

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.

Please keep footer at this size to allow Committee Services to paginate

‘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.

Please keep footer at this size to allow Committee Services to paginate

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:

Richard Leyland

Licensing Team Leader

telephone: 0151 691 8478

email: richardleyland@wirral.gov.uk

APPENDICES

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

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date