

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 November 2016

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Recommendation to Council

1 DELEGATION OF FILM CLASSIFICATION

1.1 Overview

- 1.1.1 To propose that authority for the classification of films be delegated to the Director of Central Services.
- 1.1.2 The public exhibition of all films on licensed premises must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.1.3 It is usual for most films to be released across the Country and therefore be classified by the BBFC; however the Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the Borough.

Background

- 1.1.4 Over the last 18 months Tonbridge & Malling Borough Council have been asked to classify one small budget films, both of which were made in the local area The Licensing and Appeals Committee carried out this function on this occasion.
- 1.1.5 This has proved to be time consuming and often difficult to find a convenient time for all Licensing and Appeals Committee members to meet at relatively short notice.
- 1.1.6 In the Council's constitution Licensing and Appeals Committee has the power "to classify films". It is therefore recommended that the authority to classify films be delegated to the Director of Central Services.
- 1.1.7 A copy of The British Board of Film Classification (BBFC) "Age Ratings You Trust" guidelines is shown at **Annex 1**

1.2 Legal Implications

- 1.2.1 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences that authorise the exhibition of films. This relates

to the restriction on the admission of children (defined in Licensing Act 2003 as “persons aged under 18”) to the exhibition of any film to either the film classification recommended by the BBFC or classification recommended by the Licensing Authority.

1.2.2 Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. The objectives are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

1.2.3 In terms of film exhibitions, clearly the most relevant licensing objective is the protection of children from harm. There may, however, be instances where there could be a case for relying on the prevention of crime and disorder objective, although evidence would have to be produced that a particular film would lead to crime and disorder.

1.3 Financial and Value for Money Considerations

1.3.1 Tonbridge & Malling Borough Council does not have a fee in place for Film Classification.

1.4 Risk Assessment

1.4.1 The classification of films ensures that unclassified and inappropriate films will not be shown to the wrong age group.

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

1.6.1 Licensing and Appeals Committee delegate authority for the classification of films to the Director of Central Services.

Background papers:

Nil

contact:

Anthony Garnett 6151

Adrian Stanfield

Director of Central Services and Monitoring Officer