



Licensing Act 2003 Sub-Committee

Date:	Thursday, 27 September 2012
Time:	10.00 am
Venue:	Committee Room 3 - Wallasey Town Hall

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SUPPLEMENTARY AGENDA

5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR -
CLASSIFICATION OF A FILM IN ACCORDANCE WITH GUIDANCE
ISSUED BY THE BRITISH BOARD OF FILM CLASSIFICATION
(Pages 1 - 18)

This matter was accepted by the Chair as an item of urgent business.

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE

27 SEPTEMBER 2012

SUBJECT:	CLASSIFICATION OF A FILM IN ACCORDANCE WITH GUIDANCE ISSUED BY THE BRITISH BOARD OF FILM CLASSIFICATION
WARD AFFECTED:	NEW BRIGHTON WARD
REPORT OF:	ACTING DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an appropriate film classification on an unclassified film which is proposed to be shown at Light Cinema, Marine Point, Kings Parade, New Brighton.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Licensing Act 2003 provides that where a Premises Licence authorises the exhibition of a film, it 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 on the British Board of Film Classification (BBFC)) or by the Licensing Authority itself.
- 2.2 The Light Cinema currently has a Premises Licence which permits the exhibition of a film. The following mandatory condition is imposed on the Licence:
- “...admission of children must be restricted in accordance with any recommendation made by the Licensing Authority”.
- 2.3 If a classification is not specified on a film, the Licensing Authority has a responsibility to protect children from harm and impose a classification if it is appropriate.
- 2.4 The following is a list of categories devised by the BBFC together with a brief description of that category:

‘U’ – Universal

It is impossible to predict what might upset any particular child. But a ‘U’ film should be suitable for audiences aged four years and over. ‘U’ films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

‘PG’ – Parental Guidance

Unaccompanied children of any age may watch. A ‘PG’ film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

‘12A/12’ – Suitable for 12 years and over

Exactly the same criteria are used to classify works at ‘12A’ and ‘12’. These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Works classified at these categories may upset children under 12 or contain material which many parents will find unsuitable for them.

The ‘12A’ category exists only for cinema films. No one younger than 12 may see a ‘12A’ film in a cinema unless accompanied by an adult, and films classified ‘12A’ are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances, responsibility for allowing a child under 12 to view lies with the accompanying adult.

‘15’ – Suitable only for 15 years and over

No one younger than 15 may see a ‘15’ film in a cinema.

‘18’ – Suitable only for adults

No one younger than 18 may see an ‘18’ film in a cinema.

- 2.4 Full details of the above categories may be found at Appendix 1.
- 2.5 The Light Cinema, Marine Point, Kings Parade, New Brighton have been approached by an individual, Nikki Anderson, to show a film called ‘Derby Baby’ at the premises. It is the responsibility of the Premises Licence Holder to uphold the Licensing Objectives, in particular the protection of children from harm. This matter has been referred to the Licensing Authority as the proposed film has not been classified by the BBFC.
- 2.5 Ms Anderson is unable to provide a DVD of the film due to a restriction which permits her to view the film only on one occasion. Ms Anderson has therefore provided a synopsis of the film which may be found at Appendix 2.
- 3.0 RELEVANT RISKS**
- 3.1 There are none arising directly from this report.
- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1 There is no provision for other options to be considered.
- 5.0 CONSULTATION**
- 5.1 No consultation has been undertaken in respect of this request.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no specific implications arising from this report.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no specific implications arising from this report.

8.0 LEGAL IMPLICATIONS

8.1 A decision of this Committee is subject to Appeal.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no specific implications arising from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no Planning implications arising from this report.

12.0 RECOMMENDATION

12.1 Members are requested to consider an appropriate film classification in respect of a film called 'Derby Baby' which is to be viewed at the Light Cinema, Marine Point, Kings Parade, New Brighton.

13.0 REASONS FOR RECOMMENDATION

13.1 It is a statutory requirement for this Committee to determine this request as the proposed film has not been classified by the BBFC.

REPORT AUTHOR:

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APPENDICES

- Appendix 1 – BBFC Classification Categories
- Appendix 2 – Synopsis of the Film

REFERENCE MATERIAL

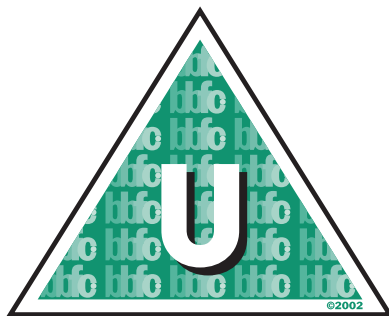
- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

The Categories

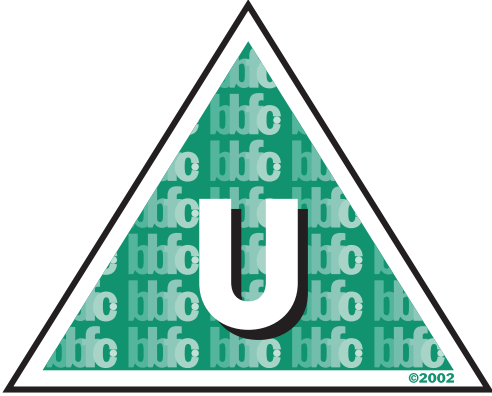
The BBFC endeavours to classify submitted works in one of the following categories:



The following pages set out guidance on how the main issues (for example, sex and violence) are specifically applied from 'U' through to 'R18'. The criteria should be read in the light of the general approach set out earlier under 'General Principles', 'Overarching Factors' and 'Main Issues'.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.





U Universal – Suitable for all

It is impossible to predict what might upset any particular child. But a ‘U’ film should be suitable for audiences aged four years and over. ‘U’ films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

If a work is particularly suitable for a pre-school child to view alone, this will be indicated in the Consumer Advice.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous, or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional natural nudity, with no sexual context.

Sex

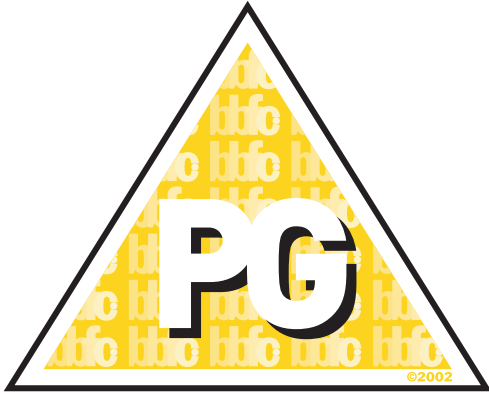
Mild sexual behaviour (for example, kissing) and references only (for example, to ‘making love’).

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children.

Violence

Mild violence only. Occasional mild threat or menace only.



**PG Parental Guidance –
General viewing, but some
scenes may be unsuitable
for young children**

**Unaccompanied children of
any age may watch. A ‘PG’
film should not disturb a child
aged around eight or older.
However, parents are advised
to consider whether the content
may upset younger or more
sensitive children.**

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context.

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example, domestic violence) nothing in their treatment should condone unacceptable behaviour.

Violence

Moderate violence, without detail, may be allowed, if justified by its context (for example, history, comedy or fantasy).



12A/12 – Suitable for 12 years and over

Exactly the same criteria are used to classify works at ‘12A’ and ‘12’. These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Works classified at these categories may upset children under 12 or contain material which many parents will find unsuitable for them.

The ‘12A’ category exists only for cinema films. No one younger than 12 may see a ‘12A’ film in a cinema unless accompanied by an adult, and films classified ‘12A’ are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances, responsibility for allowing a child under 12 to view lies with the accompanying adult.

The ‘12’ category exists only for video works. No one younger than 12 may rent or buy a ‘12’ rated video work.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied, or appear pain or harm free. Easily accessible weapons should not be glamorised.

Language

Moderate language is allowed. The use of strong language (for example, ‘fuck’) must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.

Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.



15 – Suitable only for 15 years and over

**No one younger than 15 may
see a '15' film in a cinema.
No one younger than 15 may
rent or buy a '15' rated
video work.**

Discrimination

The work as a whole must not endorse discriminatory language or behaviour.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example, 'fuck'). The strongest terms (for example, 'cunt') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

Theme

No theme is prohibited, provided the treatment is appropriate for 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is also unlikely to be acceptable.

There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.



Suitable only for adults

**No-one younger than 18 may see an '18' film in a cinema.
No-one younger than 18 may rent or buy an '18' rated video.**

In line with the consistent findings of the BBFC's public consultations and The Human Rights Act 1998, at '18' the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to the BBFC to risk harm to individuals or, through their behaviour, to society – for example, any detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault
- where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in 'R18' works, and in 'sex works' (see below) would normally be confined to that category.

In the case of video works (including video games), which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'.

Synopsis - Derby Baby

If you've attended a women's roller derby bout in the sport's post-modern incarnation, you've seen it, maybe even smelled it: the love, the pure addiction that drives tens of thousands of women around the globe to don fishnets and pseudonyms for the privilege of kicking each others asses.

There's a perfect storm of D-I-Y culture and women's empowerment in the U.S. and around the world, so it makes sense that this latest version of roller derby would take hold of busy women and their daughters everywhere — literally everywhere. One recent tabulation estimates the number of female league-affiliated skaters in the U.S. at over 20,000 and steadily rising, and the first-ever Roller Derby World Cup in 2011 had women from Auckland to Dublin strapping on skates to compete internationally.

But how is all this energy and passion evolving the sport? Why are the skaters and supporters willing to work for free when the numbers of paying fans are in the hundreds of thousands and growing steadily? What does it mean for the D-I-Y derby culture that promoters and sponsors are starting to capitalize on its popularity? Does derby need a "rock star" skater to catapult the sport into mainstream consciousness? Is women's roller derby a legitimate sport with a rightful place in the sports media spotlight? Or is it merely a fun pastime where women can make friends and be part of something bigger than themselves? And ultimately, will derby join the evolution of similar freak-sports turned street-sport turned professional sport, like skateboarding or snowboarding?

For the first time ever, the story of women's roller derby is covered from both a national and international perspective, as Emmy Award-winning filmmakers Robin Bond and Dave Wruck take you with them on their international quest to learn why women's flat track roller derby is the fastest growing sport in the world. *Derby, Baby!* explores the drama, the friendships, and the addictive nature of the women's flat-track roller derby, including never-before-seen bout footage of the international flat-track roller derby champions.

Narrated by Whip It star and actress/musician Juliette Lewis, who also appears on-camera, the *Derby, Baby!* story spans the most turbulent and exciting time for the sport in decades, featuring interviews with promoter Jerry "The Commissioner" Seltzer, whose father Leo Seltzer invented roller derby in the 1930s; and Chuck Morris, President of AEG Live Rocky Mountains and one of the most ardent promoters of modern roller derby. The film looks at the many incarnations of the sport since its invention 77 years ago, and explores the WWF-like legacy and over-played television coverage of the past that threatens the sport's image even today. Also featured are the new "rock stars" of roller derby, whose charisma and athleticism may be the key to pushing the sport over the "tipping point." Super-fans, critics, sponsors, prominent sports writers, authors and sociologists weigh in on the phenomenon that is roller derby, and the sport's organic — and possibly short-lived — growth as a unique athletic expression of women's empowerment.

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