last film they saw was *8½*, last September.

The 10 most popular films, as shown on Mr. Clabering's chart, are:-

- (1) *Mon Oncle* ... 99%, 1959
- (2) *The Light Across the Street* ... 78%, 1956
- (3) *Gervaise* ... 75%, 1956
- (4) *Jazz on a Summer's Day* ... 69%, 1960
- (5) *The Lovers* ... 68%, 1959
- (6) *Julcs et Jim* ... 59%, 1962
- (7) *8½* ... 52%, 1963
- (8) *Last Year in Marienbad* ... 52%, 1962
- (9) *Cabica* ... 51%, 1959
- (10) *The Trials of Oscar Wilde* ... 48%, 1960

Fig. 85

The *Polytechnic's* student magazine reported that the Cameo-Poly was 'the Old Vic of the cinema'.

Fig. 86

Much of the Cameo-Poly's advertising focused on the queue of cinemagoers that stretched down Regent Street.



consent was given to the exhibition in the Polytechnic Cinema of [the film] subject to the deletion of certain somewhat objectionable features, and on the understanding that the greatest care be shewn [sic] in the future in the selection of French films.<sup>95</sup>

Arthur Watkins also kept an eye on the film by arranging BBFC attendance at screenings of the film at the Polytechnic. The BBFC documents report that he was pleasantly surprised by the gender composition of the audience and that ‘on this reception we need not worry about an “X” for this type of film. I did not notice any cuts’.<sup>96</sup> The Examiner’s Report details a visit taking place on a Saturday afternoon, to see how the film was being received.<sup>97</sup> The details of the visit are illuminating; the examiner noted that the house was busy when he arrived, with the cheap seats already filled by 2 pm, and that as these seats had all gone he had to pay out the not inconsiderable sum of 4s 7d to see the film.<sup>98</sup> He noted ‘the long queues of ordinary, clean-looking, middle-class middle-brow cinema-goers. My next-door neighbour was not English but the people behind me were’.<sup>99</sup> This is interesting when we consider how cinema was seen around the time of the Cinematograph Act 1909 as something for the ‘lower orders’ and suggests that the Polytechnic was attracting more urbane cinema-goers. Watkins further commented on the lavatory humour alluded to in *The Times* review, and reported that the crowd found their trip to the Polytechnic entertaining.

There were some later queries about which version of the film was being shown, partly because of the specific cuts requested by the Polytechnic Governors. Replying to the Chief Officer at Surrey County Council concerning the various versions of the film, Arthur Watkins noted that:

When the film was shown at the Cameo Polytechnic Cinema one or two further cuts had to be made at the request of the Polytechnic directors, and when these cuts were restored for subsequent showings at other theatres, the footage depicting ‘the prince making the sign of the cross’ was inadvertently restored as well.<sup>100</sup>

This latter image was supposed to have been removed when it was later awarded the X-rated certificate, and had somehow crept back in when restoring the extra cuts requested by the Polytechnic for use elsewhere.<sup>101</sup>

Other films shown at the Polytechnic’s Cinema during this period included *Au-delà des Grilles* (René Clément, 1948) and *Jour de Fête* (Tati, 1949), both of which were critically acclaimed. It was against this background that *Life Begins Tomorrow/La Vie Commence Demain* (Védres, 1950) was submitted to the BBFC in December 1950.<sup>102</sup> Following an initial examiners’ viewing, it was suggested that the whole Board review the file.<sup>103</sup> It was seen again by the President and four other examiners on 22 December, and deemed ‘quite unsuitable for children’.<sup>104</sup> It was decided that it would be better to offer an ‘X’ certificate, which was accepted by M. Cravenne on behalf of the distributor although he noted

95 *Polytechnic Governing Body Minutes*, meeting of 16 October 1950, UWA RSP/1/BG/1/5.

96 BBFC file, *Examiner’s Files: Amelia*, Examiner’s Note, 20 November 1950, p. 2. Signed off by AW, 21 November 1950.

97 *Ibid.*

98 It is difficult to evaluate accurately what this equates to today. The tool *Measuring Worth* notes that for a commodity of 4s 7d, in 2013 its real price would be £6.85, its labour value £18.71 and its income value £21.51. If we take the average of these, we see a price of £15.69.

99 BBFC File, *Examiner’s Files: Amelia*, p. 3.

100 *Ibid.*, p. 14.

101 *Ibid.*, Letter from LCC to Archway Films, 16 June 1950, p. 31.

102 BBFC File, *Examiner’s Files: La Vie*, 18 December 1950, p. 1. See also p. 129.

103 *Ibid.*, 19 December 1950, p. 2.

104 *Ibid.*, 22 December 1950, p. 5.

Fig. 87  
 Made in conjunction with UNESCO, *La Vie Commence Demain* looks at the wonders of the modern world and the nuclear age and features appearances from Le Corbusier, Picasso, Jean-Paul Sartre and André Gide. See also Fig. 123.



that an 'A' certificate might be considered in the future given its reception in educational circles.<sup>105</sup> The film, a semi-fictional documentary looking at developments in art and science in the nuclear age, was awarded an 'X' certificate on 15 January 1951 and, while fairly anodyne by today's standards, is important in our cinematic history as the Polytechnic became the scene of the showing of the first X-rated film in the UK. The Polytechnic Governors were evidently concerned whether it was permissible to show the film and wrote to the LCC to check; the LCC replied that it was perfectly permissible, as it had been 'placed by the British Board of Film Censors in the new category X'.<sup>106</sup>

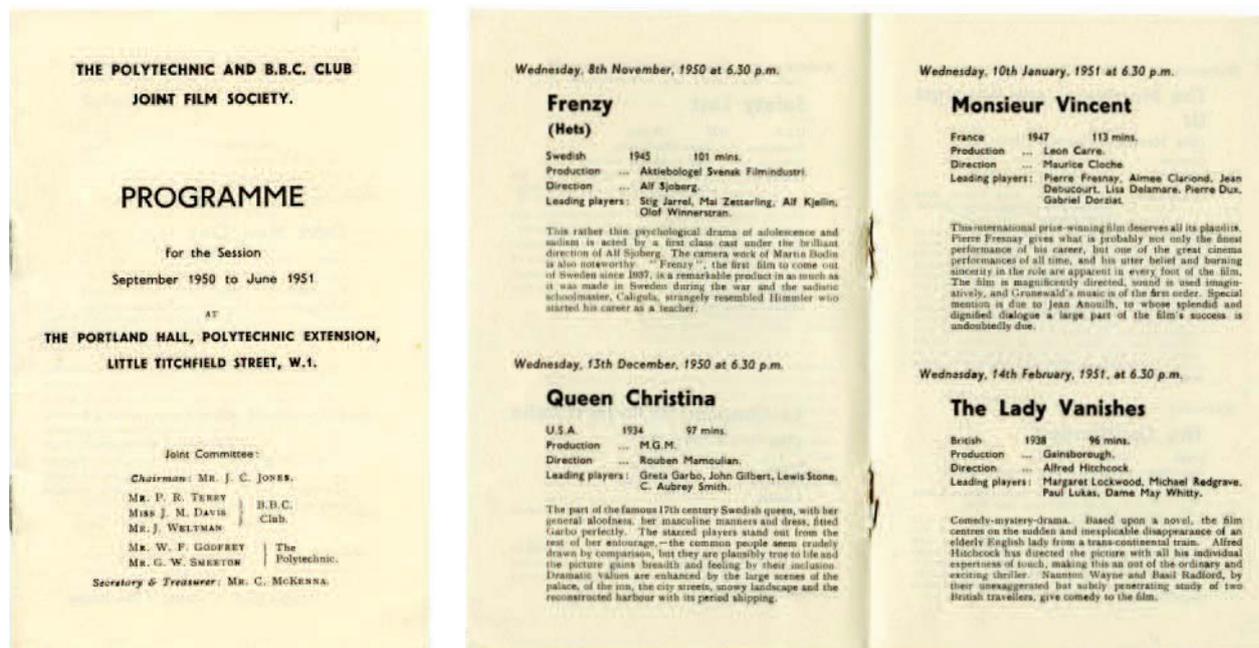
Subsequently, the Polytechnic's Finance and General Purposes Committee reported that:

since the summer of last year the tenants have had a series of successful films and on 15th February 1951, they stated that they had three or four further films booked and hoped that these features would remain at The Polytechnic for some months to come, and that results would justify their continuing the existing policy.<sup>107</sup>

105 Ibid. Granting an 'A' certificate meant that a child could see the film if accompanied by an adult. If a film was granted an 'X' the viewer had to be over the age of 16.

106 Letter from Clerk, LCC, to the Polytechnic, 8 January 1951, UWA RSP [P99a].

107 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 19 February 1951, UWA RSP/1/FP.



During this period, continental films were still being shown, notwithstanding the plans by the tenants to change the programming. These continental films had not proved to be an entirely successful financial proposition and the tenants proposed also to show old American and English films.<sup>108</sup> Rather confusingly, the Polytechnic Governors reported later that year that the tenants had abandoned their policy of showing continental films,<sup>109</sup> but nine months later noted that Rialto had resumed the policy as of 9 May 1952. The deed dated 25 August 1949 would be resumed as of 9 August 1952, with the tenants paying quarterly rent of £100 in advance.<sup>110</sup> Later in 1952 the Governors also agreed, in an overt acknowledgement of a broader form of regulation, 'that the censorship exercised over the films to be shown in the Cameo-Polytechnic be continued as hitherto'.<sup>111</sup>

Around the same time the Cinematograph Act 1952 was passed. This Act extended the scope of the 1909 Act, in particular by strengthening the protection afforded to children from 'unsuitable films' and stressing the role of the councils within this process.<sup>112</sup>

In fact, from this point onwards the cinema is barely discussed in the minutes of the Polytechnic's governing body. Throughout the late 1950s and into the 1960s there were, of course, many other important things occurring, most notably perhaps the discussions around the future role of polytechnics within the UK education system, with those debates gathering real pace towards the end of the 1960s.<sup>113</sup> The Cinema continued to show a mix of films, notably including *Les Diaboliques* (Clouzot, 1955), which merited a specific mention in the BBFC files:

I have known the manager of the Cameo Poly for some while. He told me that the actress who fainted after seeing the premiere did so (in his opinion)

Fig. 88

*The Polytechnic and BBC Joint Film Society began in 1946, when cinema viewing equipment was installed at the Little Titchfield Street building. Continental films were shown right from the start, several years before the change in the programming at the Polytechnic Cinema.*

108 *Polytechnic Finance & General Purposes Committee Minutes*, meeting of 19 February 1951, UWA RSP/1/5P.

109 *Polytechnic Governing Body Minutes*, meeting of 15 October 1951, UWA RSP/1/BG/1/5.

110 *Polytechnic Governing Body Minutes*, meeting of 21 July 1952, UWA RSP/1/BG/1/5.

111 *Polytechnic Governing Body Minutes*, meeting of 20 October 1952, UWA RSP/1/BG/1/5.

112 The Act also widened exceptions afforded to private cinema clubs, something that was later used enthusiastically by various clubs such as the Compton Cinema Club.

113 See Michael Heller, 'The Institute and the Polytechnic', in *Educating Mind, Body and Spirit*, pp. 45-77.

partly because she **did** feel faint and then made the most of it. He also told me that several women have walked out of the film after the ‘murder’. They made no complaints to him, but obviously disliked the film.<sup>114</sup>

Other films including *Macbeth* (Welles, 1948), *Les Casse-Pieds* (Dréville, 1948), *Viva Zapata!* (Kazan, 1952) and *Waiting Women* (Bergman, 1952)<sup>115</sup> were also shown during this period. The Governors mention the future of the Cinema again in March 1966, when it was noted that while a paper had been prepared on the matter, they wished discussion of it to be adjourned to the next meeting to give them more time to consider its contents and implications, and the matter was then considered two months later.<sup>116</sup> The paper itself noted that the arrangement with Rialto was due to expire on 9 August 1968, that the

Fig. 89  
In 1951 the Polytechnic joined in the celebrations for the Festival of Britain with these decorations on the building's façade.



114 BBFC file, *Examiner's Files: Les Diaboliques*, Examiner's Notes, 4 December 1955, pp. 11–12. Signed off by AW, 6 December 1955. Emphasis in original.

115 Originally released as *Kvinnors Våntan*.

116 *Polytechnic Governing Body Minutes*, meeting of 21 March 1966, UWA RSP/1/BG/1/8.

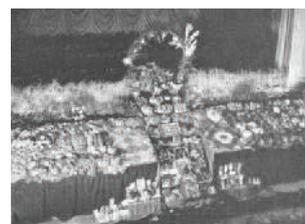
deed granted Rialto sole and exclusive licence to use the Cinema and that ‘the effect of this licence is to prevent The Polytechnic making use of the theatre at times when no performance is in progress, i.e. before 11 o’clock in the forenoon’.<sup>117</sup> While the deed allowed for the theatre to be used by the Polytechnic on a limited number of other occasions, largely concentrated around religious or culturally significant events such as Harvest Festival or Remembrance Sunday, it was noted that these had generally been increasingly poorly attended. The issue of ‘sole and exclusive use’, and the impact of this on a modern institution of higher education, were alluded to.<sup>118</sup> In addition, the financial position was a cause for concern.

Under the existing licence, Rialto paid an annual sum of £4,000, and some other income was generated from other lettings, but under an agreement with Inner London Education Authority (ILEA), £3,500 was taken as income when assessing the block grant, with any excess transferred into the building fund. Losing the rent for the cinema would eliminate the amount paid into the building fund and reduce the amount taken into consideration when assessing the block grant, and it would therefore prove advantageous to the Polytechnic to *not* renew the lease. Furthermore, given the changes in the higher education sector at large and the specific likelihood of expansion for the Polytechnic,<sup>119</sup> the need for all available spaces was made clear:

It is envisaged that the Polytechnic theatre will be valuable to The Polytechnic as a hall for all three colleges, available for many purposes and will serve to some extent as a focal point of the Federation. It should, therefore, certainly be included in the reconstruction programme of the Main Building scheduled to begin in 1970.<sup>120</sup>

Having considered the contents of the Paper, the Governors agreed that Rialto should be informed that the Polytechnic did not propose to renew the licence and that ILEA should be informed. Following a meeting between the Chairman of Rialto and representatives of the Poly, a ‘friendly understanding of the situation’ was reached. Rialto requested that, should the position change, it might have first refusal of any future licence. Mr Bondy, one of the Governors, was evidently a fan of the Cinema and sad to see this important space lost to film, as the minutes note his comments that ‘London would be poorer without the Cameo-Poly Cinema’.<sup>121</sup>

As noted above, all of this was taking place at a time of exciting new prospects for the Polytechnic, and in terms of the Cinema it was obvious that this space was required to aid with the plans for the proposed expansion of the institution. Simultaneously, Roman Polanski’s film *Cul-de-Sac* (Polanski, 1966) received its world première at the Polytechnic. This showing neatly encapsulates the pressures on the identity, scope and role of the Cinema as, on the one hand, the Governors were trying to decide on the future of the Cinema and a possible return to explicitly educational use as a lecture hall, while on the other the Cinema was able to attract world premières and be financially attractive.



**Figs. 90, 91**  
*The Harvest Festival services continued until the 1960s, celebrated in much the same way they had been in Hogg’s day.*

117 *Polytechnic Governing Body Minutes*, meeting of 16 May 1966, UWA RSP/1/BG/1/8.

118 Such issues were exacerbated by the fact that at the time the Polytechnic was a unique mix of higher education institute and members’ club.

119 See Heller, especially pp. 63–66.

120 *Polytechnic Governing Body Minutes*, meeting of 16 May 1966, UWA RSP/1/BG/1/8.

121 *Polytechnic Governing Body Minutes*, meeting of 21 November 1966, UWA RSP/1/BG/1/8.



Fig. 92  
*The Polytechnic's School of Photography was expanded in the 1960s, with new facilities for the teaching of Film.*

122 James Ferman, 'Film Censorship and the Law', *Polytechnic Law Review*, Vol. 3, No. 2, Spring 1978, p. 3. See also Guy Osborn and Alex Sinclair, 'The Poacher turned Gamekeeper. James Ferman and the Increasing Intervention of the Law' in Lamberti, pp. 93–104. See p. 75 of this volume.

123 The artistic merit defence, provided under the Obscene Publications Act 1959 s4, essentially provided that if a work was *technically* obscene, a defence was available on the basis that the work was 'of public good'. For more on Ferman's campaign to bring film within the purview of the Act, see Osborn and Sinclair.

The Cameo chain was acquired by Classic Cinemas in 1967 and the Polytechnic seems not to have carried out its intention to give notice. Films continued to be shown and notable events in this period included the protest at the première of *Three Sisters* (Olivier, 1970) (see pp. 90–1 for details). Around the same time James Ferman (1930–2002), soon to be Secretary of the BBFC, and in fact to become its longest serving Secretary and Director, was teaching at the Polytechnic and later contributed to the *Polytechnic Law Review*.<sup>122</sup> Within the wider realm of film censorship the 1970s were busy times. A number of highly contentious films were released, including *Straw Dogs* (Peckinpah, 1971) and *A Clockwork Orange* (Kubrick, 1971), although neither of these appears to have been shown at the Polytechnic during this period. More broadly, the law was developing apace. Ferman himself had agitated for cinema to be brought within the ambit of the Obscene Publications Act 1959, and therefore to be able to utilise the artistic merit defence.<sup>123</sup> When the Act was originally passed, film was excluded; partly as a result of Ferman's efforts, film was brought within its ambit via the Criminal Law Act 1977. Children continued to be of particular concern. This was not primarily in terms of the audience, however, (an area that we have seen was of concern earlier in the century), but in terms of participation. Films such as *The Exorcist* (Friedkin, 1973), *Taxi Driver* (Scorsese, 1976) and *Pretty Baby* (Malle, 1978) all feature children in prominent and controversial roles.

### THE REGENT THEATRE

In February 1974, the Cinema at the Polytechnic was converted by its tenant, Laurie Marsh, and the 'beat svengali' Larry Parnes (1929–1989), into the Regent Theatre. It was one of three of the Classic Cinema chain to be operated by the new Laurence Theatres Group.

The first production at the Regent Theatre was *Flowers*, a show by the dancer and mime artist Lindsay Kemp (b.1938) in honour of Jean Genet, which had previously been performed at London's Institute of Contemporary Arts. The theatre also experimented with lunchtime productions, with two alternating J.M. Barrie plays performed in front of the stage set for *Flowers*. *The Times* review of this 'bread and circuses'

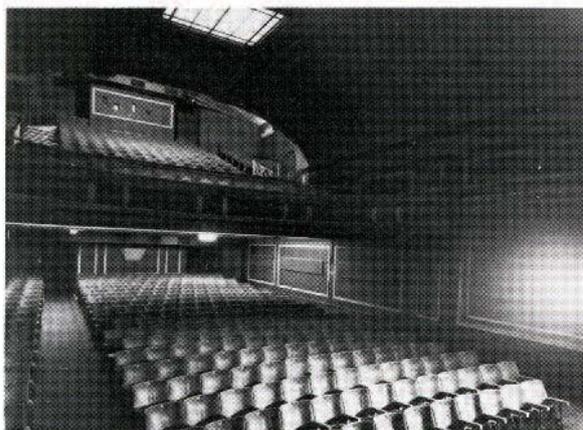
approach described the 'unappetising packed lunch for 50p (sandwiches, boiled egg, biscuits and apple)' as being 'best avoided'.<sup>1</sup>

The musical *Let My People Come* opened at the Regent Theatre in August 1974. Audition advertisements for the production requested 'strong rock/soul voices' and advised that 'every part requires individual talent and personality. Most roles involve nudity'.<sup>2</sup> The play ran for three years and was described as appealing to 'a certain type of public – largely downmarket tourists'.<sup>3</sup> The show's explicit music and lyrics were by Earl Wilson Jr. and were nominated for a Grammy Award in 1974.

In July 1976, PCL's Court of Governors resolved to regain the full use of the Regent Theatre for academic activities at the earliest opportunity. Laurence Theatres

## Jake Note

### Classic Departure



*The interior of the vacant Regent Theatre.*

Anyone who works in, or has recently made a visit to, the Regent Street site, will have noticed that the Regent Theatre, previously run as a cinema by Classic, is now bereft of its signboards and closed up. In fact, on 14 April Classic Cinemas Ltd vacated the Regent Theatre – owned by PCL as part of the 309 Regent Street building – at their own request.

For some time there have been negotiations between Classic and the polytechnic, as PCL wanted to make use of the Regent

Theatre itself and terminate Classic's lease. Now the matter has been settled by Classic's voluntary vacation of the premises. In lieu of a dilapidation claim, Classic have left behind all projection and sound equipment.

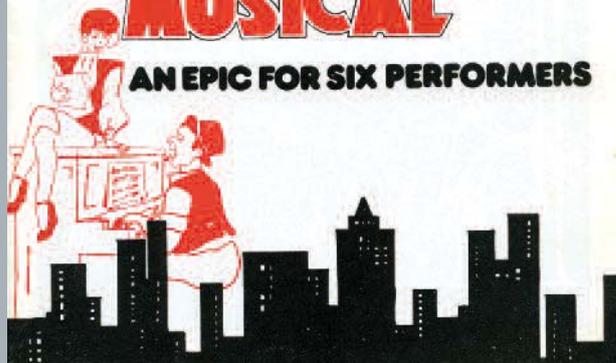
The polytechnic is presently waiting for estimates for improvements, especially to the lighting, before making any decision on use of the Theatre. These improvements are necessary before the Theatre can be utilised for any purpose.

## The Regent Theatre

"PURE 40's HOLLYWOOD"

# GREAT AMERICAN BACKSTAGE MUSICAL

AN EPIC FOR SIX PERFORMERS



**Fig. 93**  
*From 1980 the Cinema once again became a multi-functional space for the Polytechnic, much as it had in the 1880s.*

**Fig. 94**  
*The Great American Backstage Musical was rather more clean-cut than earlier productions at the Regent Theatre.*

Group and Classic Cinemas resisted by claiming the right of automatic renewal of their business tenancy. Laurence Theatres' claim was dismissed in November 1976, leading to a legal case between Classic Cinemas and PCL. At the same time, Larry Parnes' interest in the Regent Theatre was bought out by Ray Cooney (b.1932), who formed the Cooney-Marsh Theatre Group with Laurie Marsh.

After the closure of *Let My People Come* in 1977, the Regent Theatre showed a double bill of plays by David Mamet. *Sexual Perversity in Chicago* and *Duck Variations* had transferred from a successful season off-Broadway in New York, as did *The Club*, which opened in May 1978. Set in a gentleman's club in the early twentieth century, this feminist revue by poet Eve Meriam

included an all-female cast impersonating men. This was followed by the 1940s parody *Great American Backstage Musical* (music and lyrics: Bill Solly).

In January 1979 the theatre reverted back to a cinema, still in the hands of Classic. The reasons for the reversion given in *The Stage* included the lack of a licence, a cramped backstage area, ticket prices as high as £5 for some productions, and the comparatively small size at only 517 seats.<sup>4</sup> Behind the scenes, the legal battle for the lease was also ongoing – and would eventually be decided in favour of PCL in April 1980.<sup>5</sup>

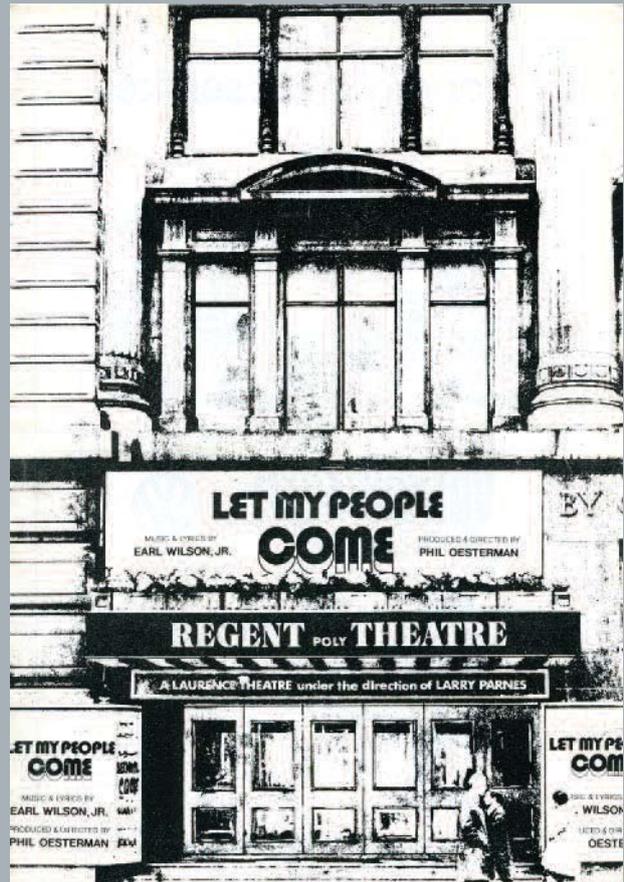
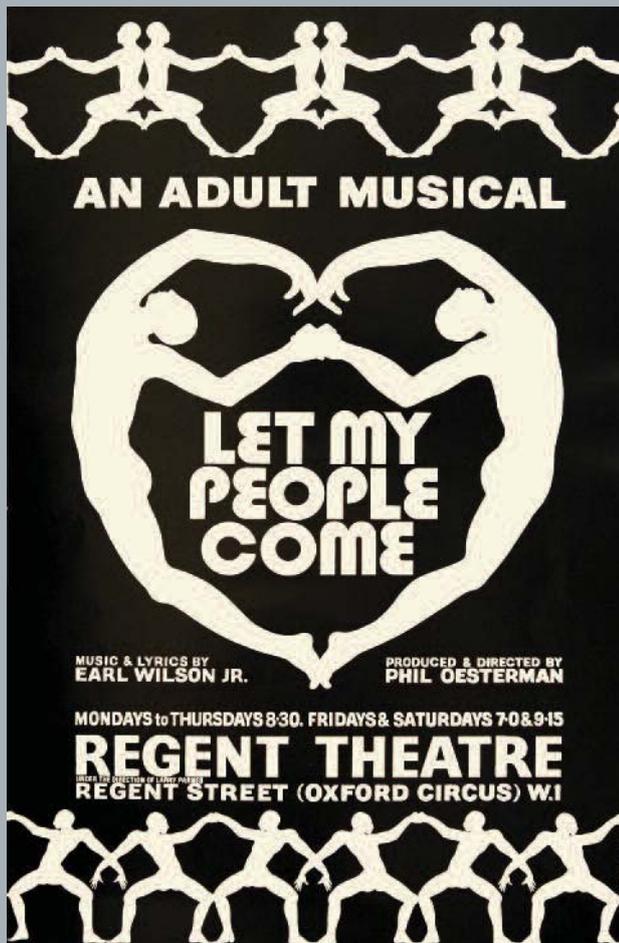
1 *The Times*, 4 May 1974.

2 *The Stage*, 4 November 1976, and 11 July 1974.

3 *The Stage*, 17 February 1977.

4 *The Stage*, 18 January 1979.

5 See *Polytechnic Governing Body Minutes*, UWA PCL/1/BG.



Figs. 95, 96

*Let My People Come* was nominated for a Grammy in 1974 and enjoyed long runs in Philadelphia and Toronto.



Fig. 97

*After its closure to the general public, the Cinema was still used to show films for PCL's classes – this 1978 management training film starred John Cleese.*

Their portrayal was ultimately regulated by the Protection of Children Act 1978, which was primarily concerned with the prevention of child pornography.<sup>124</sup>

By March 1974, the Cinema had once more been transformed with a new focus as a traditional theatre. Renamed the Regent Theatre, it saw the staging of several avant-garde stage productions.<sup>125</sup> The role of this much-loved space as a cinema was slowly but surely eroding. In July 1976 the Governors again refer to the 'urgent necessity of reclaiming the theatre' and slowly this occurs. There was a brief last gasp with a return to the name Classic Poly Cinema at the beginning of 1980 for screenings of *A Different Story* (Aaron, 1978) and *Black Jack* (Loach, 1979) before *Central Issue*, the Polytechnic's staff magazine, reported its closure in May 1980.<sup>126</sup>

## CONCLUSION

When the Polytechnic's Cinema closed in 1980, the cinema and film industry was in a state of flux. Technological advances, particularly at that time the emergence of video technologies, had created a whole host of issues for the industry to deal with.<sup>127</sup> It is likely that it was within this context, together with the general downturn in cinema-going, that the decision to close the Cinema was taken. Many historic and traditional cinemas were closing or had closed, and it was therefore unsurprising that a hybrid cinema, which also served a number of other functions operating within a wider higher education context, was similarly vulnerable. From this point onwards the 'Old Cinema' was retained in name only as it continued to be an integral part of the educational life of the Polytechnic, and later the University of Westminster, increasingly used for the delivery of lectures and other large-scale events.

124 See Osborn and Sinclair for the details of this and how the BBFC utilised this in terms of their approach to classification.

125 See pp. 98–9.

126 'Closure of the Cinema', *Central Issue*, No. 22, May 1980, UWA PCL [(P156a)].

127 Video fell under the legal gaze after the moral panic concerning so-called 'video nasties' via the Video Recordings Act 1984. See Lamberti.

Fig. 98

This photograph shows the exterior of the building after the departure of *Classic*, and before the canopy was removed.



The reopening of the Regent Street Cinema in 2015 necessitates compliance with the current legal terrain. The area is regulated by the Licensing Act 2003, with the responsibility for administering licences vested in the relevant local authority, in our case Westminster Council. In addition, there is a requirement that any film shown to the public is either authorised by the relevant licensing authority or classified for exhibition by the BBFC. The BBFC itself has considerably broadened its approach since the 1980s. For example, its reach was extended to cover video recordings by the Video Recordings Act 1984 and also now takes into account a whole raft of other legal considerations.<sup>128</sup> In addition, the BBFC develops detailed Guidelines, often based on public consultations, external research and legal advice, that aim to reflect current public opinion on classificatory issues.<sup>129</sup> These guidelines are of course elastic, and the BBFC is also more cognisant of the role of parents, creating a new category, 12A, that allows parents to decide whether a film is suitable for children under the age of 12, with help from, and informed by, the detailed *BBFCInsight* facility.<sup>130</sup>

It is undeniable that the Regent Street Cinema is of great historical significance. From a legal perspective the Cinema is significant too, specifically with it being the first UK cinema to screen an X-rated film in 1951. More broadly, the Cinema also provides an illuminating snapshot of how the law has interacted with cinematic space. As a case study it illustrates some of the difficulties occasioned by it being not purely a cinema, but a space that fulfilled many different roles at the Polytechnic; a space in which education and commerce were juxtaposed against the magical backdrop of film.

128 These include the Human Rights Act 1998, Public Order Act 1986, Sexual Offences Act 2003, Animal Welfare Act 2006 and Tobacco Advertising and Promotion Act 2002.

129 See Guy Osborn 'Film classification', *Insight Encyclopedia Westlaw UK*, published online 3 July 2014. Available online: [www.westlaw.co.uk](http://www.westlaw.co.uk) [accessed 20 October 2014].

130 *BBFCInsight* is a short description of the issues found in a film, video or DVD work that can be found on the BBFC website, app, film posters, listings and on DVD packaging. See [www.bbfc.co.uk/what-classification/what-bbfc-insight](http://www.bbfc.co.uk/what-classification/what-bbfc-insight) [accessed 8 October 2014].