

3 October 2018		ITEM: 6
Licensing Committee		
Film Classification Report		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams – Joint Licensing Manager		
Accountable Head of Service: Andy Millard – Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director Steve Cox Director of Place.		
This report is: Public		

Executive Summary

To agree a procedure for the classification of films under, by virtue of the Licensing Act 2003.

1. Recommendation(s)

1.1 That the Licensing Committee agrees to the procedure for classification of films as set out in Appendix 1.

2. Introduction and Background

2.1 The Council is the classification body for the public exhibition of films shown within its administrative area, by virtue of the Licensing Act 2003. As such the Council has the right to classify films that are shown in premises such as cinemas, hotels, clubs public houses and community premises.

2.2 Sections 20 and 74 of The Act provide that a mandatory condition shall be applied to all premises licences and club premises that authorise the exhibition of films. This relates to the restriction of the admission of children (defined as ‘persons aged under 18’)

2.3 Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC, or to such classification recommended by Thurrock Council.

2.4 If a film has not been classified by the BBFC it must not be shown at premises without first having been classified by the Council 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 Council to have a procedure in place to determine the appropriate classification.

- 2.5 A distributor of a film or other party may appeal to the Council against a decision of the BBFC and request that the Council classifies or reclassifies the film for local screening.

3. Issues, Options and Analysis of Options

- 3.1 A written procedure has been produced that deals with the process of classifying films, which is attached as **Appendix 1**.
- 3.2 As the delegated authority sits with officers to classify the film, the procedure allows for officers to make the initial classification in accordance with BBFC guidelines.
- 3.3 Where there is a dispute between the classification that is given by officers and the applicant presenting the film for classification, the procedure refers the film to a member panel, of three members that are part of the Licensing Committee.

4. Reasons for Recommendation

- 4.1 The procedure utilises the guidance that is produced by the British Board of Film Classification (BBFC). This written procedure largely follows the standard practice that has been operated since the Licensing Act 2003 came into effect, with the addition of the Members panel.

5. Consultation (including Overview and Scrutiny, if applicable)

- 4.1 As this requirement is placed on the Council to carry out this function it is not proposed to carry out any form of consultation regarding the procedure as this is a procedural matter for Licensing Authorities contained within the Licensing Act 2003. If approval is given the procedure will be implemented with immediate effect.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 None

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There is no fee chargeable prescribed by the Licensing Act 2003 for this process. The numbers of requests for films to be classified by the Council have been small in the previous years and, at present there is no reason to foresee that this will grow. There is very little risk of this having an impact on the council's budget, therefore no additional resources required.

7.2 **Legal**

Implications verified by: **Simon Scrowther**
Principal Solicitor - Litigation & Employment

There are no legal implications for this report.

7.3 **Diversity and Equality**

Implications verified by: **Becky Price**
Team Manager - Community Development and Equalities.

No negative equality impacts have been identified should the recommendations of this report be agreed by Licensing Committee.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- Appendix 1 –Classification Procedure

Report Author:

Paul Adams

Joint Licensing Manager

Licensing Team, Public Protection