

London Borough of Barnet

Film Classification Policy

2022-2027

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1. DEFINITIONS

1.1.

2003 Act	The Licensing Act 2003
<i>Children</i>	Any person under the age of 18 years.
<i>Exhibition of a film</i>	The exhibition of moving pictures

2. INTRODUCTION

- 2.1 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.
- 2.2 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself
- 2.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests/applications to reclassify films.
- 2.4 Where a premises seeks or intends to exhibit film(s), that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

3. CIRCUMSTANCES THE LICENSING AUTHORITY MAY CLASSIFY A FILM

- 3.1. The Licensing Authority may be required to classify a film that has not been classified by the BBFC in two different circumstances:
- a. A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
 - b. An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).
- 3.2. In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This is normally occurs in the following cases:

- a. A film Festival covering a specific time period
 - b. A one-off screening of a film
 - c. A trailer for a film
- 3.3 A typical example of this would be a locally made film to be shown at a film festival within the Borough. Therefore, the Licensing Authority must have a formal procedure in place to determine this classification.
- 3.4 A distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.
- 3.5 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification but subject to certain conditions and restrictions.

4. THE APPLICATION

- 4.1 Applications for authorisation of films must be made on the prescribed form and shall be referred to and determined by the Licensing department on behalf of the Licensing Authority.
- 4.2 All applications must be made to the London Borough of Barnet either by email or addressed to:
- London Borough of Barnet
Licensing Team
2 Bristol Avenue
Colindale
London
NW9 4EW
- licensingadmin@barnet.gov.uk
- 4.3 Applications should be submitted to the Licensing Authority with a minimum of 28 days before the proposed screening. Failure to submit a film for classification within the prescribed period may result in the request being refused.
- 4.4 An application for authorisation should include the following information:
- a. The name of the film maker;
 - b. A brief synopsis of the film
 - c. Any recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;

- d. any existing classification issued by an existing classification body, whether within or outside the UK;
 - e. Information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
 - f. The language spoken in the film and whether there are subtitles in English.
 - g. Details of how any age restrictions will be enforced.
- 4.5 All applications shall be accompanied by the film(s) where possible in DVD or electronic format to avoid delays, the cost to be borne by the applicant. If DVD/electronic format are not possible then arrangements will be made for a suitable venue to view the film.
- 4.6 If the film contains dialogue in a language other than English an interpreter will be required for the classification. The London Borough of Barnet will arrange for a suitable interpreter and the applicant will be responsible for the cost of this.
- 4.7 All requests must be accompanied by detailed reasons for the request.
- 4.8 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 4.9 A copy of the application form is shown in appendix 1 of this policy.

5. DETERMINING THE APPLICATION

- 5.1 Applications will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 5.2 The film will be reviewed by 2 individuals, 1 officer from the licensing department and the other a member of the Licensing Committee. Each will view the entire film and assess it against the BBFC guidelines and National Guidance.
- 5.3 If their decision is unanimous in relation to the classification that classification will be applied. Should the officer and Councillor be unable to reach consensus then the classification for that film will be referred to the Licensing Sub Committee
- 5.4 The Chairman of the subcommittee will have the casting decision should the subcommittee not be able to agree on the classification to be applied to the film.
- 5.5 The Licensing Department/Sub Committee (as appropriate) shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing.

- 5.6 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 5.7 Where the Licensing Authority has determined to refuse authorisation of a film clear and concise reasons shall be given

6. EXHIBITION RULES

6.1 To exhibit films under the terms of this classification process, the applicant will need to confirm their agreement to the specific requirements relating to exhibiting the film and the information that will be provided to customers attending the film. These requirements are:

- The film that is exhibited on a licensed premises will be the same as the version presented and classified by the Licensing Authority
- The classification certificate will be displayed either on the screen prior to the film exhibition or on the entrance to the room or premises where the film is being exhibited. If the certificate is displayed at the entrance to the room or premises then it must be on display prior to customers being permitted to enter and remain on display until the exhibition of the film has concluded.
- No one aged below the age of classification will be permitted to watch the film.
- No one under the age of 12 will be permitted into a 12A film without an adult.

7. CLASSIFICATION

- 7.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 7.2 The National Guidance under Section 182 of the LA03 recommends that:

Licensing Authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities

should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film

- 7.3 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
- 7.4 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film.
- 7.5 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 7.6 In accordance with paragraph 10.31 of the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.

8. PROTECTING CHILDREN FROM HARM

- 8.1 In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.
- 8.2 Paragraph 2.41 of the National Guidance states:
- The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.*
- 8.3 In line with the National Guidance, where a film is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 8.4 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

8.5 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:

- *Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*
- *Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

9. CLASSIFICATION WAIVER

- 9.1 Any authorisations for the exhibition of film without classification issued by the Licensing Authority shall only apply when the film is exhibited within the London Borough of Barnet and does not affect the authorisation or recommendations in any other borough.
- 9.2 All requests to waive a film classification must be submitted on the Licensing Authority's application form a minimum of 28 days before the proposed screening with confirmation from the applicant that the film is intended to be shown to an audience of persons aged 18 years and over.
- 9.3 Once the classification has been waived by the Licensing Authority a film will be authorised for a particular showing or festival only. This will be subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the waiver including any recommendations shall be available from the Council's Licensing Services.
- 9.4 The issue of any waiver by the London Borough of Barnet is strictly limited to the authorisation within the Borough and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 9.5 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or another relevant legislation and has not been created through the commission of a criminal offence.
- 9.6 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law

10. EXEMPTIONS

10.1 The provision of the exhibition of a film is exempt from regulation by the Licensing Act 2003 (LA03) if:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the LA03 does not define a museum or art gallery so the ordinary meaning of the term is taken)

or:

Its sole or main purpose is to:

- demonstrate any product,
- advertise any goods or services (excluding the advertising of films), or
- provide information, education or instruction

11. FEES

11.1 The current fees applicable are laid out in the London Borough of Barnet's Fees and Charges Schedule.

12. DECISIONS

12.1 The reasons for any decision(s) taken by the London Borough of Barnet in respect of an application for a licence will be provided in writing to all parties to the proceedings within 5 working days of the decision.

12.2 Decisions will be taken having regard to this Policy and the relevant legislation.

APPENDIX A – FILM CLASSIFICATION APPLICATION FORM & APPLICATION FORM GUIDANCE

APPLICATION FOR A FILM CLASSIFICATION

I/We _____
[Insert Applicant/Festival Name(s)]

Hereby apply to the licensing authority to classify a film to be shown within London Borough of Barnet that is not currently classified; or to reclassify a film already classified by the BBFC.

TYPE OF APPLICATION: Please tick one of the options and complete the correct sections	
A single one-off feature film certification [please complete section A of the application form]	<input type="checkbox"/>
A Film Festival certification [please complete section B of the application form]	<input type="checkbox"/>

PART A – Single one-off feature film

FILM-MAKER DETAILS: One off film	
Name	
Address	
Post Code	
TEL MOB EMAIL	
AGENT DETAILS: One off film	
Name	
Address	
Post Code	
TEL MOB EMAIL	

FILM DETAILS: (use additional sheets if necessary)

TITLE			
LENGTH		HOURS	MINUTES
SYNOPSIS			

Provide a brief outline of the plot. Please do not concern yourself with “spoiling” the film and avoid using press release or media promotion language that seeks to “sell” it. It assists us to know the main protagonist and antagonist’s name(s), the nature of any conflict (the “dramatic question” the film seeks to resolve), the major turning points of the story, and the nature of and outcome of the climax of the film.

FOREIGN LANGUAGE/SUBTITLE DECLARATION: Please tick one option and add the name of any additional languages spoken or signed in the film in the space provided.

The film is entirely in English

The film contains a spoken / written [LANGUAGE OTHER THAN ENGLISH]. These sections are subtitled, and I confirm the subtitles are wholly accurate.

Please note, we are unable to classify films that contain a language other than English which are not subtitled. Subtitles do not have to appear in the final public version of the film, but they are required for classification purposes.

ADDITIONAL INFORMATION	
Is your film classified by the BBFC?: (if "YES", what rating was it awarded?)	
Date(s) of the film exhibition:	
Primary Address(es) of the film exhibition:	
Any additional address(es) of film exhibitions within Barnet	
Certification sought: (“U”, “PG”, “12”, “12A”, “15”, “18”) Please note that the Certification granted may differ	

PART B – Film Festival

Film Festival Applicant Details:	
Name	
Address	
Post Code	
TEL MOB EMAIL	

FOREIGN LANGUAGE/SUBTITLE DECLARATION: Please tick one option and add the name of any additional languages spoken or signed in the film in the space provided.	
The film is entirely in English.	<input type="checkbox"/>
The film contains a spoken / written [LANGUAGE OTHER THAN ENGLISH]. These sections are subtitled, and I confirm the subtitles are wholly accurate.	<input type="checkbox"/>
Please note, we are unable to classify films that contain a language other than English which are not subtitled. Subtitles do not have to appear in the final public version of the film, but they are required for classification purposes.	

ADDITIONAL INFORMATION	
Number of films to be certified	
Number of total minutes of all films to be certified	

Date(s) of the film festival exhibition:	
Any additional address(es) of film exhibitions within Barnet	
Total number of films to be certified (including films to be waived) :	

PART C

DECLARATION (Please read carefully, tick to confirm and sign below)		
The information provided in this application is accurate and correct to the best of my knowledge and belief		
I understand that I must make payment on the appropriate fee before the classification process can begin		
I have enclosed a copy or link (with any password) that meets the technical standards cited below		
I have read and understood the guidance written at the end of this application form:		
<p>Please contact me using the details provided below to make payment of the appropriate fee:</p> <p>Name: -----</p> <p>Tel: -----</p>		
SIGNED:		
PRINT NAME(S)		
DATED:		

Guidance Notes for Applicants

This procedure applies both where you would like us to reclassify a film already classified by the BBFC, and where you require us to classify a film that is not currently classified.

In order to be able to guarantee that we will be able to process your application and issue you with a classification certificate your completed application, relevant fee, and a copy of the film (that is retained by Westminster City Council) must be submitted to us at least 4 weeks (28 days) before the film is scheduled to be shown for a one-off feature film or 6 weeks for a film festival. The Licensing Authority may agree to accept applications received outside this timeframe, at its absolute discretion.

Classification & Reclassification Requests:

All requests for classification and reclassification of films will be determined by a Senior Licensing Officer, who will view the entire film and assess the film against the BBFC guidelines.

Applicants should be aware that we classify films on an “as submitted” basis. We do not make recommendations as to cuts to the film that may result in a lower classification, though can provide the reasoning for the certification we provide upon further request, administration fee will be applicable. Applicants seeking a low classification are encouraged to be mindful of the BBFC guidelines themselves when editing their film prior to submission for classification.

Applicants should also be aware that individual scenes containing bad language, violence, drug-use, discrimination, or scenes of a sexual nature (etc), even where infrequent, are likely to warrant a higher classification overall. The BBFC guidelines are freely available online.

At the end of the process, we will either supply you with an appropriate certification that may or may not restrict the age of the audience that can view the film, though in rare circumstances we may reject the film as being “unclassifiable”

With regards to the latter, we will only do so in one of two scenarios:

- If any of the Film Submission Technical Standards listed below are not met; and
- If we consider that the film is not suitable for public viewing and would require “compulsory cuts” as described within the Intervention section of the BBFC guidance.

Where we reject a film, we will provide in writing the reasons for our decision.

Film Submission Technical Standards:

- Your application must be accompanied by a secured website link or USB. If submitted with a USB then this will be retained by the Council, as a record of the film classified.
- Non-English sections must contain subtitles.

Please note that:

Security markings such as a watermark are permitted but must be subtle and not obscure the centre or a large part of the screen or distract from the viewing of the film. I.e. Full-screen, scrolling security marks stating “COUNCIL COPY” or similar are likely to be returned as uncertifiable and applicants shall have to reapply.

Fees:






Your request must be accompanied by the appropriate fee. The total fee payable is *****

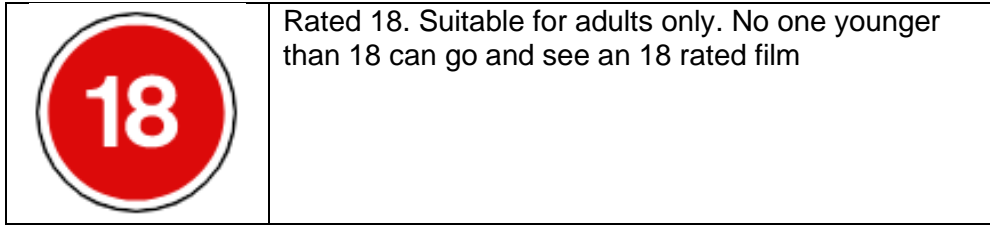
Foreign Languages:

To enable us to accurately classify films that contain a language that is not spoken or written English, all such films must contain a subtitle track for each of these occurrences (even if it is not intended for the subtitles to appear in the public release version of the film). The subtitles should provide a full, accurate and precise translation.

Determination of your Film – Classification Certificates

Approved films will be issued with a film classification certificate under one of the following categories:

	Universal. Suitable for All
	Parental Guidance. Films can be viewed by all ages, but some scenes may be unsuitable for young children
	Rated 12A. Suitable for children aged 12 and over. However, people younger than 12 may see a 12A so long as they are accompanied by an adult
	Rated 12. Suitable for children aged 12 and over. No one younger than 12 can go and see a 12 rated film
	Rated 15. Suitable for children aged 15 and over. No one younger than 15 can go and see a 15 rated film



We will provide a PDF copy of the certificate. This needs to be displayed at the commencement of each showing of the film.

Contact Us:

London Borough of Barnet
Licensing Team
2 Bristol Avenue
Colindale
London
NW9 4EW

020 8359 7443
licensingadmin@barnet.gov.uk