

This report will be made public on 6 December 2019



Report Number **DCL/19/27**

**To:** Licensing Sub-Committee  
**Date:** 16 December 2019  
**Status:** Non-Executive Decision  
**Head of Service:** Amandeep Khroud

**SUBJECT:** Classification of a film – Spell Bound, Living Advent Calendar

**SUMMARY:** Folkestone & Hythe District Council has been asked to classify a film so that it can be shown at the Silver Screen Cinema in Folkestone on Monday 23<sup>rd</sup> December 2019 as part of the Living Advent Calendar schedule of events. The Licensing Sub-Committee is therefore asked to approve the recommendations below.

**RECOMMENDATIONS:**

The Licensing Sub-Committee is asked to:

1. To receive and note the report DCL/19/27.
2. To receive the application for Film Classification.
3. To watch the film and set a classification age for it.

## **1. BACKGROUND**

- 1.1 Local Authorities remain legally responsible for what is shown in cinemas under the Licensing Act 2003, where a premises licence or club premises certificate 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 (the British Board of Film Classification (BBFC) is currently the only body which has been so designated) or by the licensing authority itself.
- 1.2 In order to protect children from unsuitable and even harmful content in films and videos and to give consumers information they might need about a particular film or video before deciding whether or not to view it, the BBFC examines and age rates films and videos before they are released. Usually films, including short public information films, are classified by the BBFC, however Local Authorities have the ability to override BBFC classification decisions, and can classify films that have not been considered by the BBFC. Incidental films, and those exhibited in museums or galleries are not considered regulated entertainment and are therefore exempt from requiring classification.
- 1.3 All films, even charity and public information films, have to be classified in order to be shown in a cinema. Since 1<sup>st</sup> April 2016 adverts can be classified/passed by the Cinema Advertising Association (CAA) for a fee, however, charity/public information films still have to be approved by the BBFC.
- 1.4 Jim Jam Arts has submitted an application for the Council to classify a film which they intend to screen on Monday 23<sup>rd</sup> December at the Silver Screen Cinema, Folkestone. The event will be free and open to the public.

## **2. DETAIL**

### **2.1 Film: Spell Bound**

Requested: U

Length: 15:00

Synopsis: A mocumentary film about a home for retired fairies. Film made by Word on the Street - community drama group.

Film Link:

<https://www.youtube.com/watch?v=VUmRyvTuDUc&feature=youtu.be&fbclid=IwAR08Lp-JMN3pEya4hTWb-H1vWblqA-qvD0PxBuNNci8f6fcl8xJ6eVIpHL0>

## **3. REGULATIONS**

- 3.1 Please see attached Guidelines from the BBFC for film classification.

## **4. NEXT STEPS**

- 4.1 The Licensing Sub-Committee are asked to classify the film and confirm their classification decision in writing to the Licensing Officer (details below) by email following the meeting.
- 4.2 A classification checklist template is attached to assist with classifying the film.

## 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 5.1 Legal Officer's Comments (NE)

Licensed cinemas may screen films that have been certified by the British Board of Film Classification (BBFC). Notwithstanding this fact, under the Licensing Act 2003 local authorities are given the remit to license films and/or amend a BBFC classification. Cinemas looking to screen films that have not been BBFC certified must submit these separately to the local licensing authority for local certification.

## 6. RISK MANAGEMENT

The perceived risk is shown below

Perceived risk	Seriousness	Likelihood	Preventive action
The film could be shown without classification	High	Low	The Licensing Sub-Committee can classify the film at the meeting and then the cinema would be able to show the films classified
The film could be classified incorrectly and break one of the Licensing Objectives on section 4 of the Licensing Act 2003 'The prevention of children from harm'	Medium	Very Low	The film will be classified to ensure they do not present any risk of harm to children, the cinema will not allow entry to the film to anyone under the classification age

## 7. APPENDICES

App 1: BBFC Classification Guidelines see link  
[https://bbfc.co.uk/sites/default/files/attachments/BBFC%20Guidelines\\_2019.pdf](https://bbfc.co.uk/sites/default/files/attachments/BBFC%20Guidelines_2019.pdf)

App 2: Classification checklist template

## 8. CONTACT OFFICERS

Councillors with any questions arising out of this report should contact the following officer:

**Briony Williamson – Senior Licensing Officer**  
 Email: [briony.williamson@folkestone-hythe.gov.uk](mailto:briony.williamson@folkestone-hythe.gov.uk)