

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>20 JUNE 2016</b>
<b>TITLE:</b>	<b>FILM CLASSIFICATION POLICY</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF REGULATORY SERVICES</b>

### Purpose

1. Gwynedd 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.
2. 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.
3. Where a premises seeks or intends to exhibit film(s) that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.
4. In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorized by the Licensing Authority under the powers of the Licensing Act 2003.
5. The Licensing Authority when authorizing film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National Guidance).
6. In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.
7. The Licensing Authority may be requested to authorize 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/authorizes the film for local screening (with recommendations on age restrictions); and
  - b. an independent party may request that the Licensing Authority reclassifies/ authorizes the film for local screening (with recommendations on age restrictions).
8. In addition, the Licensing Authority may be requested to authorize the showing of an unclassified film(s). This normally occurs in the following cases:
  - i. A film festival covering a specific period of time
  - ii. A one off screening of a film

- iii. A trailer for a film

### **Relevant guidelines for the classification of films**

9. 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.

### **Delegation of powers under s20 of the Licensing Act 2003**

10. The power to authorize a classification of a film for the purposes noted in this document is delegated by the Central Licensing Committee to the Head of Regulatory Services .
11. Once authorized by the Licensing Authority a film will be authorized 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 authorization including any recommendations shall be available from the Council's Licensing Section.

### **Setting of fees**

12. The legislation does not specify a statutory fee for the purposes of film classification. Some Local Authorities have set fees for the purpose of cost recovery only.
13. It is considered reasonable to introduce a fee which reflects the time spent by an officer viewing the film, as well as the cost of processing and producing a certificate.

### **RECOMMENDATION**

It is recommended that the policy is adopted as proposed; and that the Committee approves fee setting in relation to the classification of films for the purposes of cost recovery only.