

Bromsgrove District Council

LICENSING COMMITTEE

Date 6TH December 2010

LICENSING ACT 2003 – POLICY FOR THE CLASSIFICATION OF FILMS

Relevant Portfolio Holder	Councillor P. Whittaker
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 There is currently no policy for the Council to deal with films that are unclassified by the British Board of Film Classifiers for Public Exhibition, or requests to reclassify such films. As the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 it is necessary to adopt such a policy.

2. RECOMMENDATIONS

2.1 The Licensing Committee:

- 1) Approves the Policy for dealing with unclassified films (attached at Appendix 1) and,
- 2) Delegates the responsibility for the authorisation of films which have not already been classified by the BBFC to the Director of Planning and Regeneration, Regulatory and Housing Services.

3. BACKGROUND

- 3.1 Whilst the British Board of Film Classification (BBFC) performs a national film classification role, the Council, as a Licensing Authority, is the classification body for the public exhibition of films shown in the District by virtue of the Licensing Act 2003 (LA03).
- 3.2 The Licensing Authority has the right to classify films that are shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

4. KEY ISSUES

- 4.1 The public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

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- 4.2 The draft policy for dealing with an application to exhibit unclassified films is attached to this report and can be found at Appendix 1.
- 4.3 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Borough of Redditch.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from the adoption of this procedure. The service will be delivered from within existing resource.

6. LEGAL IMPLICATIONS

- 6.1 The Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and Guidelines issued by the Secretary of State.
- 6.2 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licenses that authorise the exhibition of films. (copy at Appendix 2)

This relates to the restriction of the admission of children (defined in Licensing Act 2003 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority does not agree with that recommendation, to such other classification recommended by the Licensing Authority.

- 6.3 The Licensing Authority may be required to classify a film that has not been classified by the BBFC.
- 6.4 A typical example of this would be a locally made film to be shown at a film festival within the District.
- 6.5 The Licensing Authority must have a policy in place to consider and determine a classification.
- 6.6 A distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.
- 6.7 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within

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the local area without a classification, but subject to certain conditions and restrictions.

- 6.8 The Secretary of State's Guidance issued under Section 182 of the LA03, recommends that:

“Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.”

7. POLICY IMPLICATIONS

- 7.1 Not having a policy in respect of unclassified films might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images.

8. COUNCIL OBJECTIVES

- 8.1 This item links with the Council Priority – Safe

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
- 9.2 “Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images”

10. CUSTOMER IMPLICATIONS

- 10.1 All customers would need to adhere to the policy, a statutory requirement of the Licensing Act 2003.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 This Report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 None

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 None

18. LESSONS LEARNT

- 18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 As a requirement is placed on the Licensing Authority to carry out this function it is not proposed to carry out any form of consultation as this is a procedural matter. If approval is given the policy will be implemented with immediate effect

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

The content of this report affects all wards.

22. APPENDICES

Appendix 1 – Policy for dealing with Film Classification
Appendix 2 – Mandatory Conditions under the Licensing Act 2003.

23. BACKGROUND PAPERS

British Board of Film Classification Guidelines
Statement of Licensing Policy
Licensing Act 2003
Guidance issued under S182 of the Licensing Act 2003.

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AUTHOR OF REPORT

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