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| REPORT TO: | ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE | AGENDA ITEM: 7 |
| DATE OF MEETING: | 14 TH APRIL 2016 | CATEGORY: RECOMMENDED |
| REPORT FROM: | CHIEF EXECUTIVE | OPEN |
| MEMBERS' CONTACT POINT: | EMMA McHUGH (EXT. 5716) emma.mchugh@south- derbys.gov.uk | DOC: |
| SUBJECT: | FILM CLASSIFICATIONS UNDER THE LICENSING ACT 2003 | REF: |
| WARD(S) AFFECTED: | ALL | TERMS OF REFERENCE: EDS13 |

1. Recommendations

- 1.1 That Members delegate the applications for the classification of films under the Licensing Act 2003 to Officers.
- 1.2 That Members approve the Policy for Determining Film Classifications attached as **Appendix 1**.
- 1.3 That Members approve the administration fee for determining film classifications.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in paragraph 1 of this report.

3. Detail

- 3.1 The Licensing Act 2003 deals with the exhibition of films as regulated entertainment. There is a mandatory condition imposed on premises licence and club premises certificates that permit the exhibition of films which requires that the recommendations of the British Board of Film Classification (BBFC) are followed in respect of the admission of children. However, where a film has not been classified by the BBFC, the admission of children to the screening of that film must be restricted in accordance with any recommendation made by the Licensing Authority. Therefore the admission of children to the public screening of material unclassified by the BBFC is subject to authorisation by the Licensing Authority in accordance with the powers of the Licensing Act 2003.
- 3.2 In addition, a distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.

- 3.3 To assist the Licensing Authority in determining applications for film classifications, a Policy has been produced delegating the determination of film classifications to Officers. An applicant has the right of appeal to the Licensing and Appeals Sub-Committee if they do not agree with the recommendation of the Officer.
- 3.4 The Policy details how Officers will determine film classifications in line with the BBFC Guidelines with a view to promoting the licensing objectives under the Licensing Act 2003 in particular the protection of children from harm objective.
- 3.5 To cover the administration costs involved in determining a film classification, it is proposed to charge an administration fee of £50 to include the first half of viewing plus an additional fee of £20 for every half hour or part thereof.

4. Financial Implications

- 4.1 There are no financial implications to the Council.

5. Corporate Implications

- 5.1 The service standards demonstrate that we support local businesses whilst protecting local residents which contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity and safety and security.