



Agenda

Meeting: **Licensing Sub-Committee**
Date: **11 March 2020**
Time: **10.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

Queries about the agenda? Need a different format?

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Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

4. **Declarations of lobbying**

Members should complete the enclosed yellow form and return it to the Committee Administrator at the meeting.

5. **Exclusion of the Public**

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

and

“Information relating to the financial or business affairs of any particular person (including the authority holding that information) ‘Financial or business affairs’ includes contemplated as well as current activities.”

6. **Application from a new Private Hire Driver (Pages 5 - 56)**

Report DCL/19/37 considers whether the application to be a Private Hire Driver should be accepted.

7. **Classification of a film (Pages 57 - 88)**

Folkestone & Hythe District Council has been asked to classify a film so that it can be shown at the Quarterhouse on Friday March 20th. The Licensing Sub-Committee is therefore asked to approve the recommendations below.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
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Classification Guidelines

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The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. Our classification function is funded through fees charged to those who submit films and video works for classification.

We classify:

- films, trailers and advertisements on behalf of local authorities who license cinemas under the Licensing Act 2003¹
- video works distributed on physical media under the Video Recordings Act 1984
- video works which are distributed over the internet under a voluntary, self-regulatory service
- commercial and internet content distributed via mobile networks under a voluntary, self-regulatory service

In addition to our classification functions, we are designated as the age-verification regulator under Part 3 of the Digital Economy Act 2017. The BBFC's responsibilities under this Act include:

- making sure that online commercial pornography services carry age-verification controls
- providing guidance on what kind of age-verification arrangements will ensure that these services comply with the law
- taking enforcement action against online pornographic services that do not carry effective age-verification and/or those that contain extreme pornographic material (as defined under UK law) which is illegal to possess

¹Since 31 March 2016 the BBFC has sub-contracted the assessment of cinema advertisements for commercial goods and services to the Cinema Advertising Association, while retaining responsibility for classifying all feature films, trailers, public information films and charity campaigns.

Our Classification Guidelines follow an extensive public consultation to which more than 10,000 people contribute across the UK, as well as other research, expert advice and our accumulated experience over many years. The Guidelines, and our practice in applying them, pay particular attention to changes in public taste, attitudes and concerns, and changes in the law. They also take account of new evidence from research and expert sources. The Guidelines are reviewed every four to five years, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to the normal considerations of fairness and reasonableness.

Here, and throughout the Guidelines, video works are taken to include films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

The Guidelines cannot be a comprehensive account of everything that may at any time be of concern. If issues arise which are not specifically covered here, they will be dealt with by us on their merits and in line with the standards expressed and implied in these Guidelines. The Guidelines are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter.

We will provide guidance on the interpretation of these Guidelines on request and their application to particular films.





Guiding principles

Our guiding principles are:

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions

We fulfil these roles chiefly by providing age classifications and publishing advice (known as ratings info) for individual films and videos. Ratings info gives a detailed breakdown of the issues that result in a particular classification, as well as other issues likely to be of relevance to viewers.

Our extensive research into public opinion guides us as we seek to ensure that classification decisions generally reflect public sensibilities and expectations as these change over time. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

While media effects research and expert opinion can provide valuable insights, it can be inconclusive or contradictory on issues of suitability and harm. In such cases we must rely on our own experience and expertise to make a judgement as to the suitability of a work for classification at a particular age category, taking into consideration whether the availability of the material, to the age group concerned, is clearly unacceptable to broad public opinion.

We do this without infringing the right of adults to choose what they view provided that it remains within the law and is not potentially harmful.

In relation to harm, we will consider whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any moral or societal harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include impairing social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

We will not classify material which is in conflict with the criminal law, and we will have regard to whether the material has arisen from the commission of an unlawful act.

We act as a regulator across the United Kingdom. However, the UK does not have a single legal system, and so we take account of the different legal systems that coexist in the UK. Further details about the applicable legislation can be found in the Annexe – legal considerations.

General classification considerations

There are general factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two age categories.

Context

We consider the context in which an issue (such as sex, language or violence) is presented within a film or video. In doing this we take account of factors such as the setting of a work (historical, fantasy, realistic, contemporary); the manner of presentation (for example, an aggressive and directed use of bad or discriminatory language may result in a higher classification than a light-hearted and self-referential use of the same term); the apparent intention of the film; the original production date of the work (for example, outdated attitudes might be considered less offensive, and consequently classified at a lower category, in an old, obviously dated, work); the expectations of the likely audience; and any special merits of the work.

Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. The most challenging themes (for example, sexual violence, paedophilia and suicide) are unlikely to be appropriate at the lowest levels of classification (U or PG). However, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allows classification at 18 or even, where suitable, at lower levels. Classification decisions are likely to be less restrictive where difficult themes are handled in a reassuring and age appropriate manner, or where there is a positive outcome. Classification decisions are likely to be more restrictive where difficult themes are handled in a manner likely to create or reinforce anxiety.

Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, a work with a dark or unsettling tone may receive a higher classification. Other tonal considerations which might have an influence on classification include the extent to which the work presents a despairing view of the world, or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

We take into account the impact of a work (i.e. how it makes the audience feel), for example the presentation of credible real world scenarios about which viewers, especially younger viewers, are likely to be anxious (e.g. terrorism, abduction, suicide, self-harm). We also take account of audience expectations regarding genre, for example in relation to horror films where threat may be more significant than the level of violence, or in the case of action films, where viewers are likely to have certain expectations regarding the type of highly choreographed and unrealistic violence they are likely to contain.

Where multiple classification issues are present in the same work, this may produce a cumulative impact that makes a higher classification more appropriate.



Specific classification considerations

This section of the Guidelines identifies concerns which apply, to a greater or a lesser degree, at all classification levels, and sets out the general approach that we take. The concerns are listed in alphabetical order.

Pages 18 to 28 of the Guidelines provide specific guidance for U through to R18 with regard to such concerns. This should be read together with the General classification considerations.

Dangerous behaviour

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a higher classification. Works which, taken as a whole, actively promote illegal behaviour may be cut or refused a classification.

Portrayals of potentially dangerous behaviour (especially relating to suicide, self-harm and asphyxiation) which children and young people may potentially copy, will be cut if a higher classification is not appropriate. The relative ease and likelihood of imitation are also considered.

Classification decisions may be less restrictive where the risks of any dangerous behaviour are likely to be obvious to the intended audience, or where material is intended to educate younger viewers about dangers. Classification decisions will be more restrictive where novel information is presented (for example, about specific suicide techniques), where harmful behaviour is glamorised, or where risks are not made clear.

Discrimination

Potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work has a historical setting within which outdated attitudes or outmoded expressions would be expected; or the work is obviously dated, with little or no appeal to children; or the work seeks to challenge discriminatory attitudes and assumptions. Works with such content may receive a higher category where discriminatory language and behaviour is accompanied by threat or violence; or where there is a clear power imbalance; or where such behaviour is left unchallenged; or where discriminatory attitudes and assumptions are normalised. Where discriminatory language or behaviour occurs, this will normally be indicated in ratings info.

Drugs

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote the activity may be cut. Works which normalise or glamorise drug misuse are likely to receive a higher classification than works which show drug misuse while emphasising the dangers.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in ratings info. Classification decisions will also take into account any promotion or glamorisation of such activities.

Language

Language which people may find offensive includes the use of expletives with a sexual, religious or racial association, derogatory language about minority groups and commonly understood rude gestures. The extent of offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

Nudity

Nudity with no sexual context is in principle acceptable at all classification levels, but will not generally occur more than occasionally at U.

Nudity with a sexual context will receive a higher classification. Where the principal purpose of depicting nudity is to sexually arouse it will usually only be passed at the adult categories (18 or R18).



Specific classification considerations continued

Sex

The portrayal of sexual activity can range from kissing to detail of unsimulated sex. The normalisation of overtly sexualised behaviour is a concern at the junior categories (U, PG and 12A/12). The classification system allows progressively stronger portrayals of sexual behaviour as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) will only be passed at 18 or R18.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.

Sexual violence and sexual threat

Depictions of the stronger forms of sexual violence, including rape, are not permitted at the junior categories.

When considering scenes of sexual violence, aggravating factors include:

- the presence of a gang dynamic (e.g. a ‘gang rape’ scene)
- a focus on the victim being overpowered or powerless
- prolonged, detailed or gratuitous depiction
- an emphasis on nudity
- an emphasis on the pleasure of the attacker

- a strong emphasis on the distress and fear of the victim

- a credible ‘real world’ setting

- a protracted build-up of sexual threat

Mitigating factors include:

- brevity and lack of detail

- a clear educational message aimed at young people

- a strong narrative justification

We may refuse to classify content which makes rape or other non-consensual sexually violent behaviour look appealing or acceptable, reinforces the suggestion that victims enjoy such behaviour, or invites viewer complicity in such behaviour.

References to sexual violence are likely to be treated less restrictively than depictions of sexual violence, although any references at the junior categories will generally be oblique or undetailed.

Sexual threat and abusive behaviour are not permitted at the lowest levels of classification and will only be permitted at 12A/12 if brief and negatively presented.

Threat and horror

Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.

The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes. Fantasy settings or the inclusion of humour may be mitigating factors. The presentation of ‘real world’ issues and fears may be an aggravating factor.

Violence

Classification decisions will take account of the degree and nature of violence in a work.

Works which feature the following are likely to receive a more restrictive classification:

- portrayal of violence as a normal solution to problems
- heroes who inflict pain and injury
- callousness towards victims
- the encouragement of aggressive attitudes
- characters taking pleasure in pain or humiliation
- the glorification or glamorisation of violence
- gratuitous violence
- violence presented in a credible and realistic context (e.g. gang violence, domestic violence)

Works which feature the following are likely to be treated less restrictively:

- violence in a historical context
- violence in an action or fantasy context
- violence that lacks detail
- violence that looks unreal, fake or overly staged
- comic violence
- violence that is challenged or punished
- violence in a context where it is likely to be expected by the intended audience

We are unlikely to classify content which is so demeaning or degrading to human dignity (for example, it consists of strong abuse, torture or death without any significant mitigating factors) that it may pose a harm risk.

Other matters

Education videos

When classifying an education video, including a sex education video, for use in schools, we will take account of the educational purpose of the video and the context in which it is to be viewed (for example in the classroom mediated by a teacher).

Music videos

In addition to the usual issues, the classification of a music video will take account of any elements which are of particular concern to parents, including glamorisation of behaviour which they consider inappropriate such as drug misuse or sexualised behaviour. Where music videos are short and self-contained, material may be less likely to be justified by context.

Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. Some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in which such issues arise and to ensure that, when required, appropriate warnings are given to viewers. However, if it is obvious during viewing that the work contains strong examples of such imagery

or sounds, we will advise the distributor of the need to ensure that appropriate warnings are in place. Where necessary, we may require assurances regarding the display of appropriate warnings as a condition of classification.

Release format

Classification decisions may be stricter on video works than on film. This is because of the increased possibility of under-age viewing as recognised in the Video Recordings Act (see Annexe), as well as the increased possibility of works being replayed or sections viewed out of context. Accordingly, a video work (either packaged or online) may occasionally receive a higher classification than on film, or require new or different cuts. (Video works may also receive a higher classification because they contain additional content.)

The screen format or visual presentation of a submission may also alter a classification, for example, if the image has been processed in the 3D format, or is shown with an altered aspect ratio such as on an IMAX screen, or if the work is experienced as a piece of immersive linear VR (virtual reality).

Titles

We will require changes as a condition of classification if the title of a work incites racial or religious hatred, or other criminal behaviour, or encourages an interest in abusive or illegal sexual activity.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, we will advise the distributor to consider carefully the places in which it is likely to be seen and to take appropriate action, for example, by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to video works classified R18 as such works may only be supplied or offered for supply in a licensed sex shop.)

Trailers and advertisements

Audiences may choose to see a full-length feature based on expectations of the particular genre at the given classification and on the published ratings info. In contrast, audiences have no choice, and often no expectation, about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature. Strong language will not be allowed in trailers at the U, PG and 12A/12 categories. Strong language may be permitted in trailers at 15, unless significantly aggravated by other factors. Infrequent very strong language may be permitted in trailers at 15 but usually only where there are mitigating factors such as a comic context.

The more restrictive approach set out above may be relaxed where an advertisement is part of a public information campaign or has a charitable purpose.

Cinemas are responsible for the exhibition of cinema trailers and advertisements, and we have no involvement in deciding which films they precede. Questions or complaints about the exhibition of trailers or advertisements should be directed to the cinema management in the first instance.

Video games

With a few limited exceptions we do not classify video games. We consider for classification those video games contained on discs which feature primarily linear video content and any pornographic video games.

We also advise the video games authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the game.

Virtual reality

The BBFC is responsible for classifying linear VR (virtual reality) content whereas the video games authority is responsible for classifying non-linear VR content.

The classification categories

We endeavour to classify submitted works in one of the following categories:



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The following pages set out guidance on how the specific classification considerations (for example, sex and violence) are applied from U through to R18. The criteria should be read in combination with the general approach set out earlier under ‘Guiding principles’, ‘General classification considerations’ and ‘Specific classification considerations’.

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.

Universal

Suitable for all



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

Dangerous behaviour

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of or be presented unrealistically. No emphasis on realistic or easily accessible weapons.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

Drugs

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional nudity, with no sexual context.

Sex

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

Threat and horror

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

Violence

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).



Parental Guidance

General viewing, but some scenes may be unsuitable for young children



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

Dangerous behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom 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.

Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

Nudity

There may be nudity with no sexual context.

Sex

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

Threat and horror

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings and comedy may be mitigating factors.

Violence

Violence will usually be mild. However, there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



12A/12

Suitable for 12 years and over



Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.

No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the ratings info for that film in advance.

No one younger than 12 may rent or buy a 12 rated video work.

Dangerous behaviour

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

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

Misuse of drugs must be infrequent and should not be glamorised or give detailed instruction.

Language

There may be moderate bad language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

Nudity

There may be nudity, but in a sexual context it must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

Sexual violence and sexual threat

There may be verbal references to sexual violence provided they are not graphic. The stronger forms of sexual violence, including rape, may only be implied and any sexual threat or abusive behaviour must be brief and negatively presented.

Threat and horror

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

Violence

There may be moderate violence but it 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.



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.

Dangerous behaviour

Dangerous behaviour (for example, suicide, self-harming and asphyxiation) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

Discrimination

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

Drugs

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

Language

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

Nudity

There are no constraints on nudity in a non-sexual or educational context. Sexual nudity may be permitted but strong detail is likely to be brief or presented in a comic context.

Sex

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour. Repeated very strong references, particularly those using pornographic language, are unlikely to be acceptable. Works whose primary purpose is sexual arousal are unacceptable.

Sexual violence and sexual threat

There may be strong verbal references to sexual violence but any depiction of the stronger forms of sexual violence, including rape, must not be detailed or prolonged. A strong and sustained focus on sexual threat is unacceptable.

Threat and horror

There may be strong threat and horror. A sustained focus on sadistic threat is unlikely to be acceptable.

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 violence is also unlikely to be acceptable.



18

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 work.

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 us to risk harm to individuals or, through their behaviour, to society. For example, the 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 sadistic violence, rape or other non-consensual sexually violent behaviour which make this violence look appealing; reinforce the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour; or which invite viewer complicity in rape, other non-consensual sexually violent behaviour or other harmful violent activities
- where there are more explicit images of sexual activity in the context of a sex work (see right)

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

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.



R18

To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only



The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.

The following content is not acceptable:

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe – legal considerations)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which are likely to cause serious physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for non-abusive, consensual activity
- penetration by any object likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game



Intervention

Where possible we will carry out our responsibilities through appropriate use of the classification categories, particularly in order to protect children from any potential harm.

If necessary, however, we may cut or even refuse to classify a film or video work.

In some cases, we require assurances, cuts or other changes (for example, the addition of warning captions) as a condition of classification, or as a condition of classifying at a particular category. In some circumstances we may refuse to classify a work at any category. We publish details of all interventions on our website.

Cuts for category

If the submitted work is suitable for classification, but only at a category higher than that requested by the customer, we will consider whether a lower category could be achieved through relatively minor or simple changes. If so, we may offer the customer a choice of accepting either the higher or lower category (the latter with defined changes as necessary).

Cuts for category are unlikely to be available if the required changes would be very extensive or complex, or would not address for example, a tonal or thematic issue running throughout the work.

Compulsory cuts

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular age category, we may require cuts or other changes as a condition of classification. Such intervention is most likely when the submitted work contains:

- material which may promote criminal activity
- material which is obscene or otherwise illegal
- material created by means of the commission of a criminal offence
- portrayals of children in a sexualised or abusive context
- material which makes rape, other non-consensual sexually violent behaviour, or sadistic violence look appealing

- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes
- material which reinforces the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour
- material which invites viewer complicity in rape, other non-consensual sexually violent behaviour, or other harmful violent activities
- sex works which contain material listed as unacceptable at R18

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the customer will normally be given an opportunity to present evidence before a final decision is reached.

Refusal to classify

As a last resort, the BBFC may refuse to classify a work, in line with the objective of preventing non-trivial harm risks to potential viewers and, through their behaviour, to society. We may do so, for example, where a central concept of the work is unacceptable, such as a sustained focus on rape, other non-consensual sexually violent behaviour or sadistic violence. Before refusing classification we will consider whether the problems could be adequately addressed through intervention such as cuts. In deciding whether to refuse to classify, we will keep in mind the inherent difficulty of using behavioural research to draw conclusions about real world risks, and will have regard to the full range of available evidence, including the views of the public and our own knowledge and experience.

Engagement with the public

We publish detailed information about the content we classify, which we call ratings info. It's a helpful guide, particularly for parents, that gives a summary of how and why a film or video was given its age rating.

Ratings info includes:

- a short description of the issues contained in a film or video, and this appears on the black card shown on the cinema screen before a film starts, for example:



strong violence, sex, language, drug misuse

- we publish a longer, fuller version on our website and app

All content classified since the early 2000s has a short line of ratings info, and content classified more recently also has a longer version, giving you a detailed idea of what issues – bad language, drugs, sex and violence, or the use of discriminatory language or behaviour, for instance – you're likely to find in the film. It also raises any other issues that may be of concern, such as divorce or bereavement.

We try to avoid giving away major plot points. When ratings info does contain plot spoilers we always post a warning. Occasionally, the longer version of ratings info describes full sequences in a film – for example, it might describe a specific fight scene to give you a flavour of the sort of violence in the film and how strong it looks and feels – so be aware of this.

We publish ratings info the moment a film or video is classified, but the longer version may not be available until 10 days before the film opens. Sometimes, we classify films many weeks or even months before they are due to open, which is why not all films listed on our website will have a link to the longer ratings info yet. We encourage viewers to check ratings info when they are choosing content for children and for themselves.

bbfc.co.uk

Our website provides a comprehensive database of all the content we classify, including ratings info and information about cuts. You can read the Classification Guidelines, search through our press releases, research and Annual Reports. We also publish case studies on films, including many set film texts for Film Studies courses in the UK, a timeline of key events in our history and regular podcasts.

cbbfc.co.uk

Content for younger children, including the chance to rate trailers for children's films and learn more about our work, can be found on CBBFC, our website for children. Parents can also find advice about choosing content for children on VoD platforms and information about our education programme.

BBFC app

Our free app for iOS and Android devices lets you check the latest film classifications and ratings info, watch trailers and read our Guidelines.

Twitter – @BBFC

We update our Twitter account, @BBFC, with all our news and latest film classification decisions. You can ask us quick questions there too. For more detailed questions, you can email us on feedback@bbfc.co.uk

Newsletters

We produce a regular newsletter about our latest classification decisions, podcasts and news. Our education team sends a newsletter to teachers once a term, focussing on our outreach programme, partnerships and resources, including case studies. For industry we send a regular update on our services, news and classification turnaround times each quarter. You can sign up to receive any of these newsletters on our website, bbfc.co.uk

Podcasts

You can stream and download our regular short podcast on our website, Soundcloud and iTunes. Each episode focuses on a particular theme, film or TV series, and their age rating, highlighting key issues we took into account and any interesting facts about the classification process, for example any advice we gave, or reductions made by the film maker or distributor to secure a particular age rating.



Appeals, advice viewings and feedback

Appeals

We offer a formal reconsideration procedure which is open to any customer dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take fewer than 10 working days.

A customer may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, our reconsideration. In the case of films, the customer (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works a customer may appeal to the Video Appeals Committee. The VAC is independent of the BBFC and can be contacted by post as follows:

The Secretary
The Video Appeals Committee
3 Soho Square
London
W1D 3HD

Customers should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

Advice viewings

A customer may submit works for advice at any stage of the production process. We will inform them of the likely classification a work will receive, and where appropriate any changes required to achieve the customer's preferred classification. However, advice given in such circumstances is not binding and we reserve the right to reach a different decision when the final version of the work is submitted formally for classification. If the final version of the work submitted for classification differs in any significant respect from that seen for advice, and if those changes appear to reflect advice we have given, then details of the changes will appear on our website.

Feedback

If you want to send us any feedback about our age ratings or classification decisions, please don't hesitate to email us at feedback@bbfc.co.uk or write to us at:

Chief Executive's Office
BBFC
3 Soho Square
London
W1D 3HD



Annexe – legal considerations

The following legislation is not listed according to chronology or importance. Instead, it reflects a useful way of explaining the structure of the legal framework that applies to our work.

The Licensing Act 2003

England and Wales

Cinemas (Northern Ireland) Order 1991

Northern Ireland

Cinemas Act 1985

Scotland

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (anyone under 18) to any film to be restricted in accordance with our recommendations or those of the licensing authority. One of the key reasons for the licensing requirement is the protection of children, including from potentially harmful content in films.

The Video Recordings Act 1984

Video works (including films, TV programmes and some video games) which are supplied on a disc, tape or any other device capable of storing data electronically must have a BBFC classification unless they fall within the definition of an exempted work.

When considering whether to award a certificate to a work, or whether a work is suitable at a particular category, we are required by the Act to have special regard to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- criminal behaviour
- illegal drugs
- violent behaviour or incidents

- horrific behaviour or incidents
- human sexual activity

In considering these issues we have in mind the possible effect not only on children but also on other vulnerable people.

The Obscene Publications Acts 1959 & 1964

England and Wales

The Civic Government (Scotland) Act 1982

Scotland

The Obscene Publications Act 1857

Northern Ireland

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt a significant proportion of those likely to see it. Under the Obscene Publications Act 1959, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

In Scotland, case law implies a similar test would be applied. In Northern Ireland, while there is no express defence of “public good” it is likely that English law would be taken into consideration.

Criminal Justice and Immigration Act 2008

England, Wales and Northern Ireland

Criminal Justice and Licensing (Scotland) Act 2010/Civic Government (Scotland) Act 1982

Scotland

It is illegal to be in possession of an extreme pornographic image. Under the Criminal Justice and Immigration Act 2008 an extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which:

- threatens a person’s life
- results, or is likely to result, in serious injury to a person’s anus, breasts or genitals
- involves sexual interference with a human corpse
- involves intercourse or oral sex with an animal
- involves non-consensual penetration of a mouth, vagina or anus with a penis or non-consensual sexual penetration of a vagina or anus by anything

Under the Civic Government (Scotland) Act 1982 an extreme pornographic image is one which is pornographic and obscene, and which depicts in an explicit and realistic way, an act which:

- takes or threatens a person’s life
- results, or is likely to result, in a person’s severe injury
- involves rape or other non-consensual penetrative sexual activity

- involves sexual activity involving (directly or indirectly) a human corpse
- involves sexual activity between a person and an animal

Works we classify under the Video Recordings Act are excluded from the scope of the offence across the UK.

The Protection of Children Act 1978

England and Wales

Civic Government (Scotland) Act 1982

Scotland

Protection of Children (Northern Ireland) Order 1978

Northern Ireland

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). Offences relating to the possession of such images are contained within the Criminal Justice Act 1988 (England, Wales and Scotland), and the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988. A child is defined as a person under the age of 18.

The Coroners and Justice Act 2009

England, Wales and Northern Ireland

The Criminal Justice and Licensing Act 2010

Scotland

It is illegal to be in possession of a prohibited image of a child. A prohibited image of a child is a non-photographic or non-pseudo-photographic image which is pornographic and grossly offensive, disgusting, or otherwise of an obscene character, and which focuses solely or principally on a child's genitals or anal region, or which portrays specified sexual acts by, of, or in the presence of a child, including masturbation, oral sex or penetration, including sexual acts with animals. A child is defined as being under 18 and an image of a child or other person can include imaginary representations. Works we classify under the Video Recordings Act are excluded from the scope of the offence unless images have been extracted from such works for the purpose of sexual arousal.

The Sexual Offences Act 2003

England and Wales

Sexual Offences (Scotland) Act 2009

Scotland

The Sexual Offences (Northern Ireland) Order 2008

Northern Ireland

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. It is also prohibited for a person to record the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

The Criminal Justice and Courts Act 2015

England and Wales

Abusive Behaviour and Sexual Harm (Scotland) Act 2016

Scotland

Justice Act (Northern Ireland) 2016

Northern Ireland

It is an offence to disclose a private sexual photograph or film without the consent of any individual who appears in the photograph or film, if it is done with the intention of causing that individual distress (or causing them fear, alarm or distress in Scottish law).

The Public Order Act 1986

England, Scotland and Wales

The Public Order (Northern Ireland) Order 1987

Northern Ireland

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

In Northern Ireland the relevant group of persons may be defined not only by colour, race, nationality or ethnic or national origins, but also by “religious belief” or “sexual orientation” or “disability”.

The Cinematograph Films (Animals) Act 1937

England, Scotland and Wales

It is illegal to show any scene “organised or directed” for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but we also apply the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as “animals”.

The Animal Welfare Act 2006

England and Wales

The Welfare of Animals Act (Northern Ireland) 2011

Northern Ireland

The Animal Health and Welfare (Scotland) Act 2006

Scotland

It is illegal to supply, publish, show or possess with intent to supply a video recording of an “animal fight” that has taken place within the UK since 6 April 2007.

The Tobacco Advertising and Promotion Act 2002

It is illegal, in the course of a business, to publish a tobacco advertisement.

Blasphemy

In Scotland and Northern Ireland, the common law crime of blasphemy exists but has not been utilised for prosecution in modern times. The offences of blasphemy and blasphemous libel under the common law of England and Wales were abolished in The Criminal Justice and Immigration Act 2008.

Human Rights Act 1998

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The Digital Economy Act 2017

Under Part 3 of the Act it is unlawful to make pornographic material available on the internet to persons in the United Kingdom, on a commercial basis, other than in a way that secures that, at any given time, the material is not normally accessible by persons under the age of 18. The BBFC is the designated age-verification regulator under Part 3 of the Act. The BBFC may take enforcement action against non-compliant pornographic services and/or where a service makes extreme pornographic material, as defined by the Criminal Justice and Immigration Act 2008, available on the internet to persons in the United Kingdom.

Other unlawful material

In carrying out its responsibilities the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.



Get more info on our app

bbfc.co.uk/app

British Board of Film Classification

3 Soho Square,
London,
W1D 3HD

T 020 7440 1570

bbfc.co.uk/about-bbfc/contact-us

BBFC Classification Guidelines 2019

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Film Classification Checklist

Film name:

Requested classification:

	Circle rating
Discrimination	
No discriminatory behaviour	U
Discriminatory language or behaviour is clearly disapproved of.	U
Discriminatory language or behaviour is clearly disapproved of, in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.	PG
Discriminatory language or behaviour is present but not endorsed by the work as a whole. Aggressive discriminatory language or behaviour is clearly condemned.	12A
The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.	15
The work endorses discriminatory language or behaviour	18
Drugs	
No reference to drugs	U
References to illegal drugs or drug misuse are infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.	U
References to illegal drugs or drug misuse are innocuous or carry a suitable anti-drug message.	PG
References to misuse of drugs are infrequent and are not be glamorised or give instructional detail.	12A
Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.	15
The work promotes or encourages drug or dangerous substance misuse	18
Imitable behaviour	
No dangerous or anti-social behaviour	U
Potentially dangerous or anti-social behaviour which young children may copy is clearly disapproved of. No emphasis on realistic or easily accessible weapons.	U
No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.	PG
No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.	12A

Dangerous behaviour (for example, hanging, suicide and self-harming) does not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.	15
Dangerous or anti-social behaviour is encouraged. The depiction and use of weapons is glamorised and realistic.	18
Language	
No use of bad language	U
Infrequent use only of very mild bad language.	U
Mild bad language only. Aggressive or very frequent use of mild bad language should result in a work being passed at a higher category.	PG
There may be moderate language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.	12A
There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.	15
Very strong and frequent bad language	18
Nudity	
No nudity	U
Occasional nudity, with no sexual context.	U
More frequent nudity but no sexual context.	PG
There may be nudity, but any sexual context must be brief and discreet.	12A
There are no constraints on nudity in a non-sexual or educational context. There is nudity in a sexual context but without strong detail.	15
Nudity with strong sexual detail	18
Sex	
No references to sexual behaviour	U
Only very mild sexual behaviour (for example, kissing) and references to such behaviour.	U
Sexual activity may be implied, but is discreet and infrequent. Mild sex references and innuendo only.	PG
Sexual activity is briefly and discreetly portrayed. Moderate sex references are present but there are not frequent crude references	12A
Sexual activity is portrayed but without strong detail. Strong verbal references to sexual behaviour, but the strongest references are justified by context. No works whose primary purpose is sexual arousal or stimulation.	15
Works whose primary purpose is sexual arousal or stimulation.	18
Explicit works of consenting sex or strong fetish material	R18
Threat	
No unsettling or scary sequences likely to upset young children	U
Scary or potentially unsettling sequences are mild, brief and unlikely to cause undue anxiety to young children. The outcome is reassuring.	U

Frightening sequences or situations where characters are in danger are not prolonged or intense. Fantasy settings may be a mitigating factor.	PG
Moderate physical and psychological threat and horror sequences. Some scenes may be disturbing but the overall tone is not. Horror sequences are not frequent or sustained.	12A
Strong threat and horror but no sustained focus on sadistic or sexual threat.	15
Sexual or sadistic threats present.	18
Violence	
No violence present.	U
Mild violence is acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).	U
Violence is generally mild but there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).	PG
Moderate violence but not dwelling on detail. There is no emphasis on injuries or blood, but occasional gory moments are permitted if justified by the context. Sexual violence is only implied briefly and is discreetly indicated, its depiction is justified by context.	12A
Violence is strong but does not dwell on the infliction of pain or injury. Strong gory images are not acceptable. Strong sadistic violence is not acceptable. There may be detailed verbal references to sexual violence but the depiction of sexual violence is discreet and justified by context.	15
Strong violence and gory images are present and not justified by context.	18

Any issues/concerns?

Your recommended classification:

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Folkestone and Hythe District Council

Licensing Sub-Committee

11 March 2020

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

Application No.

Type of lobbying

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SIGNED:

When completed, please return this form to the Committee Administrator at the meeting.

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