

EXEMPT/NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE FILM CLASSIFICATION

23rd March 2016

Report of the Licensing Officer

1.0 Purpose of Report)

- 1.1 To ask the committee to award an age classification rating to the film 'Fear Itself' for exhibition at appropriately licensed venues within the Havant Borough.

2.0 Recommendation

- 2.1 To rate the film 'Fear Itself', to ensure that children under 18 are not permitted to view the film.

3.0 Summary

- 3.1 The Licensing Act 2003 regulates entertainment including 'the exhibition of film'. The licensing objectives include 'the protection of children from harm'. The filmmaker, Mr Lyne, is considering showing his film at The Spring Arts Centre, which is licensed for exhibition of films, however he hasn't approached any venues until Council classification has been determined.

- 3.2 The following mandatory conditions apply to premises licensed for the exhibitions of films:

Mandatory Condition: Exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

- 3.3 The film 'Fear Itself' has been made by a London based professional filmmaker who is would like to exhibit the film within the Havant Borough.

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The producer of the film has not had it classified by the British Board of Film Classification so it is for the Licensing Committee to give it a classification for exhibiting within the Borough of Havant.

4.0 Subject of Report

4.1 The film is 1 hour 28 minutes long and is described by the filmmaker as follows: *The film is a documentary about horror cinema, featuring many clips from existing horror films.*

4.2 In the UK, film ratings are managed by the British Board of Film Classification (BBFC) which is the independent regulator of the film and video industry. The exception to this is where permission is granted from the local council to screen an unclassified film in its borough as allowed by the exhibition of films mandatory condition (3)(a) and (b) detailed at report paragraph 3.2.

4.3 The classifications offered by the BBFC are R18+, 18, 15, 12, 12A, PG and U.

Appendix A gives the BBFC classification guidelines and Mr Lyne, who wrote, directed and produced the film 'Fear Itself', is recommending an 18 or possibly 15 classification i.e. to prevent either any children from viewing the film or to prevent any children under 15 from viewing the film. This is because the film features many clips from existing horror films and as a result contains some violence. The clips are a range of BBFC 12, 15 and 18 rated films.

4.4 The Licensing Officer has viewed the film which is made entirely of 83 back-to-back excerpts from existing films over which is a continuous dialogue and includes 3 scenes which contain nudity and several scenes of violence.

4.5 The Committee has been given the opportunity to view the film and is asked to consider if:

- a) It is not suitable for viewing at appropriately licensed venues (ie the equivalent of a R18 rating by the BBFC);
- b) Whether viewing should be allowed but restricted to those over 18 years (i.e. equivalent to an 18 rating by the BBFC) or;
- c) Whether persons under 18 should be able to view it without harm (i.e. a lower rating to be specified).

5.0 Implications

5.1 **Resources:** None

5.2 **Legal:** A criminal offence would be committed if an unclassified film were shown without the consent of the Council. Mr Lyne confirms that permission to use the clips of films was cleared using Fair Dealing, in conjunction with a lawyer at the BBC where the film was made.

5.3 **Strategy:** None

5.4 **Risks:** The purpose of the legislation includes the protection of children from harm which is the risk being addressed.

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5.5 **Communications:** None

5.6 **For the Community:** To protect children from potentially harmful or otherwise unsuitable content.

5.7 **The Integrated Impact Assessment (IIA) has been completed and concluded the following:** N/A

6.0 **Consultation** N/A

Appendix A – BBFC classification guidelines

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