

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Film Classification Policy
DIRECTORATE: Social Care, Safeguarding and Health
MEETING: Licensing & Regulatory Committee
Date to be considered: 30 th January 2018
DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 There is currently no formal policy or procedure for the Licensing Authority to deal with the classification of previously unclassified films, appeals by distributors against the BBFC (British Board of Film Classification) decisions or to reclassify films. This report considers the proposed Film Classification Policy to be adopted.

2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members approve the policy for Film Classification, attached to this report as Appendix A.

3. KEY ISSUES

- 3.1 Film classification is regulated primarily by means of the Video Recordings Act 1994 and the Licensing Act 2003. All cinemas and premises that show films are required to be licensed under the Licensing Act 2003 unless they are exempt by virtue of being 'community premises' as defined in the Act. Films are normally classified by the British Board of Film Classification (BBFC). However, some films are produced by small, local companies who will not have had their film classified. Added to this, though unlikely, an individual could request a local authority to overrule the classification given to a work by the BBFC.
- 3.2 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 on the admission of children to the exhibition of any film either in accordance with the film classification recommended by the BBFC or, if the Licensing Authority does not agree with the recommendation, to such other classification recommended by the Licensing Authority.
- 3.3 Ultimately, therefore, it is the local authority that has the final word in relation to the rating given to a film displayed in a cinema but in reality it would almost always be unwise to challenge the decision of the BBFC.
- 3.4 The Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the County.

- 3.5 A distributor of a film or other party may appeal to the Licensing Authority against the decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.
- 3.6 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of a film or films within the local area without a classification but subject to certain conditions and restrictions.
- 3.7 The introduction of the policy will provide greater consistency and transparency when undertaking film classification work. The policy and assessment of films will have due regard to the BBFC guidance.
http://www.bbfc.co.uk/sites/default/files/attachments/BBFC%20Classification%20Guidelines%202014_0.pdf

4. REASONS:

- 4.1 The Film Classification Policy attached as Appendix A was adopted by the Welsh Licensing Expert Panel on 6th December 2017 and it is recommended that Authorities in Wales adopt this policy for uniformity.

5. RESOURCE IMPLICATIONS:

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

Licensing Act 2003

Home Office – Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2017

9. AUTHOR:

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