



## Licensing Committee

18<sup>th</sup> July 2022

<b>Title</b>	<b>Revised Film Classification Policy 2022-2027</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix A – Draft revised Policy(including Application form and Application guidance Document)
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### Summary

This report seeks approval from Members to adopt the revised 2022 - 2027 draft policy in relation to film classification

### Officers Recommendations

1. That the Committee approve the revised Draft Policy and accompanying application and guidance documents

## Why this report is needed

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Board Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.2 It is usual for most films to be released across the country and therefore be classified by the BBFC
- 1.3 The Licensing Authority may be required to classify a film that has not been classified by the BBFC. 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.
- 1.4 The London Borough of Barnet is a culturally diverse borough and therefore being able to classify films and encourage small scale film festivals is beneficial to the whole borough.
- 1.5 The current policy for film classification was adopted in 2017. All policies within the Licensing team are informally reviewed annually with a formal review needed every five years.
- 1.6 Only minor changes have been proposed to the policy along with the inclusion of the application form and accompanying application guidance. The changes are listed below:

Section of the Policy	Amendment made
2.3	The inclusion of the word applications where 'requests' is mentioned
3.1 – 3.2	2 paragraphs introduced to provide further information relating to the circumstances the licensing authority may classify a film
4.1	Reference inserted relating to the prescribed application form produced in Appendix B
4.2	Update to the Licensing Team address
4.3	An explanation as to what may happen should the applicant not submit their application within the timescale set
4.4 & 5.1	'Applications' replaced the word requests in this paragraph
4.9	References the location of the proposed prescribed application form. The form will be shown in Appendix 1 of the Policy once it has been approved by the licensing committee
6.1	The introduction of exhibition rules that all exhibitors would be expected to follow. This information was not available in the policy previously and it is felt then total clarity as to the Councils expectations of the film exhibitor are outlined from the outset
9.2	This section provides timescales outlining when an application for a classification must be made. This information was missing from the previous policy document

Appendix A	Application form and application guidance which was not previously included within the policy
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- 1.7 As the changes to the policy are so minor it is not felt that it is necessary to undertake a public consultation on the documents, therefore this report is seeking to approve the draft policy to take immediate effect.

## 2. Reasons for recommendations

- 2.1 It is best practice to regularly review and improve the policy which the Council applies when implementing regulatory regimes. This ensures clarity for traders and other interested parties in the application and enforcement processes.

## 3. Alternative options considered and not recommended

- 3.1 The Committee could consider consulting on the proposed policy; however, as the changes are so minor it is not felt that this is necessary
- 3.2 The Council could choose not to introduce an updates new policy; however, this would mean that the 2017 policy would remain in effect, and this is clearly out of date in relation to the matters identified above.

## 4. Post decision implementation

- 4.1 The policy will take immediate effect and will be published on the London Borough of Barnet webpage.

## 5. Implications of decision

### 5.1 Priorities and Performance

- 5.1.1 Films shown at local small film festivals support the objectives contained within the Corporate Plan.

### 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Administration and enforcement of the legislation will be carried out by the Licensing team within Re, together with support from HB Public Law and from Governance Services.
- 5.2.2 The recommendations within this report have no financial implications as this will be delivered within existing resources.

### 5.3 Legal and Constitutional References

- 5.3.1 The Local Authority has been provided powers under the Licensing Act 2003 to be able

to classify films for exhibition within the London Borough of Barnet. The proposed policy sets out how the London borough of Barnet will discharge this function.

5.3.2 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.

5.3.3 The Council's constitution, Article 7 Committees, Forums, Working Groups and Partnerships May 2022 details the functions of the licensing committee to include:

“All policy matters relating to licensing, with licensing hearings concerning all licensing matters delegated to sub-committees.”

#### **5.4 Insight**

5.4.1 Not relevant to this report

#### **5.5 Social Value**

5.5.1 Not relevant to this report

#### **5.6 Risk Management**

5.6.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to film classification to ensure fair trading, and to protect consumers.

#### **5.7 Equalities and Diversity**

5.7.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups

5.7.2 A consistent approach will be adopted when considering applications. All applications will be considered in line with the relevant legislation and policy.

5.7.3 An initial equalities impact screening has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore, a full impact assessment is not required

#### **5.8 Corporate Parenting**

5.8.1 Not relevant to this report

#### **5.9 Consultation and Engagement**

5.9.1 There is no consultation needed in relation to this policy

#### **5.10 Environmental Impact**

5.10.1 Not relevant to this report

### **6. Background papers**

6.1 None