



**South
Derbyshire
District Council**

POLICY FOR DETERMINING FILM CLASSIFICATIONS

Introduction

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification ('the BBFC') or authorised by the Licensing Authority under the powers of the Licensing Act 2003 ('the Act').
- 1.2 Section 20 of the Act provides that where a premises licence or club premises certificate authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the BBFC or by the Licensing Authority itself.
- 1.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the BBFC's decisions or requests to reclassify films.
- 1.4 Where a premises seeks or intends to exhibit films, that venue must be covered by a premises licence, club premises certificate or temporary event notice under the Act.

Circumstances the Licensing Authority may classify a film

- 2.1 The Licensing Authority may be requested to authorise the showing of an unclassified film within South Derbyshire District Council. Usually this will be for:
 - A film festival covering a specific period of time;
 - A one off screening of a film;
 - A trailer for a film.
- 2.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when:
 - (a) A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions); or
 - (b) An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

Submission of film

- 3.1 Applications should be submitted to the Licensing Authority with a minimum of 28 days before the proposed screening.
- 3.2 An application for authorisation should include the following information:
- the name of the film maker;
 - a brief synopsis of the film;
 - dates, times and locations of the proposed screening. Written confirmation from the premises will be required;
 - any existing classification issued by an existing classification body, whether within or outside the UK;
 - information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film;
 - the language spoken in the film and whether there are subtitles in English.
- 3.3 All requests shall be accompanied by the film where possible in DVD format to avoid delays, the cost to be borne by the applicant.
- 3.4 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

Procedure

- 4.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 4.2 A minimum of two Officers will view the film (a minimum of three if it is thought the film may cause offence through sexual or violent content) and classify it in accordance with the current BBFC Guidelines.
- 4.3 Officers will record the Certification granted and give reasons for reaching their decision.
- 4.4 The matter will be referred to the Licensing and Appeals Sub-Committee if Officers:
- wish to depart from the BBFC classification to allow younger viewers to watch a film;
 - fail to agree on the classification;
 - wish to refuse a licence to show a film;
 - decline to process the application.

- 4.5 If an applicant disagrees with the Officers' decision, they will have a right of appeal to the Licensing and Appeals Sub-Committee.

Classification

- 5.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 5.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendations on the restriction of access of children to films. It should be noted however that the Licensing Authority is not obliged to follow these Guidelines.
- 5.3 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film.
- 5.4 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 5.5 When considering the classification of the film, Officers should have regard to the licensing objectives under the Act in particular the protection of children from harm licensing objective.

Authorisation

- 6.1 Any authorisations for the exhibition of film issued by the Licensing Authority shall only apply when the film is exhibited within South Derbyshire District Council.
- 6.2 Once authorised by the Licensing Authority, a film will be authorised for a particular showing or festival only, subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Council's Licensing Services.
- 6.3 The issue of any authorisation by the Licensing Authority is strictly limited to the authorisation within the District and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 6.4 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959,

the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

- 6.5 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

Contact Details

- 7.1 Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to the Licensing Department:

South Derbyshire District Council
Civic Way
Swadlincote
Derbyshire
De11 0AH

By email: licensing@south-derbys.gov.uk
By telephone: 01283 595716/890