



Committee and date  
Strategic Licensing Committee  
15<sup>th</sup> December 2010  
9.30am

Item No  
**6**  
Public

## Procedure for the Classification and Reclassification of Films - Licensing Act 2003

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### 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. Shropshire 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 Strategic 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 to assist in the determination of classifying films.
- 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 the Licensing Team Leader.
- 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.

### Report

1. Local Authorities, as a Licensing Authorities, are the classification body for the public exhibition of films 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 Shropshire, use the 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 18”).
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 purposes 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 Appendix 1.
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 arts groups. These films are generally low budget, and would have a 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, to encourage local film making talent.

<p><b>List of Background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b> Licensing Act 2003 British Board of Film Classification Guidelines</p>
<p><b>Human Rights Act Appraisal</b>  N/A</p>
<p><b>Environmental Appraisal</b>  N/A</p>
<p><b>Risk management Appraisal</b> 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.</p>
<p><b>Community / Consultations Appraisal</b>  N/A</p>
<p><b>Cabinet Member:</b> Cecilia Motley</p>
<p><b>Local Member:</b> Covers all areas of the council</p>
<p><b>Appendix 1</b> Shropshire's proposed policy and procedure for determining Film Classifications</p>