

# AGENDA

## Licensing Committee

**Wednesday, 27 April 2016 AT 14:00  
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **Minutes of Previous Meetings**

To agree the minutes of the meetings held on 16 December 2015 and 24 February 2016.

[Copy Minutes Minute Book Vol42(5) and Minute Book Vol 42(6)]

## **PART A**

### **To be considered when the Public and Press are present**

- A.1 LICENSING SUB COMMITTEE MINUTES** **5 - 8**
- To note the minutes of the meeting of the Licensing Sub Committee held on 14 March 2016.  
(Copy minutes herewith)
- A.2 PROCEDURE FOR THE CLASSIFICATION AND RECLASSIFICATION OF FILMS – LICENSING ACT 2003** **9 - 58**
- The Licensing Manager to submit a report regarding a new policy and procedure for dealing with the classification of films.  
(Copy Report GD.28/16 herewith)
- A.3 LICENSING ACT 2003 - UPDATE** **59 - 62**
- The Licensing Manager to provide an update on the Licensing Act 2003.  
(Copy Report GD.29/16 herewith)
- A.4 GAMBLING ACT 2005 - UPDATE** **63 - 66**
- The Licensing Manager to provide an update on the Gambling Act 2005.  
(Copy Report GD.30/16 herewith)

## **PART B**

### **To be considered when the Public and Press are excluded from the meeting**

- NIL -

## **Members of the Licensing Committee**

**Conservative** – Bowman S, Layden, Morton, Mrs Parsons, Shepherd, Collier (sub), Higgs (sub) Nedved (sub)

**Labour** – Bell (Chairman), Cape, Ms Franklin (Vice Chairman), Miss Sherriff, Stothard, Mrs Warwick, Wilson, Ms Patrick (sub), Mrs Atkinson (sub), Miss Williams (sub)

**Enquiries, requests for reports, background papers,  
etc to Democratic Services Officer: Rachel Rooney – 817039**



**LICENSING SUB-COMMITTEE 2****MONDAY 14 MARCH 2016 AT 9.30AM**

PRESENT: Councillors Ms Franklin, Morton, Shepherd

ALSO PRESENT: Councillor Stothard was present at the meeting as the substitute Member.  
 Mr Collins, Chairman of Upperby Men's Institute  
 Mr Riley, Vice Chairman of Upperby Men's Institute  
 Mr Thompson Graham, Designated Premises Supervisor, Upperby Men's Institute

OFFICERS: Assistant Solicitor  
 Licensing Officer  
 Licensing Manager

There were no objections to the three Members of the Licensing Sub Committee.  
 Councillor Stothard left the meeting.

**LSC2.01/16 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED – That Councillor Morton be appointed as Chairman of Licensing Sub-Committee 2 for this meeting. Councillor Morton thereupon took the Chair.

**LSC2.02/16 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**LSC2.03/16 DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

**LSC2.04/16 APPLICATION FOR A PREMISES LICENCE – UPPERBY MEN'S INSTITUTE, 41 LAMB STREET, CARLISLE.**

The Licensing Officer submitted report GD.17/16 regarding an application for a new Premises Licence to allow the 'on and off' sale of alcohol and Regulated Entertainment for Upperby Men's Institute, 41 Lamb Street, Carlisle.

In addition to the Council's Licensing Officer, Assistant Solicitor and Democratic Services Officer, the following people attended the meeting to take part in proceedings:

Applicant

Mr Howard Collins, Chairman of Upperby Men's Institute  
 Mr Kenneth Riley, Vice Chairman of Upperby Men's Institute

Designated Premises Supervisor:

Mr Malcolm Thompson, Upperby Men's Institute

Other Person making Relevant Representations:

None

Responsible Authority Representations

None

The Assistant Solicitor outlined the procedure for the meeting. All parties confirmed that they were happy to proceed.

The Licensing Officer reported that an application had been received for a Premises Licence under the Licensing Act 2003 for Upperby Men's Institute, Lamb Street, Carlisle which would enable the club to hire out the function room for various events to non-members. The Premises Licence would also allow members of the public to enter the building freely and purchase alcohol in the bar and lounge areas. Upperby Men's Institute had previously been a member's only club until its Club Premises Certificate was withdrawn by the Licensing Committee in January 2015.

At the time of submission the application received representations from two Responsible Authorities, Cumbria Police and Carlisle City Council as the Licensing Authority. Both of the objections were detailed in the report and related on the undermining of the crime and prevention, public nuisance and protection of harm objectives. There was serious concern that the existing committee would not manage the premises lawfully as they had been responsible for the withdrawal of the Club Premises Certificate.

As a result of the representations the applicant had attended a meeting at the Civic Centre on 17 February. The applicants agreed to include the suggested conditions from the responsible authorities and the Club Secretary stated that the Committee intended to offer further conditions which would be verified in writing.

The Licensing Officer reported that since the publication of the report the Upperby Men's Institute Committee had held an Emergency General Meeting on 26 February 2016 and the standing committee received a vote of no confidence by a majority of the club members. A new committee had been formed and their names had been submitted to the Licensing Manager, a copy of which was circulated to the Sub-Committee. The committee had also agreed to additional conditions on the Licence which were also circulated to the Sub Committee.

As a result of the change in Committee the Licensing Authority and Cumbria Police had withdrawn their representations. Copies of the withdrawal letters were circulated to the Sub-Committee.

In response to Members questions the Licensing Officer clarified that the Premises Licence would allow members of the public to enter the premises and it allowed for the responsible authorities to enter the premises to monitor the conditions of the licence.

Mr Collins, Chairman of Upperby Men's Institute address the Sub-Committee in support of the application. He stated that the Club had been in existence for 50 years and the

previous licence had been held by people who did not have any business sense. When the Members became aware of the licensing issues they called a meeting and all of the Committee apart from the Secretary resigned due to a vote of no confidence. A new Committee was voted in and they had agreed to all of the conditions on the licence. Mr Collins added that he was confident that the Club would operate correctly and the proper laws would be understood. He explained that he had been the Club Chairman previously for five years and therefore knew the business well.

In response to questions Mr Collins confirmed that the previous Committee members would not have any part in running the Club and although they were still members of the Club they would not be on the Committee.

Mr Thompson Graham assured the Sub-Committee that clear Challenge 21 posters had been placed in the premises and staff were undertaking the necessary training. He added that another member of staff would become a personal licence holder at some point in the future.

The Licensing Officer outlined the relevant Legislation and the options open to the Panel.

At 9.47am, all parties, with the exception of the Sub-Committee Members, Assistant Solicitor and the Democratic Services Officer withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 9.55am to hear the Sub-Committee's decision.

The Sub-Committee's decision was:

**APPLICATION FOR A PREMISES LICENCE**  
**Section 17, Licensing Act 2003**  
**Upperby Men's Institute, Lamb Street, Carlisle**

This matter concerned an application for a Premises Licence for Upperby Men's Institute, Lamb Street, Carlisle. Representations had been made by Cumbria Police and the Licensing Authority, both representations had been withdrawn.

The Sub-Committee had considered the application and the representations and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. Mr F Watson, Licensing Officer, Carlisle City Council
2. Mr H Collins, Chairman of Upperby Men's Institute

And the written submissions made by

1. Mrs S Stashkiw, Licensing Manager, Carlisle City Council
2. PC John Brooks, Force Alcohol & Licensing Co-ordinator, Cumbria Police

After careful consideration, the Sub-Committee has unanimously decided to grant the application for a premises licence for Upperby Men's Institute, Lamb Street, Carlisle as set out in the application and additional voluntary conditions.

The Sub-Committee gave the following reasons for this decision:

1. All the conditions have been agreed with the Police and Licensing Authority
2. Representations from Responsible Authorities had been withdrawn

The Sub-Committee have also added the following condition to the licence:

‘The Committee will forward to the Licensing Authority details of any member being proposed to become a Committee member prior to that person becoming a Committee member.’

The decision would be confirmed in writing.

(The meeting ended at 10.00am)



# Report to Licensing Committee April 2016

Agenda  
Item:  
  
**A.2**

Meeting Date: 27 April 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework NO  
Public / Private Public  
Title: Procedure for the classification and reclassification of Films – Licensing Act 2003  
Report of: Director of Governance  
Report Number: GD.28/16

**Summary:** Under the Licensing Act 2003 the Council has responsibilities in relation to the classification of films. The Council has set out in licensing conditions that the classification certificates issued by the British Board of Film Classification satisfy this responsibility. Carlisle City Council , as a Licensing Authority must make provision to deal with the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests to reclassify films.

## Recommendations:

It is recommended that the Licensing Committee:-

- A Approve the policy and procedure for dealing with the classification of films.
- B Agree to adopt the guidance issued by the British Board of Film Classification  
(Appendix 2).
- C Delegate responsibility for the classification of films, both previously categorised by the British Board of Film Classification, and those that have not been categorised, to a Licensing Sub Committee.
- D Recommend that Council set the level of fee for the classification of films at £75, plus £1 per minute of the full length of the submitted work.

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

## 1. THE REPORT

Local Authorities, as Licensing Authorities, are the classification body for the public exhibition of film shown within their administrative area, by virtue of the Licensing Act 2003. As such the Licensing Authority has the right to classify films that are shown in premises licensed under the Act such as cinemas, hotels, clubs and public houses.

2. Local Authorities, including Carlisle, use decisions of the British Board of Film Classification (BBFC) to determine the classification of films. In practice, therefore, the BBFC performs a national film classification role.
3. Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences that authorise the exhibition of films. This relates to the restriction of the admission of children (defined as 'persons aged under 18yrs').
4. Premises must restrict the admission of children 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.
5. If a film has not been classified by the BBFC it must not be shown at a licensed premise without first having been classified by the Local Authority for the area concerned. A typical example of this would be a locally made film to be shown at a local film festival. To cater for this situation it is prudent for a Licensing Authority to have a formal policy and procedure in place to determine the appropriate classification.
6. A distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.
7. The Licensing Act 2003 also provides for a number of exemptions for certain types of film such as those exhibited for the purpose of advertisement, information, education etc. Films exhibited in a museum or art gallery that consist of, or form part of, an exhibit are also exempt.
8. A draft policy and procedure for the classification of films is set out in **(Appendix1)**.
9. The BBFC charges a fee for the classification of films. The standard fee is a £75 handling charge plus £6.00 per minute of the full length of the work. A reduced rate for registered charity applications is also offered, at 75% of the standard rate.
10. Commercial releases will be submitted to the BBFC as a matter of course, and therefore submissions to local authorities usually originate from local students and art groups. These films are generally low budget, and would have very limited release. A fee that is considerably lower than that charged by the BBFC would be appropriate given the nature of the films that will be submitted, on some occasions the Licensing Committee Chairperson with the Licensing Manager would have delegated power to waiver part of the agreed fee to encourage local film talent.

11. Failure to adopt a policy on Film Classification might result in psychological harm being caused to members of the public. In particular children, through film exhibitions containing strong language, horror/violence or sexual images.

**Contact Officer:** Sue Stashkiw  
Licensing Manager

**Ext:** 7029

**Appendices** 1- Draft Policy  
**attached to report:** 2- BBFC Guidance

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Licensing Act 2003, Section 182 Guidance, British Board of Film Classification Guidance, Section 20 of Licensing Act 2003.

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's -** n/a

**Deputy Chief Executive –** n/a

**Economic Development –** n/a

**Governance –** Legal incorporated within report

**Local Environment –** n/a

**Resources -** n/a

## **Policy for Determining Film Classifications**

### **Purpose**

Carlisle City Council, as the Licensing Authority, is responsible for authorising the public exhibition of films. 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.

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.

Where a premise seeks or intends to exhibit film(s) that venue must be covered by a Premise Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

The definition of children is any person under the age of 18 years.

Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.

In summary, the public exhibition of all 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.

The Licensing Authority when authorising film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National Guidance).

The Licensing Authority may be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:

- (a) a distributor of a film may 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); and
- (b) An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).

In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:

- A film festival covering a specific period of time
- A one off screening of a film
- A trailer for a film

## **1.General Policy**

In accordance with paragraph 10.31 of the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. 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.

In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.

### Protection of Children from Harm

Paragraph 2.41 of the National 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.*

## **2. Principles in Determining Film Classifications**

The BBFC classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice. The National Guidance 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*

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.

Where a licensed premise seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. As such the procedures outlined later in this document will be followed.

The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. Material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.

Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Carlisle City Council area and does not affect the authorisation or recommendations in any other local authority.

Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Council's Licensing Services.

The issue of any authorisation by Carlisle City Council is strictly limited to the authorisation within the authorities area and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.

The Licensing Authority will consider each authorisation on its own merit and may impose additional and more specific recommendations where it deems necessary in order to comply with the Protection of Children from Harm Licensing Objective

Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

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

### **3. Procedures for Authorisation Requests for Procedures for Approval of Films Already Classified by The BBFC**

Applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority. This Sub Committee shall consist of three Members of the Licensing Committee. Applications should be submitted in writing to the Licensing Office.

In accordance with the National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Sub Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening.

Where an individual or organisation not connected with the film(s) requests re-classification of a BBFC classified film, they are not expected to provide a copy of the film(s). The Licensing Authority will then make suitable arrangements to view the film. It is

also accepted that in these circumstances, it may not be possible to give **28 days'** notice before the proposed screening.

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

The Sub Committee will then view the entire film and assess it against the BBFC guidelines and National Guidance. The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

Requests must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Requests may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.

In line with the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:

*Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*

*Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

#### **4. Procedure for Authorisation of Films Which Have Not Been Classified by The BBFC or Carlisle City Council**

Applications for authorisation will be considered by a Licensing Sub Committee.

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

An application for authorisation should include the following information:

(a) the film maker;

(b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;

(c) any existing classification issued by an existing classification body, whether within or outside the UK;

(d) a synopsis 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. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;

(e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;

(f) any proposals on age restrictions for viewing the film that the applicant intends to impose; and

(g) details of how age restrictions will be enforced.

In accordance with National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Manager time to arrange a viewing by a Sub Committee to authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted to the Licensing Authority a minimum of **28 days** before the proposed screening.

The Sub Committee, whilst viewing the film(s) will have regard to BBFC Guidelines and National Guidance and shall issue a Notice of Determination of the application within five working days from the date of the viewing.

When considering all such requests the Sub Committee will pay particular attention to the Protection of Children from Harm Licensing Objective.

In line with of the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the example as laid out in the National Guidance:

*Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*

*Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

In order to ensure the promotion of the Protection of Children from Harm and Prevention



of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and applicant of any recommendation(s) on the restriction on the age of access for children to the film(s). This may also include any relevant notices required to be displayed by the licence holder inside and outside the premises. The licensed premises hosting the exhibition of film will be expected to comply with these recommendations.

The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle -as such requests shall not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the BBFC's Guidelines for 18 and R18 restricted films.

## **5. Section 20 Licensing Act 2003: Exhibition of Films**

All premises permitted to exhibit films are subject to the following mandatory conditions:

1. *Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.*
2. *Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.*
3. *Where:*
  - (a) *the film classification body is not specified in the Licence or Certificate; or*
  - (b) *the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.*
4. *In these paragraphs "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 Recordings Act 1984 (authority to determine suitability of video works for classification).*

## **6..Exemptions for The Showing of Films**

The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act 2003 if **either**:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the LA03 does not define a museum or art gallery so the ordinary meaning of the term is taken)

**or:**

Its sole or main purpose is to:

- (a) demonstrate any product,

- (b) advertise any goods or services (excluding the advertising of films), or
- (c) provide information, education or instruction



# bbfc

Age Ratings You Trust

Guidelines







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## Introduction

The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. We are funded through fees charged to those who submit films and video works for classification.

### **We classify:**

- films, trailers and advertisements on behalf of local authorities who license cinemas
- video works under the Video Recordings Act 1984
- video works which are distributed over the internet under a voluntary, self-regulatory service
- commercial and internet content distributed via mobile networks under a voluntary, self-regulatory service

Our Classification Guidelines follow extensive public consultation, as well as other research, expert advice and our accumulated experience over many years. The Guidelines, and our practice in applying them, pay particular attention to changes in public taste, attitudes and concerns, and changes in the law. They also take account of new evidence from research or expert sources. The Guidelines are reviewed periodically, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to normal considerations of fairness and reasonableness.

Here, and throughout the Guidelines, video works are taken to include films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

The Guidelines cannot be a comprehensive account of everything that may at any time be of concern. If issues arise which are not specifically covered here, they will be dealt with by us on their merits and in line with the standards expressed and implied in these Guidelines. The Guidelines are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter.

We will provide guidance on the interpretation of these Guidelines on request.

## Guiding Principles

### **Our guiding principles are:**

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions

We fulfil these roles by providing age classifications and publishing advice (known as BBFCinsight) for individual films and videos. We do this without infringing the right of adults to choose what they view provided that it remains within the law and is not potentially harmful. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

Media effects research and expert opinion on issues of suitability and harm can be inconclusive or contradictory. In such cases we must rely on our own experience and expertise to make a judgement as to the suitability of a work for classification at a particular age category, taking into consideration whether the availability of the material, to the age group concerned, is clearly unacceptable to broad public opinion. Our extensive research into public opinion guides us as we seek to ensure that classification decisions generally reflect public sensibilities and expectations as these change over time.

In relation to harm, we will consider whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any moral harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

We will not classify material which is in conflict with the criminal law, or has been created through the commission of a criminal offence.

We act as a regulator across the United Kingdom. However, the United Kingdom does not have a single legal system, and so we take account of the different legal systems that coexist in the UK. Further details about the applicable legislation can be found in the Annexe.

## General Classification Considerations

There are general factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two age categories.

### Context

Context is central to the question of acceptability of film and video content. When considering context therefore, we take into account issues such as public expectation in general and the expectations of a work's audience in particular.

We consider the context in which an issue (such as sex, language or violence) is presented within a film or video. In doing this we take account of factors such as the setting of a work (historical, fantasy, realistic, contemporary); the manner of presentation (for example, an aggressive and directed use of bad language may result in a higher classification than a light-hearted and self-referential use of the same term); the apparent intention of the film; the original production date of the work (for example, outdated attitudes might be considered less offensive, and consequently classified at a lower category, in an old, obviously dated, work); and any special merits of the work.

### Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. The most challenging themes (for example, drug misuse, sexual violence, paedophilia, racial hatred or violence) are unlikely to be appropriate at the most junior levels of classification. However, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allows classification at 18 or even, where suitable, at lower levels.

### Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, a work with a dark or unsettling tone may receive a higher classification. Other tonal considerations which might have an influence on classification include the extent to which the work presents a despairing view of the world or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

We take into account the impact of a work (i.e. how it makes the audience feel), for example in relation to horror films where threat may be more significant than the level of violence.



## Specific Classification Considerations

This section of the Guidelines identifies concerns which apply, to a greater or a lesser degree, at all classification levels, and sets out the general approach that we take. The concerns are listed in alphabetical order.

Pages 12 to 24 of the Guidelines provide specific guidance for U through to R18 with regard to such concerns. This should be read together with the General Classification Considerations.

### **Discrimination**

Potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work as a whole seeks to challenge such attitudes; or the work is obviously dated, with little or no appeal to children.

### **Drugs**

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote the activity may be cut. Works which normalise or glamorise drug misuse are likely to receive a higher classification than works which show drug misuse while emphasising the dangers.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in BBFCinsight. Classification decisions will also take into account any promotion or glamorisation of such activities.

### **Imitable behaviour**

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a higher classification. Works which, taken as a whole, actively promote illegal behaviour may be cut or refused a classification.

Portrayals of potentially dangerous behaviour (especially relating to hanging, suicide and self-harm) which children and young people may potentially copy, will be cut if a higher classification is not appropriate.

## **Language**

Language which people may find offensive includes the use of expletives with a sexual, religious or racial association, derogatory language about minority groups and commonly understood rude gestures. The extent of offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

## **Nudity**

Nudity with no sexual context is in principle acceptable at all classification levels, but will not generally occur more than occasionally at U.

Nudity with a sexual context will receive a higher classification. Strong detail in such a context will usually only be passed at the adult categories (18 or R18).

## **Sex**

The portrayal of sexual activity can range from kissing to detail of unsimulated sex. The normalisation of overtly sexualised behaviour is a concern at the junior categories. The classification system allows progressively stronger portrayals of sexual behaviour as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) will normally only be passed at the adult categories. Sex works which only contain sex which may be simulated will usually be passed at 18. The R18 category is suitable for sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images. R18 video works may be supplied only in licensed sex shops which no one under 18 may enter. R18 films may be shown only in specially licensed cinemas.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.

## **Threat**

Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.

The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes. Fantasy settings may be a mitigating factor.

## **Violence**

Classification decisions will take account of the degree and nature of violence in a work.

Works which feature the following are likely to receive higher classifications:

- portrayal of violence as a normal solution to problems
- heroes who inflict pain and injury
- callousness towards victims
- the encouragement of aggressive attitudes
- characters taking pleasure in pain or humiliation
- the glorification or glamorisation of violence

Sadistic or sexual violence is likely to receive a higher classification. Any depiction of sadistic or sexual violence which is likely to pose a harm risk will be subject to intervention through classification, cuts or even, as a last resort, a refusal to classify.

We may refuse to classify content which makes sexual or sadistic violence look appealing or acceptable, reinforces the suggestion that victims enjoy sexual violence, or invites viewer complicity in sexual violence or other harmful violent activities.

We are also unlikely to classify content which is so demeaning or degrading to human dignity (for example, it consists of strong abuse, torture or death without any significant mitigating factors) that it may pose a harm risk.

## Other Matters

### Education videos

When classifying an education video, including a sex education video, for use in schools, we will take account of the educational purpose of the video and the context in which it is to be viewed (for example in the classroom mediated by a teacher).

### Music videos

The classification of a music video will take account of any elements which are of concern to parents, including glamorisation of behaviour which they consider inappropriate. Where music videos are short and self-contained, material may be less likely to be justified by context.

### Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. Some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in which such issues arise and to ensure that, when required, appropriate warnings are given to viewers. However, if it is obvious during viewing that the work contains strong examples of such imagery or sounds, we will advise the distributor of the need to ensure that appropriate warnings are in place. Where necessary, we may require assurances regarding the display of appropriate warnings as a condition of classification.

### **Release format**

Classification decisions may be stricter on video works than on film. This is because of the increased possibility of under-age viewing as recognised in the Video Recordings Act (see Annexe), as well as the increased possibility of works being replayed or sections viewed out of context. Accordingly, a video work (either packaged or online) may occasionally receive a higher classification than on film, or require new or different cuts. (Video works may also receive a higher classification because they contain additional content.)

The screen format or visual presentation of a submission may also alter a classification, for example, if the image has been processed in the 3D format or is shown with an altered aspect ratio such as on an IMAX screen.

### **Titles**

We will require changes as a condition of classification if the title of a work incites racial or religious hatred, or other criminal behaviour, or encourages an interest in abusive or illegal sexual activity.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, we will advise the distributor to consider carefully the places in which it is likely to be seen and to take appropriate action, for example, by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to video works classified R18 as such works may only be supplied or offered for supply in a licensed sex shop.) Where necessary, assurances on public display of the full title, or changes to the title, may be required as a condition of classification.

### **Trailers and advertisements**

Audiences may choose to see a full-length feature based on expectations of the particular genre at the given classification and on the published BBFCinsight. In contrast, audiences have no choice, and often no expectation, about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature. Strong language will not be allowed in trailers at the U, PG and 12A/12 categories.

The more restrictive approach set out above may be relaxed where an advertisement is part of a public information campaign or has a charitable purpose.

Cinemas are responsible for the exhibition of cinema trailers and advertisements, and we have no involvement in deciding which films they precede. Questions or complaints about the exhibition of trailers or advertisements should be directed to the cinema management in the first instance.

## **Video games**

With a few limited exceptions we do not classify video games. We consider for classification those video games contained on discs which feature primarily linear video content and pornographic video games which include for example:

- images of unsimulated human sexual activity involving genitals or anus
- sexual fetish material, including bondage or sadomasochistic activity, urination and other bodily functions
- material likely to encourage an interest in sexually abusive activity
- the portrayal of sexual activity which involves lack of consent whether real or simulated
- sexual threats, humiliation or abuse
- penetration by any object associated with violence or likely to cause physical harm
- images of sexual activity with animals

whether such images or material are of real events or activity or are animated.

We also advise the Games Rating Authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the game.

## The Classification Categories

We endeavour to classify submitted works in one of the following categories:







The following pages set out guidance on how the specific classification considerations (for example, sex and violence) are specifically applied from U through to R18. The criteria should be read in combination with the general approach set out earlier under ‘Guiding Principles’, ‘General Classification Considerations’ and ‘Specific Classification Considerations’.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.





## **U Universal – Suitable for all**

**A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.**

**If a work is particularly suitable for pre-school children, this will be indicated in the BBFCinsight.**

### **Discrimination**

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

### **Drugs**

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

### **Imitable behaviour**

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of. No emphasis on realistic or easily accessible weapons.

### **Language**

Infrequent use only of very mild bad language.

### **Nudity**

Occasional nudity, with no sexual context.

### **Sex**

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

### **Threat**

Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

### **Violence**

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).



## **PG Parental Guidance – General viewing, but some scenes may be unsuitable for young children**

**A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger, or more sensitive, children.**

### **Discrimination**

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

### **Drugs**

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

### **Imitable behaviour**

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

### **Language**

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

### **Nudity**

There may be nudity with no sexual context.

### **Sex**

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

### **Threat**

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings may be a mitigating factor.

### **Violence**

Violence will usually be mild. However there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).









## **12A/12 – Suitable for 12 years and over**

**Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.**

**No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the BBFCinsight for that film in advance.**

**No one younger than 12 may rent or buy a 12 rated video work.**

### **Discrimination**

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

### **Drugs**

Misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

### **Imitable behaviour**

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

### **Language**

There may be moderate language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### **Nudity**

There may be nudity, but in a sexual context it must be brief and discreet.

### **Sex**

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

### **Threat**

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

### **Violence**

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.

Sexual violence may only be implied or briefly and discreetly indicated, and its depiction must be justified by context.



## **15 – Suitable only for 15 years and over**

**No one younger than 15 may see a 15 film in a cinema. No one younger than 15 may rent or buy a 15 rated video work.**

### **Discrimination**

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

### **Drugs**

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

### **Imitable behaviour**

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

### **Language**

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### **Nudity**

There are no constraints on nudity in a non-sexual or educational context. There may be nudity in a sexual context but usually without strong detail.

### **Sex**

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

### **Threat**

There may be strong threat and horror. A sustained focus on sadistic or sexual threat is unlikely to be acceptable.

### **Violence**

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable.

There may be detailed verbal references to sexual violence but the depiction of sexual violence must be discreet and justified by context.











## 18 – Suitable only for adults

**No one younger than 18 may see an 18 film in a cinema. No one younger than 18 may rent or buy an 18 rated video work.**

**Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:**

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic or sexual violence which make this violence look appealing; reinforce the suggestion that victims enjoy sexual violence; or which invite viewer complicity in sexual violence or other harmful violent activities

- where there are more explicit images of sexual activity in the context of a sex work (see below) or where the primary purpose of the images in question is sexual arousal

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

### **Sex education at 18**

Where sex material genuinely seeks to inform and educate in matters such as human sexuality or safer sex and health, explicit images of sexual activity may be permitted.

### **Sex works at 18**

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed 18. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the R18 category. Material which is unacceptable in a sex work at R18 is also unacceptable in a sex work at 18.



**R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only**

**The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.**

**The following content is not acceptable:**

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game. Strong physical or verbal abuse, even if consensual, is unlikely to be acceptable

These Guidelines will be applied to the same standard regardless of sexual orientation of the activity portrayed.



## **Advice Viewings**

**A customer may submit works for advice at any stage of the production process.**

We will inform them of the likely classification a work will receive, and where appropriate any changes required to achieve the customer's preferred classification. However advice given in such circumstances is not binding and we reserve the right to reach a different decision when the final version of the work is submitted formally for classification. If the final version of the work submitted for classification differs in any significant respect from that seen for advice, and if those changes appear to reflect advice we have given, then details of the changes will appear on our website.



## **Intervention**

**Where possible we will carry out our responsibilities through appropriate use of the classification categories, particularly in order to protect children from any potential harm. If necessary, however, we may cut or even refuse to classify a film or video work.**

**In some cases, we require assurances, cuts or other changes (for example, the addition of warning captions) as a condition of classification, or as a condition of classifying at a particular category. In some circumstances we may refuse to classify a work at any category. We publish details of all interventions on our website.**

### **Cuts for category**

If the submitted work is suitable for classification, but only at a category higher than that requested by the customer, we will consider whether a lower category could be achieved through relatively minor or simple changes. If so, we may offer the customer a choice of accepting either the higher or lower category (the latter with defined changes as necessary).

Cuts for category are unlikely to be available if the required changes would be very extensive or complex, or would not address for example, a tonal or thematic issue running throughout the work.

### **Compulsory cuts**

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular age category, we may require cuts or other changes as a condition of classification. Such intervention is most likely when the submitted work contains:

- material which may promote criminal activity
- material which is obscene or otherwise illegal
- material created by means of the commission of a criminal offence
- portrayals of children in a sexualised or abusive context

- material which makes sexual or sadistic violence look normal, appealing, or arousing
- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes
- material which reinforces the suggestion that victims enjoy sexual violence
- material which invites viewer complicity in sexual violence or other harmful violent activities
- sex works which contain material listed as unacceptable at R18

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the customer will normally be given an opportunity to present evidence before a final decision is reached.

### **Refusal to classify**

As a last resort, the BBFC may refuse to classify a work, in line with the objective of preventing non-trivial harm risks to potential viewers and, through their behaviour, to society. We may do so, for example, where a central concept of the work is unacceptable, such as a sustained focus on sexual or sadistic violence. Before refusing classification we will consider whether the problems could be adequately addressed through intervention such as cuts. In deciding whether to refuse to classify, we will keep in mind the inherent difficulty of using behavioural research to draw conclusions about real world risks, and will have regard to the full range of available evidence, including the views of the public and our own knowledge and experience.



## **Appeals**

**We offer a formal reconsideration procedure which is open to any customer dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take fewer than 10 working days.**

A customer may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, our reconsideration. In the case of films, the customer (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works a customer may appeal to the Video Appeals Committee. The VAC is independent of the BBFC and can be contacted by post at **VAC, PO Box 6949, London, W1A 3TZ** or by email at **[enquiries@vacappeal.co.uk](mailto:enquiries@vacappeal.co.uk)**

Customers should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

## Engagement with the Public

As part of our role we provide consumers, particularly parents, with as much information as possible to enable them to make a fully informed decision about what they will view. We therefore publish detailed information about the content of every film we classify. This is called BBFCinsight.



# insight

### BBFCinsight consists of the following:

- short content advice on film posters, some film advertising and video packaging, for example:



Strong language and sex references

- more detailed information, aimed particularly at parents, found on our website and free App

BBFCinsight is a short description of the issues found in a film or video work. It explains why an individual title received a particular classification. It highlights the key issues in a film, and gives examples of the content in the film, avoiding where possible any potential plot spoilers.

BBFCinsight also notes any other issues that might be important for parents, or those wishing to take younger viewers to see a film. This may include, for example, themes of divorce or bereavement, a film's overall suitability for family viewing and the likely familiarity of the audience with the film's source material or cast.

We encourage viewers to check BBFCinsight for a clear idea of the issues a work contains.

## Websites



### **BBFC Website - [www.bbfc.co.uk](http://www.bbfc.co.uk)**

Our website gives detailed information about every classification decision.

The website includes an online version of our Guidelines, detailed information about the different classifications, a library of our research, education tools and resources for use in the classroom and independent study, and a media centre including news and press releases.



### **Children's BBFC – [www.cbbfc.co.uk](http://www.cbbfc.co.uk)**

This website offers children clear information about how age classifications work and our role and history. It includes interactive elements, and material especially adapted for younger filmgoers and families.

The site also has an area for adults which contains information about BBFCinsight, the classification categories and details of our education and outreach work (for example, video conferencing) for schools.

### **BBFC App**

We have a free App available to download for iOS and Android devices. It lets users check the latest film and video classifications on the go, along with BBFCinsight.

### **Twitter**

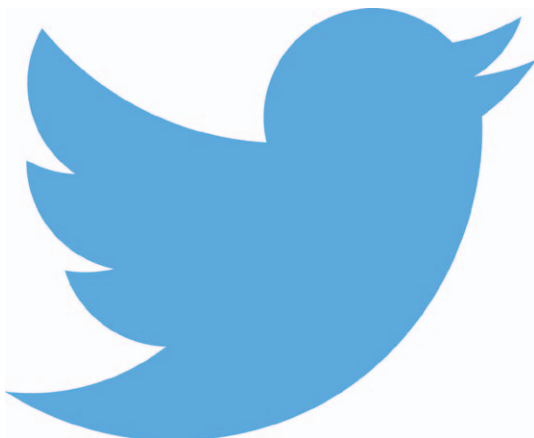
We regularly update our Twitter account, **@BBFC**, with BBFC news and the latest film and video classifications.

### **Newsletters**

We produce regular newsletters for the industry, for those involved in education and for the general public. These give details about recent BBFC classification decisions as well as our resources, workshops and events. To sign up for any of the newsletters visit **[www.bbfc.co.uk](http://www.bbfc.co.uk)**.

### **Podcasts**

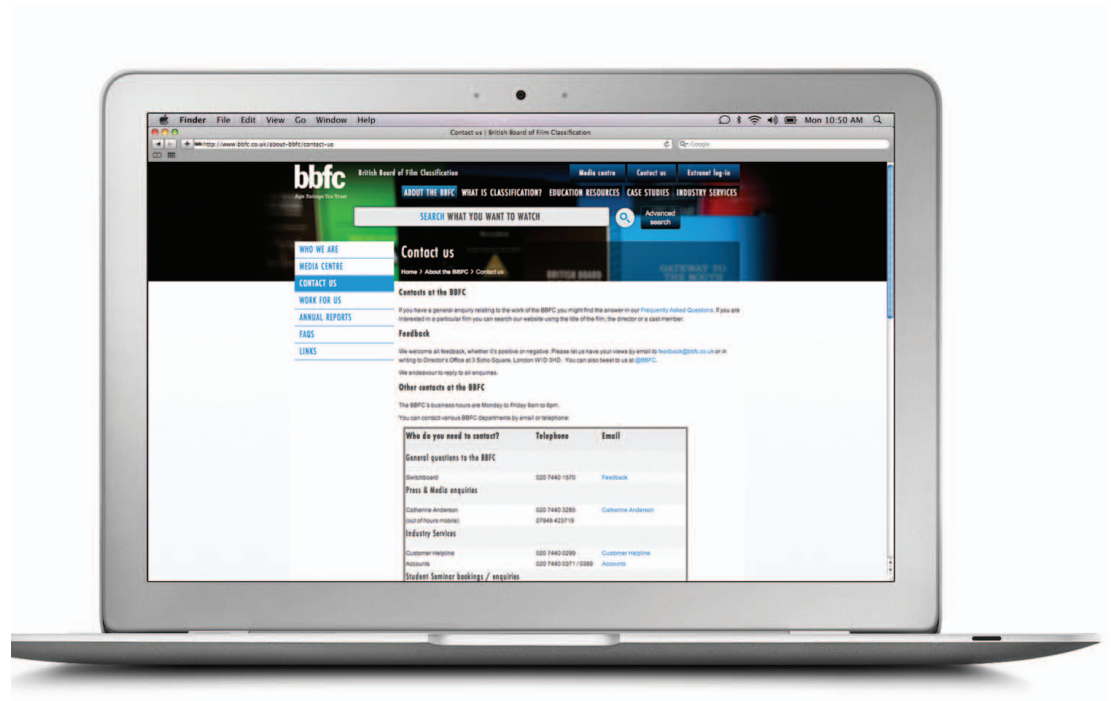
We produce themed podcasts which feature guest interviews, discussion of recent decisions and current classification issues. The podcasts can be downloaded from the website.



## Feedback

We welcome all feedback, whether positive or negative, and any comments can be sent to **feedback@bbfc.co.uk**, or in writing to the **Director's Office, BBFC, 3 Soho Square, London, W1D 3HD.**

For further details see the 'Contact Us' page on **www.bbfc.co.uk**



## Annexe

### Legal Considerations

The following legislation is not listed according to chronology or importance. Instead, it reflects a useful way of explaining the structure of the legal framework that applies to our work.

#### **The Licensing Act 2003 – England and Wales Cinemas (Northern Ireland) (Order 1991) – Northern Ireland**

#### **Cinemas Act 1985 – Scotland**

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (anyone under 18) to any film to be restricted in accordance with our recommendations or those of the licensing authority. One of the key reasons for the licensing requirement is the protection of children, including from potentially harmful content in films.

#### **The Video Recordings Act 1984**

Video works (including films, TV programmes and some video games) which are supplied on a disc, tape or any other device capable of storing data electronically must have a BBFC classification unless they fall within the definition of an exempted work.

When considering whether to award a certificate to a work, or whether a work is suitable at a particular category, we are required by the Act to have special regard to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- criminal behaviour
- illegal drugs
- violent behaviour or incidents

- horrific behaviour or incidents
- human sexual activity

In considering these issues we have in mind the possible effect not only on children but also on other vulnerable people.

#### **The Obscene Publications Act 1959 & 1964 – England and Wales**

#### **The Obscene Publications Act 1857 – Northern Ireland**

#### **The Civic Government (Scotland) Act 1982 – Scotland**

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt a significant proportion of those likely to see it. Under the Obscene Publications Act 1959, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

In Scotland, case law implies a similar test would be applied. In Northern Ireland, while there is no express defence of “public good” it is likely that English law would be taken into consideration.

#### **Criminal Justice and Immigration Act 2008 – England, Northern Ireland and Wales**

#### **Criminal Justice and Licensing (Scotland) Act 2010 / Civic Government (Scotland) Act 1982 – Scotland**

It is illegal to be in possession of an extreme pornographic image. Under the Criminal Justice and Immigration Act 2008 an extreme pornographic image is one which is pornographic and grossly offensive,

disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which:

- threatens a person's life
- results, or is likely to result, in serious injury to a person's anus, breasts or genitals
- involves sexual interference with a human corpse
- involves bestiality

In Scotland, the Civic Government (Scotland) Act 1982, includes as "extreme" for the purpose "an act which takes or threatens a person's life" and "rape or other non-consensual penetrative activity".

Works we classify under the Video Recordings Act are excluded from the scope of the offence across the UK.

### **The Protection of Children Act 1978 – England and Wales**

#### **Protection of Children (Northern Ireland) Order 1978 – Northern Ireland**

#### **Civic Government (Scotland) Act 1982 – Scotland**

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). Offences relating to the possession of such images are contained within the Criminal Justice Act 1988 (England, Wales and Scotland), and the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988. A child is defined as a person under the age of 18.

### **The Coroners and Justice Act 2009 – England, Northern Ireland and Wales**

#### **The Criminal Justice and Licensing Act 2010 - Scotland**

It is illegal to be in possession of a prohibited image of a child. A prohibited image of a child is a non-photographic or non-pseudo-photographic image which is pornographic and grossly offensive, disgusting, or otherwise of an obscene character, and which focuses solely or principally on a child's genitals or anal region, or which portrays specified sexual acts by, of, or in the presence of a child, including masturbation, oral sex or penetration, including sexual acts with animals. A child is defined as being under 18 and an image of a child or other person can include imaginary representations. Works we classify under the Video Recordings Act are excluded from the scope of the offence unless images have been extracted from such works for the purpose of sexual arousal.

### **The Sexual Offences Act 2003**

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. The Act also prohibits a person recording the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

### **The Public Order Act 1986 – England, Scotland and Wales**

#### **The Public Order (Northern Ireland) Order 1987 – Northern Ireland**

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening, abusive or insulting if the intention is



to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

In Northern Ireland the relevant group of persons may be defined not only by colour, race, nationality or ethnic or national origins, but also by “religious belief” or “sexual orientation” or “disability”.

In Scotland, the communication of material that is threatening and is intended to stir up hatred on religious grounds is an offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

### **The Cinematograph Films (Animals) Act 1937**

It is illegal to show any scene “organised or directed” for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but we also apply the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as “animals”.

### **The Animal Welfare Act 2006 – England and Wales**

### **The Welfare of Animals Act (Northern Ireland) 2011 – Northern Ireland**

### **The Animal Health and Welfare (Scotland) Act 2006 – Scotland**

It is illegal to supply, publish or show or possess with intent to supply a video recording of an “animal fight” that has taken place within the UK since 6 April 2007.

### **The Tobacco Advertising and Promotion Act 2002**

It is illegal, in the course of a business, to publish a tobacco advertisement.

### **Blasphemy**

In Scotland and Northern Ireland, the common law crime of blasphemy exists but has not been utilised for prosecution in modern times. The offences of blasphemy and blasphemous libel under the common law of England and Wales were abolished in The Criminal Justice and Immigration Act 2008.

### **Human Rights Act 1998**

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

### **Other unlawful material**

In carrying out its responsibilities, we will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.







Age Ratings You Trust

**British Board of Film Classification**

**3 Soho Square, London, W1D 3HD**

**T 020 7440 1570**

**[www.bbfc.co.uk](http://www.bbfc.co.uk)**

# Report to Licensing Committee

Agenda  
Item:  
  
**A.3**

27<sup>th</sup> April 2016

Portfolio: Finance, Governance and Resources

Key Decision: Not Applicable:

Within Policy and  
Budget Framework

NO

Public / Private

Public

Title: LICENSING ACT 2003 - UPDATE

Report of: Director of Governance

Report Number: GD 29/16

## Purpose / Summary:

This report gives an update on the Council's current position regarding applications under the Licensing Act 2003.

## Recommendations:

Members are requested to note the information.

## Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Licensing Act 2003.

## **1 Background**

- 1.1 The Licensing Act 2003 took effect on 24<sup>th</sup> November 2005, from which date this Council administered all licences issued.
- 1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

## **2 Licence figures – as at 15<sup>th</sup> April 2016**

### **2.1 Personal Licences**

Previous Report - 1576

Current Licences – 1602

Total licences surrendered/revoked - 22

### **2.2 Premises Licences**

With alcohol

Previous Report - 400

Current Licences – 402

Total licences suspended/surrendered/revoked – 146

Without alcohol

Previous Report - 79

Current Licences – 79

Total licences suspended/surrendered/revoked - 36

### **2.3 Club Premises Certificate**

With alcohol

Previous Report - 20

Current Licences – 21

Total licences suspended/surrendered/revoked – 6

Without alcohol

Previous Report - 0

Current Licences – 0

## 2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013	200	3
2014	200	2
2015	220	0
2016	56	0

## 2.5 Current applications – Including new, change of DPS, variation of hours, transfers etc.

Pending applications – 15

## 3 Current Issues

- 3.1 On 1 April 2015 new legislation came onto the statute book removing the requirement to renew personal licences. All current licences therefore now last indefinitely.
- 3.5 Licensing holders have been contacted regarding this change and notified that should they wish their licence to be updated to show 'indefinite' rather than their expiry date, they could request a new licence at a cost of £10.50.
- 3.6 From April 2015 to 1st April 2016 we have issued 98 amended licences.
- 3.7 Personal Licence holders are also under a legal duty to inform us if and when they change their address and again, we would issue an amended licence.

## 4 RECOMMENDATIONS

Members are requested to note this report.

**Contact Officer: Susan Stashkiw**

**Ext: 7029**

**Appendices None  
attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's –None**

**Community Engagement – None**

**Economic Development – None**

**Governance – None**

**Local Environment – None**

**Resources –None**

# Report to Licensing Committee

Agenda  
Item:  
  
**A.4**

Meeting Date: 27<sup>th</sup> April, 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework NO  
Public / Private Public

Title: GAMBLING ACT 2005 - UPDATE  
Report of: Director of Governance  
Report Number: GD 30/16

## Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1<sup>st</sup> September 2007. This report gives an update on the current position regarding applications made under this legislation.

## Recommendations:

Members are requested to note the information.

## Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a



This report is presented to give an update on the Council's current position under the Gambling Act 2005.

## 1.0 **BACKGROUND**

- 1.1 The Gambling Act 2005 took effect on 1<sup>st</sup> September 2007, from which date this Council assumed responsibility for administering premises licences.
- 1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

## 2.0 **LICENCE FIGURES - as at 15<sup>th</sup> April 2016**

### 2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered/revoked	5

### 2.2 **Betting Premises (other than track)**

Previous Report	17
Current Licences	17
Surrendered/revoked	5

### 2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	1 (Carlisle Race course)
Surrendered/revoked	1 (Carlisle United)

### 2.4 **Bingo Premises**

Previous Report	3
Current Licences	3
Surrendered/revoked	0

## 2.5 **Unlicensed Family Entertainment Centre**

(These are premises with an unlimited amount of Category D machines)

Previous Report	2
Current Licences	2
Surrendered/revoked	0

Our two premises are:

### **LazerQuest&**

**AMF Bowling**, (who also have a 'notification of intent' which allows them two category C machines, as well as a premise licence to serve alcohol)

## 3.0 **OTHER LICENCES**

### 3.1 **Club Gaming Permit**

These are granted to member's clubs to permit specifically the playing of chemin de fer (the original version of the card game baccarat) and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

Previous Report	7
Current Report	8
Surrendered/revoked	0

### 3.2 **Club Machine Permit**

Granted to Member's clubs to permit the use of gaming machines (as above) only.

Previous Report	6
Current Report	6
Surrendered/revoked	5

### 3.3 Alcohol Premises - Gaming Machine Permits/Notifications

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

Notifications	86
LPGMP	17 (Licensed Premises Gaming machine permit)

### 3.4 Small Society Lottery Registration

Small Society Lottery Registrations are issued to charities or sports clubs who wish to raise money for their organisation where there is no private gain.

Previous Report	194
Current Registrations	191

## 4.0 CURRENT ISSUES

- 4.1 Licensing Officers are currently undertaking visits to Family Entertainment Premises to ensure correct category of machines are in place.

## 5.0 RECOMMENDATIONS

Members are requested to note this report.

**Contact Officer: Susan Stashkiw**

**Ext: 7029**

**Appendices**                      **None**  
**attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's –None**