


30 September 2020

Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Film Classification Policy		 282840
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 To consider a report on the classification of films and to recommend the adoption of a Policy and procedure to be followed to ensure the proper discharge of the Council's responsibilities under the Licensing Act 2003.

## 2. Recommended Decisions

- 2.1 That the Policy and procedure, attached at Appendix A, be adopted.

## 3. Reason for Recommended Decision

- 3.1 To enable the Council to exercise its functions under the Licensing Act 2003 to determine within its area the classification of previously unclassified films; the amendment of classifications and the consideration of appeals by distributors against the British Board of Film Classification's decisions; and requests to reclassify films.

## 4. Alternative Options

- 4.1 Not to adopt the Policy and procedure; the Council would as a result be unable to discharge its obligations under the Act.

## **5. The legislation**

- 5.1 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 a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.
- 5.2 The public exhibition of films on licensed premises must therefore either be classified by the BBFC or authorised by the Licensing Authority using its powers under the Licensing Act 2003.
- 5.3 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the area of Colchester Borough. Typically this will be for:
- A film festival covering a specific period of time
  - A one off screening of a film(s)
  - A trailer for a film
- 5.4 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when –
- A distributor of a film wishes to 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) or
  - An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).
- 5.5 The attached policy sets out how the Council intends to discharge its duties under Section 20 of the Act.
- 5.6 There is no fee currently for this process but this position will be reviewed in the setting of the 2021/22 fees

## **6. Consultation**

- 6.1 No consultation on the policy is considered necessary as the Policy proposes the use of the BBFC guidelines for the classification of films which are a well used and respected basis for the classification of films.

## **7. Standard references Health & Safety and Community Safety Implications**

- 7.1 There are no known health & safety, community safety, environmental and sustainability, risk management, equality diversity and human rights, financial or publicity considerations arising from the adoption of the revised Policy.