



<b>REPORT OF:</b>	ENVIRONMENTAL SERVICES MANAGER
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<b>TO:</b>	LICENSING COMMITTEE
<b>DATE:</b>	16 JULY 2014

<b>Agenda item:</b>	5	<b>Ward(s) affected:</b>	N/A
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<b>SUBJECT:</b>	<b>CLASSIFICATION OF FILM : "THE BEST YEARS"</b>
<b>SUMMARY:</b>	
<ol style="list-style-type: none"> <li>1. A request has been received to classify 'The Best Years', a film awaiting a distribution agreement that has not been classified by the BBFC. The film was shot both locally and in Northern Ireland.</li> <li>2. The Council has the overriding right to classify films shown in licensed premises.</li> <li>3. The Licensing Committee agreed at its meeting on 16 September 2010 that the consideration of film classification requests should be determined by the Licensing Committee in accordance with the procedure as set out in Annex 1.</li> </ol>	
<b>RECOMMENDATION:</b>	
<ol style="list-style-type: none"> <li>1. To note that the relevant licensing objectives must be taken into account when determining the classification of the film.</li> <li>2. Having viewed 'The Best Years' to classify it in accordance with the latest British Board of Film Classification (BBFC) Guidance.</li> </ol>	

## STATUTORY POWERS

1. Section 20 of the Licensing Act 2003 (the Act) places a mandatory condition on all premises licences or club premises certificates authorising the public exhibition of films.
2. This section restricts the admission of children (defined in the Act as "persons aged under 18") to the exhibition of any film unless it has been classified either by a film classification body or in accordance with any recommendation made by the licensing authority.
3. The Licensing Committee of Thursday 16th September 2010 agreed that the consideration of film classification requests be determined by the Licensing Committee in accordance with the procedure as set out in Annex 1.
4. The procedure for classifying films is that a report containing a synopsis of the film and other relevant information will be submitted to the Licensing Committee.

5. The Licensing Committee will view the entire film, assess it against the latest BBFC Guidance, and issue the appropriate classification. When considering classification requests, the Committee must do so with a view to promoting the relevant licensing objective(s). In terms of film exhibitions, clearly the most relevant licensing objective is the protection of children from harm. There may, however, be instances where there could be a case for relying on the prevention of crime and disorder objective, although evidence would have to be produced that a particular film would lead to crime and disorder.

### **FACTORS FOR CONSIDERATION**

6. A request has been received to classify a film by Danny Patrick, 'The Best Years', a film awaiting a distribution agreement that has not been classified by the BBFC. The film was shot both locally and in Northern Ireland.

7. An undertaking has been requested from the applicant that he has satisfied himself after proper enquiry that nothing in the film to be exhibited contravenes the current interpretation of the Obscene Publications Acts 1959, and 1964 the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

8. It is hoped that once classified, it will be shown at The Harlequin Theatre. The Harlequin recently became members of the BFI South East Hub, a group that aims to provide funding and advice so that underrepresented films can be seen in cinemas.

9. The synopsis of the film is

*'Peace is declared in Northern Ireland after thirty years of troubles. The criminal empires that have existed during the troubles can no longer operate and are being shut down. George is released from prison and returns to his old working class neighbourhood to resume his life and steer clear of trouble which includes his best friend Emmet. Nadine has also come back to Derry after many years away, she is the estranged daughter of the resident crime boss Simon McKnight and also George's first love. When Emmet finds a bag of money belonging to a ruthless loyalist hit-man Giggles, George is compelled to help him one last time to return it. This step is too far and they are forced to enlist the help of a gang from the other side of the community.'*

10. A copy of the latest BBFC Guidance is attached at Annex 2.

### **LEGAL IMPLICATIONS**

11. Section 20 of the Licensing Act 2003 requires a premises licence which authorises the exhibition of films to include a condition restricting the admission of children. Where the licensing authority has notified the licensing holder that this applies to the film in question, the admission of children must be restricted in accordance with any recommendation made by that authority. Regulations have been made under Section 183 of the Act which prescribe the procedures to be followed.

## **RESOURCE IMPLICATIONS**

12. No resource implications have been identified.

## **CONCLUSIONS**

13. The party requesting the classification together with the premises licence/club premises certificate holders of all premises licensed for the exhibition of films will be notified of the Committee's decision in writing, which will include reasons for the decision.

Background Papers: None

Annex 1 Procedure for film classification  
Annex 2 The latest BBFC Guidance