

Allerdale Borough Council

Licensing Committee – 11 July 2019

Application for Film Classification under the Licensing Act 2003

The Reason for the Decision	To consider and determine an application to classify a film.
Summary of options considered	To rate the film using the guidance contained in the report and classify the film for viewing in a premises where the premises licence has the ability to show a film.
Recommendations	It is recommended that the Committee view the film and come to a decision using the guidance document from the BBFC which can be found at Appendix A. Full reasons for the classification should be given as part of the decision.
Financial / Resource Implications	None
Legal / Governance Implications	None
Community Safety Implications	The protection of children from harm
Health and Safety and Risk Management Implications	None
Equality Duty considered / Impact Assessment completed	No
Wards Affected	All
The contribution this decision would make to the Council's priorities	N/A
Is this a Key Decision	No
Portfolio Holder	Councillor John Cook
Lead Officer	Deborah Fletcher Licensing & Compliance Officer Tel: 0303 123 1702 Email: deborah.fletcher@allerdale.gov.uk

Report Implications

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	Y

Background papers:

Appendix A – BBFC Guidelines

1.0 Introduction

- 1.1 The Licensing Authority (subsequently referred to as the Council) is responsible for authorising the public exhibition of films.
- 1.2 Under section 20 of the Licensing Act 2013 (The Act), a mandatory condition is applied to all premises licence that authorise the exhibition of films. This mandatory condition relates to the restriction of the admission of children. The condition is as follows:
- The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:
- a) by the British Board of Film Classification (BBFC) where the film has been classified by that board, or
 - b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) of the Licensing Act 2003 applies to the film.
- 1.3 Where a film has not been classified by the BBFC it remains the responsibility of the licensing authority to do so.
- 1.4 The Council when authorising films shall at all time take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National Guidance).
- 1.5 Any authorisations for the exhibition of films issued by the Council shall only apply when the film is exhibited within the Borough of Allerdale and does not affect the authorisation or recommendations in any other council area.

2.0 Application

- 2.1 The applicant is Kirkgate Centre, Cockermouth. The film is called A Different Kind of Hope. The showing will be held on 18 September 2019.
- 2.2 The makers of the film, Still Moving Company, have provided access the works with the following synopsis:

A Different Kind of Hope

We are currently facing an eco-crisis. Recent research has discovered so many species are disappearing, scientists are now saying we are in the middle of a mass extinction event. There are many responses to the dire situation we are in; this film explores the change in consciousness needed. Human culture has separated the mind and the body. This has given us power over life but we have lost touch with our vulnerability to life. We need to reconnect with the instinctual wisdom of the body that knows we are not only individuals but also part of a web of interconnectedness. One of the key processes is our mammalian warm hearted love of life that is greater than our fear of death. This love is the vessel that will help us to navigate the eco-Apocalypse upon us.

3.0 Policy Framework

- 3.1 When considering the application, the panel must give appropriate weight to:
- a) Statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
 - b) The Council's Statement of Licensing Policy
 - c) The Licensing Objectives which are:
 - i) The Prevention of Crime and Disorder
 - ii) Public Safety
 - iii) The Prevention of Public Nuisance
 - iv) The Protection of Children from Harm

4.0 Key Points for consideration

- 4.1 The British Board of Film Classification (BBFC) is an independent body that makes recommendations of behalf of local licensing authorities for the classification of films. This then allows for that film to be shown throughout the UK in premises that are licensed for the exhibition of films.
- 4.2 The mandatory condition states that where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to be restricted in accordance with any recommendation made by a film classification body.

- 4.3 Licensing authorities can override a BBFC classification but that decision would only be valid in that local authority area. The title in question has not been considered by the BBFC.
- 4.4 Where a film has not been classified by the BBFC it is the responsibility of the licensing authority to do so. This is normally the case with locally made titles where the intention is only to release the film in one area.
- 4.5 The BBFC publish guidelines for their classification categories and consider matters including discrimination, drugs, imitable behaviour, language, nudity, sex, threat and violence. The categories are:

U	Universal for all
PG	Parental Guidance – General viewing but some scenes may be unsuitable for young children
12A/12	Suitable for 12 years and over. No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult
15	Suitable only for 15 years and over
18	Suitable only for adults
R18	To be shown only in specially licensed cinemas. Allerdale Borough Council do not have any specially licensed cinemas.

- 4.6 The film will be available to view at the meeting. It has been viewed by the Licensing and Compliance Officer and the following viewing notes are offered:

Time	Notes
14:26	Topless male
22:37	Naked male. Side profile.
22:43	Naked woman. Side profile.
22.51	Naked person.
22.54	Naked child.
25.26-22.57	Topless male.
32.44	References to “soul medicines”. Ayahuasca, Iboga and Peyote and mushrooms and other plants and herbs. Hallucinogens taken in a spiritual convention / setting / ceremony.
44.30	Imaged of breastfeeding
45.20	Series of images of dead animals

- 4.7 It is recommended that the Panel use the British Board of Film Classification Guidelines as a reference point for its considerations concerning the access of children to the film. It should be noted that the Licensing Authority is not

obliged to follow these guidelines, but where a deviation is considered, there must be very good reasons for doing so. These Guidelines can be found at Appendix A.

- 4.8 The Licensing Authority may impose conditions and specific restrictions upon an authorisation where deemed necessary to comply with the licensing objectives.
- 4.9 The Protection of Children from Harm is the most relevant of the licensing objectives in relation to film exhibitions. Paragraph 2.22 of the National Guidance states:

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

5.0 Options available to the Licensing Committee

- 5.1 The Committee must consider the application to classify the film work known as A Different Kind of Hope and give an age rating.
- 5.2 The overriding consideration should be the protection of children from harm. The Committee must consider this whilst seeking to ensure the film reaches the widest audience appropriate.
- 5.3 The classification categories mentioned in paragraph 4.5 are nationally understood and accepted so it is recommended that they should be used where possible. The Committee is not obliged to follow this recommendation should they find that an alternative age restriction would be more appropriate.

6.0 Recommendations

- 6.1 It is recommended that the Committee view the film and come to a decision using the guidance document from the BBFC which can be found at Appendix A. Full reasons for the classification should be given as part of the decision.

**Deborah Fletcher
Licensing and Compliance Officer**