

Application for a Film Classification

Committee	Licensing Sub-Committee
Officer Contact	Claire Freeman, Regulatory Services Manager, 7409
Papers with report	Appendix 1 - Synopsis of film Appendix 2 - Classification template Appendix 3 - Film Authorisation Procedures Appendix 4 - BBFC Guidelines Appendix 5 - Supporting Guidance - Pool of Conditions
Ward name	All

1.0 SUMMARY

This is an application for the film 'Fear Itself', to be given a film classification rating by the Licensing Authority in line with the British Board of Film Classification (BBFC) guidelines.

2.0 RECOMMENDATION

2.1 That the Licensing Sub-Committee gives the film a classification of 18 and gives permission for the film to shown.

3.0 APPLICATION

3.1 Name of applicant

Charlie Lyne

3.2 Film Title

Fear Itself

3.3 Proposed rating by applicant

18

4.0 BACKGROUND INFORMATION

4.1 Applicant information

Charlie Lyne is a young film maker and film critic based in London. He also writes a weekly column in the Guardian and writes freelance for Sight & Sound, The Independent, and Vice.

His previous work as a filmmaker includes; Beyond Clueless (2014), Copycat (2015), Stand By for Tape Back Up (2015).

Charlie will be releasing the film, 'Fear Itself', later this year in UK Cinemas, and one of the proposed venues for showing the film is the Odeon cinema in Uxbridge.

4.2 Reason for application

The film is intended to be released without a certificate from the British Board of Film Classification (BBFC) and therefore needs classification and permission from the Licensing Authority.

4.3 Film Information

The film is constructed entirely from existing films and is detailed as a personal journey through fear and cinema. The story is based on a girl haunted by traumatic events and is described as taking viewers on a mesmerising journey through 100 years of horror cinema to uncover the fundamental nature of fear.

This film was released exclusively on BBC iPlayer in October 2015 and is available to view until October 2016.

There are no ratings issued for works shown on iPlayer, however guidance labels are used to denote when content may be unsuitable for young audiences (e.g. violence, sex, drug use or strong language) or when it may be harmful to some viewers (e.g. containing flashing images).

'Fear itself' contains the following guidance label on iPlayer:

Contains some strong language, some violence and disturbing scenes.

A synopsis of the film can be found in appendix 1.

4.4 Film viewing

The film, 'Fear Itself', will be shown in full to Members of the Sub-Committee on 18 April 2016, during which deliberations will take place to determine the classification. Members are encouraged not to watch the film on iPlayer prior to this viewing.

To assist Members in classifying the film, a template has been provided which details the main determining factors. Members can use this during the viewing and is attached as appendix 2.

4.5 Classification of the film

Films are classified in accordance with the London Borough of Hillingdon Film Authorisation Procedures, approved by the Licensing Committee in 2010. These procedures are attached as appendix 3

The Licensing Authority accepts that the British Board of Film Classification is the recognised authority in categorising films. The published BBFC Guidelines, which are based on research into public opinion and professional advice, will therefore be used to classify films. The BBFC guidance is attached as appendix 4

In addition, Supporting Guidance - Pool of Conditions should be considered and this is attached at appendix 5.

This film is proposed by the applicant as an 18. Under the BBFC guidance, no theme is prohibited at 18. Adults are free to choose their own entertainment provided the material is not illegal or potentially harmful. It is therefore possible that some themes tackled at 18 may be offensive even to some adult viewers. They can contain strong issues such as:

- very strong violence
- frequent strong language (e.g. 'f***') and / or very strong language (e.g. 'c***')
- strong portrayals of sexual activity
- scenes of sexual violence
- strong horror
- strong blood and gore
- real sex (in some circumstances)
- discriminatory language and behaviour

4.6 Officer observations

Taking into consideration the guidance label on iPlayer and the proposed rating by the film maker, it is unlikely that this film will fall into a category that can be classified lower than an 18.

There is a category higher than an 18, called an R18. An R18 is to be shown 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. The synopsis of the film 'Fear Itself', does not indicate that the content of the film would fall into this classification. In addition, it would not be suitable for viewing on BBC iPlayer if this were the case.

5.0 RELEVANT SECTIONS OF THE SUPPORTING GUIDANCE - POOL OF CONDITIONS

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6.0 RELEVANT SECTIONS OF THE SECTION 182 GUIDANCE

The Committee's attention is drawn to the following, particularly relevant sections of the S182 Guidance:

10.61 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.

7.0 RELEVANT SECTION OF THE STATEMENT OF LICENSING POLICY

The Committee's attention is drawn to the following, particularly relevant sections of the Hillingdon Licensing Policy:

10.13 The Licensing Authority accepts that the British Board of Film Classification (BBFC) is the recognised authority in categorising films. It therefore accepts the BBFC classifications with respect of children's films. The Licensing Authority will expect applicants to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to BBFC recommendations.

8.0 LEGAL COMMENTS

Public exhibition of films is a form of Regulated Entertainment and constitutes a licensable activity under the Licensing Act 2003 ('the Act').

All films which are used for public exhibition under a Premises Licence or Club Premises Certificate must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under Section 20 of the Act.

In this case, the Licensing Authority has received an application to classify a film for local screening with recommendations on age restrictions.

When authorising/classifying films, the Licensing Authority shall at all times take into account the Act, Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy.