
Policy for the Classification or Re-Classification of Films

1.0 Matter for consideration

- 1.1 To determine the Licensing Authority's policy in respect of requests for the classification or re-classification of films to be shown with the Borough.

2.0 Recommendation(s)

- 2.1 That the Licensing Authority adopts the guidance issued by the British Board of Film Classification as a formal procedure for the classification of films to be exhibited in Blackpool.
- 2.2 That the Statement of Licensing Policy be amended to include such guidance and the Head of Legal and Democratic Services be authorised to amend the policy when such guidance is updated.
- 2.3 That in any case that requests for classification or re-classification is referred to a Licensing Panel, appointed in line with the arrangements for Panels under the Licensing Act 2003, to classify or re-classify films where it is found necessary, subject to the members of that Panel having received suitable training on the guidance issues by the British Board of Film Classification.

3.0 Information

- 3.1 The Licensing Authority is the classification body for films shown in the Borough by virtue of the Licensing Act 2003, and as such has the right to issue film classification for films that are shown in premises such as cinemas. Under the Licensing Act 2003, premises such as clubs and public houses can also apply for permission or give notice under a Temporary Event Notice to exhibit films.

The British Board of Film Classification (BBFC) classifies films to be exhibited in cinemas on behalf of Licensing Authorities; however, Blackpool may occasionally receive requests to classify films.

Since the implementation of the Licensing Act 2003, there is not a formal process to either classify films or refer films to the Licensing Committee for classification where those films give rise to concerns regarding the Licensing Objectives "the protection of children from harm" and "crime and disorder", for example where there may be racist comment.

Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films. The mandatory conditions under Section 20 of the Licensing Act 2003 are:

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
 - a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that the subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section- “children” means persons aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recording Act 1984 (c.39) (authority to determine suitability of video works for classification).

Under the Licensing Act 2003 film exhibitions are exempt from classification and as regulated entertainment if its sole or main purpose is to-

- a) Demonstrate any product,
- b) Advertise any goods or service, or
- c) Provide information, education or instruction
- d) Or, if the exhibition of film consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Premises that were previously licensed under the Cinemas Act 1985 would have had additional conditions attached, unless an application has been made to remove these, or there has been a new application where these conditions have not been volunteered by the applicant in the operating schedule.

The Licensing Authority can be requested to classify a film that has not been classified by the British Board of Film Classification. A typical example of this would be a locally made film, such as an educational/student production, to be shown at a film festival within the Borough.

A distributor of a film can appeal to the Licensing Authority against a decision of the British Board of Film Classification. Blackpool has never been asked to alter a decision of the British Board of Film Classification. This right is rarely used and when it has occurred, the decision only affects the showing of that particular film in the borough.

An individual can appeal to the Licensing Authority against a decision of the British Board of Film Classification. This is also very rarely used. However, in some boroughs again in the case of the Spiderman film, large number of parents appealed to some Local Authorities and the film was lowered from a 12 to a PG, to enable parents to take their children to see the film.

Previously some Local Authorities have banned films from being shown in their boroughs. This is also a very rare occurrence and the only examples that can be found relate to controversial films such as A Clockwork Orange, Monty Python’s A Life of Brian and Crash.

The power of Licensing Authorities under the Licensing Act 2003 to ban films is far more restricted than under the Cinemas Act 1985. Under the Licensing Act 2003 Licensing Authorities must carry out their functions with a view to promoting the licensing objectives. Restrictions on adults watching films, such as those mentioned above may not fall within the objectives.

4.0 Proposed procedure

- 4.1 Requests for classification or requests from a distributor or another party to reclassify a film will be referred to a Licensing Panel. The Panel will be selected by the Head of Legal and Democratic Services in line with the procedure used for other applications under the Licensing Act 2003 subject to such members having received suitable training on the British Board of Film Classification guidelines.

The Licensing Panel will view the entire film, assess the film against the British Board of Film Classification guidelines (Appendix 2a) and issue the appropriate classification/re-classification.

In line with the guidance issued by the British Board of Film Classification, where the licensing authority itself is to make recommendations on the admission of children to films, the cinema must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it.

5.0 Financial considerations

- 5.1 None

6.0 Legal considerations

- 6.1 None

Relevant officer:

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Appendices attached:

Appendix 2a-Classification guidelines

Background papers:

None

Websites and e-mail links for further information:

None

Glossary:

None