

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 7

meeting date: 14 JUNE 2016
title: RECOMMENDATION ON POLICY AND PROCEDURE FOR FILM CLASSIFICATION
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL - SOLICITOR

1 PURPOSE

1.1 To seek Committee's recommendation for the adoption of the Policy and Procedure for Film Classification.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 On 12 April 2016, Committee considered a draft Policy and Procedure for Film Classification. The reasons for its introduction were set out in detail in that report. Having considered the draft policy and the reasons for its introduction, Committee authorised the Head of Legal and Democratic Services to consult upon it terms. A copy of the policy is enclosed at **Appendix 1**.

3 ISSUES

3.1 The Council consulted all Responsible Authorities and relevant licence holders. A copy of the consultation documents are enclosed as **Appendix 2**. No comments were received upon the policy.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The Policy would require adoption and the Council would need to notify all licence holders.
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve the Policy and Procedure for Film Classification and recommend its adoption to Full Council

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

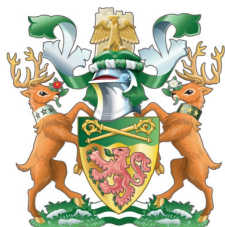
BACKGROUND PAPERS

- Report of Chief Executive 12 April 2016

For further information please ask for Mair Hill, extension 3216.

REF: MJH/LICENSING/14 June 2016

APPENDIX 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

POLICY FOR DETERMINING FILM CLASSIFICATIONS

1. Introduction

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.2 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself.
- 1.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests to reclassify films.

2. Definitions

- 2.1 "*Children*" means - any person under the age of 18 years.
- 2.2 "*Exhibition of a film*" means - the exhibition of moving pictures.

3. Circumstances the Licensing authority may classify a film

- 3.1 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the area of Ribble Valley Borough Council.
- 3.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) when:
 - 3.2.1 a distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); or

3.2.2 an independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

4. Submission of film

4.1 Applications for authorisation of films shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority.

4.2 Applications should be submitted to the Licensing Authority with a minimum of **28 days** before the proposed screening.

4.3 An application for authorisation should include the following information:

1. the name of the film maker;
2. a brief synopsis of the film
3. any recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
4. any existing classification issued by an existing classification body, whether within or outside the UK;
5. information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
6. the language spoken in the film and whether there are subtitles in English.
7. details of how any age restrictions will be enforced.

4.4 All requests shall be accompanied by the film(s) where possible in DVD format to avoid delays. The cost of supplying this shall be borne by the Applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film.

4.5 If the film contains dialogue in a language other than English an interpreter will be required for the classification. Ribble Valley Borough Council will arrange for a suitable interpreter and the applicant will be responsible for the cost of this.

4.6 All requests must be accompanied by detailed reasons for the request.

4.7 Applicants must ensure that all material that is the subject of the application complies with all other relevant legislation and has not been created through the commission of a criminal offence.

5. Process

5.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.

5.2 The Sub Committee will view the entire film and assess it against the BBFC guidelines and Section 182 Guidance (**Guidance**).

5.3 The Chairman of the Sub Committee will have the final decision on the classification to be applied to the film.

5.4 The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing.

5.5 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

5.6 Where the Licensing Authority has determined to refuse authorisation of a film clear and concise reasons shall be given.

6. Classification

6.1 In accordance with the Guidance, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the Licensing Objectives.

6.2 The Guidance states: 'The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.'

6.3 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.

APPENDIX 2



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Catherine Moore
direct line: 01200 414454
fax: 01200 414485
e-mail: catherine.moore@ribblevalley.gov.uk
my ref: CM
your ref:
date: 14 April 2016

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Contact: 01200 425111
www.ribblevalley.gov.uk

Dear Consultee

**Licensing Act 2003
Consultation on Draft Policy for Determining Film Classifications**

At its meeting on 12 April 2016, the Council's Licensing Committee agreed to approve the attached draft Policy on Determining Film Classifications and authorised the Head of Legal and Democratic Services to consult upon it.

The Policy is subject to an eight week consultation period.

Should you wish to contribute to the consultation, responses can be made by writing to The Administration & Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe BB7 2RA or by e-mail: catherine.moore@ribblevalley.gov.uk

The deadline for responses is Thursday 9 June 2016.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Moore'.

Administration & Licensing Officer