

# Public Document Pack

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

17<sup>th</sup> October, 2023

## **MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in a Hybrid format both online via Teams and in the Lavery Room - City Hall on Wednesday, 18th October, 2023 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

### **1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

### **2. Delegated Matters**

- (a) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 1 - 4)
- (b) Licences Issued Under Delegated Authority (Pages 5 - 8)
- (c) Final decision on competing Stationary Street Trading Licence applications for Donegall Square East (Pages 9 - 14)

### **3. Non-Delegated Matters**

### **4. Proposed response to the DfC questionnaire on Pavement Café Licensing (Pages 15 - 30)**

### **5. Request by a Cinema Licensee in relation to the Film Classification for 'Five Nights at Freddy's' film (Pages 31 - 62)**





<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	18 October 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager
<b>Contact Officers:</b>	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager Vivienne Donnelly, City Protection Manager

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during September 2023.

<b>3.0</b>	<b>Main report</b>																																																																																																														
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**Financial & Resource Implications**

**3.2** None

**Equality or Good Relations Implications/Rural Needs Assessment**

**3.3** There are no issues associated with this report.

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<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	18 October 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

**3.0 Main report**

**Key Issues**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd
Balmoral Bowling Club, 108c Belvoir Drive, Belfast, BT8 7DT.	Renewal	Mr Annesley Harrison
Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1 3AL.	Renewal	Ms Jenni Barkley, Belfast Harbour Commissioners
Biddy Duffys, 133 Andersonstown Road, Belfast, BT11 9BU.	Renewal	Mr Peter Teague
Cassidys Bar, 347-349 Antrim Road, Belfast, BT15 2HF.	Renewal	Mr Eugene Cassidy, Cassidy's Inn Ltd
Cooke Centenary Church Hall, 9-11 Park Road, Belfast, BT7 2FW.	Renewal	Mr Roger MacNeill
Crowne Plaza Hotel, 117 Milltown Road, Shaw's Bridge, Belfast, BT8 7XP.	Renewal	Mr Anneka Allen
Custom House Square, Belfast, BT1 3ET.	Renewal (Marquee)	Mr Gary Hammond, Department for Communities
Custom House Square, Belfast, BT1 3ET.	Renewal (Outdoor)	Mr Gary Hammond, Department for Communities
Donegall Quay, Lagan Lookout & Lagan Weir, Belfast, BT1 1AA.	Renewal	Mr Gary Hammond, Department for Communities
East Belfast Constitutional Club, 353 Newtownards Road, Belfast, BT4	Renewal	Mr Maurice Kitchen
Fountain Lane Bar, 16-20 Fountain Street, Belfast, BT1	Renewal	Mr Paul Langsford, Clover Pubs NI No.2 Ltd
McKenna's, 25-29 Garmoyle Street, Belfast, BT15	Renewal	Mr Brian McKenna
Pug Uglys, 21 Bedford Street, Belfast, BT2 7EJ.	Renewal	Mr Paul Langsford, Bedford Taverns Ltd
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL.	Renewal	Mr Dominic Malone, Lameno Ltd
Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD.	Renewal	Mr Stephen Rosling, Greenwich Leisure Ltd
St Bartholomews Parochial Hall, 183 Stranmillis Road, Belfast, BT9 5EE.	Renewal	Mr Ian Berryman



Premises and Location	Type of Application	Applicant
The Parador, 471-473 Ormeau Road, Belfast, BT7 3GR.	Renewal	Mr Peter Murray, Blaney Inns Ltd
The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ.	Renewal	Ms Janine Kane, JK Pubs Ltd
Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9	Renewal (Outdoor)	Mr Felix Mooney, Dunadry Development Company Ltd
Whiterock Leisure Centre, Whiterock Close, Belfast, BT12 7RG.	Renewal	Ms Leona Chorazyova, Greenwich Leisure Ltd
Writers Square, Donegall Street, Belfast, BT1 1ZZ.	Renewal (Marquee)	Mr Gary Hammond, Department for Communities
Writers Square, Donegall Street, Belfast, BT1 1ZZ.	Renewal (Outdoor)	Mr Gary Hammond, Department for Communities

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 no Amusement Permits were issued since your last meeting.

3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991 no Cinema Licences were issued since your last meeting.

3.4 Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Albertbridge Filling Station, 310 Albertbridge Road, Belfast, BT5	Renewal	Mr Richard Law
Belmont Service Station, 119-125 Holywood Road, Belfast, BT4	Renewal	Mr Frank Melia, The Maxol Group
PSNI Tennent Street, 134 Tennent Street, Belfast, BT13	Renewal	Ms Angela McAllister, PSNI Transport Services
Spar/BP Filling Station, 70-74 Malone Road, Belfast, BT9 5BU.	Renewal	Mr Alan Armstrong, Henderson Retail Ltd
Speedline Filling Station, 45 Kennedy Way, Belfast, BT11 9AP.	Renewal	Mr Arthur Eugene O' Reilly, Jesroe Services Ltd
Tates Avenue Filling Station, 252 Tate Avenue, Belfast, BT12 6NB.	Renewal	Mr Alan Armstrong, Henderson Retail Ltd

3.5 Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Tullycarnet, Braniel, Knocknagoney, Strandtown, Belmont, Sydenham	Mobile	Cold beverages, Confectionary, Ice cream	Mon – Fri: 10:30 - 21:00	Mr Robert Neill

Dargan Crescent, 45ft from the junction with Dargan Road.	Stationary	Hot & Cold Beverages & Hot Food	Mon – Fri: 07:00 – 15:00	Mrs Valerie Lyttle
Boucher Plaza car park outside Abbey Autoline, 4-6 Boucher Road.	Temporary	Cold Food & Hot Beverages	Friday 22/09/2023 09:00 – 13:00	Mr Sebastian McBrien, ASG & Partners

3.6 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

Location	Type of Activity	Date and Hours permitted	Applicant
Ballyhackamore Lay-by, between Newtownards Road and Eastleigh Drive	Community event	7/10/23, 2/12/23, 23/3/24 09:00 – 19:00 <i>Contingency dates:</i> 14/10/23, 9/12/23, 16/3/24	Doreen McKenzie
Ballynahatty Road, Edenderry Road, New Forge Lane, Clement Wilson Park, Lock Keepers Lane	5K & 10K	4/11/23 11:00 – 12:00	Gerard Rowe

3.7 Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.

**Financial & Resource Implications**

3.8 None

**Equality or Good Relations Implications/Rural Needs Assessment**

3.9 There are no issues associated with this report.



<b>Subject:</b>	<b>Final decision on competing Stationary Street Trading Licence applications for Donegall Square East</b>
<b>Date:</b>	18 October 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, Ext. 3375

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Members are reminded that, at your meeting of 16 August 2023, you considered separate Street Trading Licence applications from Mr Patrick McCafferty and Mr Christopher Hamill for the designated site in Donegall Square East at Centra.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr McCafferty a stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a hot food trailer from Monday to Sunday from 10.00 p.m. to 3.00 a.m.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant.

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Members must agree either to:</p> <ol style="list-style-type: none"> <li>1. Uphold the initial decision of the 16 August 2023, grant the licence to Mr McCafferty and refuse the other application on the grounds set out in paragraph 3.2, or</li> <li>2. Amend its decision of 16 August 2023.</li> </ol>
2.2	<p>If Members amend their decision of 16 August it should give the grounds for so doing and a date for a special meeting must be arranged to hear from the applicants again before making the final decision.</p>
2.3	<p>On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide.</p>
<b>3.0</b>	<b>Main report</b>
	<p><b><u>Key Issues</u></b></p> <p>3.1 As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr McCafferty, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Hamill.</p> <p>3.2 That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader was unsuitable by virtue of the fact that there was only one designated site available and there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade.</p> <p>3.3 As required under the Act, when the Council is minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.</p> <p>3.4 Having informed Mr Hamill of this he has subsequently emailed the Service stating he will not appeal against the decision and does not wish to avail of the opportunity to make representation to the Committee.</p> <p>3.5 A copy of his email is attached as an appendix to this report.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>3.6 If the Committee grants a licence, the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum</li> </ul> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.7 There are no issues associated with this report.</p>

<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"><li data-bbox="323 253 759 286">• Copy of email from Mr Hamill.</li></ul>

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## James Cunningham

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**From:** Chris Hamill <[redacted email address]>  
**Sent:** 03 October 2023 14:38  
**To:** Neil Melville  
**Subject:** [EXTERNAL]

CAUTION: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe. If you think the email is suspicious please contact [servicedesk@belfastcity.gov.uk](mailto:servicedesk@belfastcity.gov.uk).

Hi Neil,

I would not be appealing the decision from the committee meeting in regards to the street trading pitch at donegall square east.

Thanks  
Chris Hamill  
Sent from my iPhone

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<b>Subject:</b>	Proposed response to the Department for Communities questionnaire on pavement café licensing
<b>Date:</b>	18 October 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

<b>Restricted Reports</b>	
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Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	<b>Purpose of Report or Summary of main Issues</b>
1.1	To seek approval of a proposed response to the Department for Communities (DfC) questionnaire to help evaluate the broad level of stakeholder awareness of the statutory licensing scheme for the regulation of Pavement Cafés by councils, and how successful the legislation which established the scheme has been in delivering its original policy objectives.
2.0	<b>Recommendations</b>
2.1	Committee are asked to agree the questionnaire response to the Department for Communities, subject to any amendments Members may require.

2.2	Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation will be subject to ratification by Council.
3.0	<b>Main report</b>
3.1	The Licensing of Pavement Cafés Act (NI) 2014 (“the Act”) came into operation on the 1st October 2016.
3.2	The legislation makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink.
3.3	The Department for Communities (DfC), when introducing the Act stated that their aim was to create ‘light touch’ legislation aimed at encouraging the creation of a café culture. It was introduced to facilitate the controlled expansion of suitable premises, such as cafes, restaurants and pubs, in support of a vibrant daytime and evening economy and for the general well-being of communities.
3.4	The Council, along with a number of other councils, did not implement the legislation at that time as the Department for Infrastructure Roads had not, and still has not, issued their technical guidance for Councils in support of the Act.
3.5	However, the Council, in June 2020, introduced a temporary process for considering pavement café applications to assist the hospitality sector during the recovery following the Covid-19 pandemic lockdown.
3.6	The proposed response to the DfC questionnaire is set out in Appendix 1. The response is largely factual in terms of reporting actions of the Council to date.
3.7	The closing date for the questionnaire was the 29 September. However, we have been in contact with the DfC and they have agreed that they will accept our response after it has been considered by the Licensing Committee.
	<b><u>Financial and Resource Implications</u></b>
3.8	None
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.9	There are no issues associated with this report.
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Draft questionnaire response.</li> </ul>

# Licensing of Pavement Cafés Act (Northern Ireland) 2014 - Councils

## Overview

The Department for Communities is undertaking an evaluation to help determine the broad level of stakeholder awareness of the statutory licensing scheme for the regulation of pavement cafés by district councils, and how successful the legislation which established the scheme has been in delivering its original policy objectives.

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (the Act) was commenced on 1 October 2016. The Act introduced a statutory licensing scheme for the regulation of pavement cafés by district councils. In effect, the Act makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink.

The aim of the legislation is to facilitate the controlled expansion of suitable premises, such as cafés, restaurants and pubs, in support of the creation of a vibrant daytime and evening economy and for the general well-being of communities.

## Why your views matter

In order to help the Department to complete the evaluation of the Act, we would be grateful if you could provide answers to the following questions on behalf of your organisation.

The survey should take no longer than 20 minutes to complete.

## Introduction

### 1 Please confirm which Council you are replying on behalf of.

*(Required)*

*Please select only one item*

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council

### 2 Please confirm your name?

*(Required)*

Stephen Hewitt

### 3 Please confirm your work email address.

*(Required)*

hewitts@belfastcity.gov.uk

### 4 What is your job title?

*(Required)*

Building Control Manager

Awareness and guidance

**5** Has your Council produced any guidance in relation to pavement cafés licensing in your area?

*(Required)*

*Please select only one item*

- Yes  
 No

Guidance material

**5a** How has this guidance been made available? (Tick all that apply)

*(Required)*

*Please select all that apply*

- Online - through Council website  
 Printed guidance  
 Advice sessions  
 Other - please specify below

No guidance material

**5a** Is there a reason for this?

*(Required)*

N/A

Awareness and guidance

**6** Since October 2016, has your Council carried out any promotion of pavement cafés licensing law to make stakeholders, retailers or the general public aware of its implications?

*(Required)*

*Please select only one item*

- Yes  
 No

Promotion of the Act

**6a** How has this been done? (Tick all that apply)

*(Required)*

*Please select all that apply*

- Online - through Council website / social media
- Advert in local / national press
- Printed promotional material
- In person promotional events
- Other - please specify below

No promotion of Act

**6a** Is there a reason for this?

*(Required)*

N/A

Applications

**7** Since the introduction of the Act, has your Council received any applications for a pavement café licence?

*(Required)*

*Please select only one item*

- Yes
- No

Applications received

**7a** How many pavement café licences have been issued by your Council since 1 October 2016 to date?

*(Required)*

*94 issued Pavement Café licences to date, but only via a temporary process to assist the hospitality sector during recovery from covid lockdowns.*

Applications refused

**7b** Has your Council refused any pavement café licences since 1 October 2016?

*(Required)*

*Please select only one item*

- Yes  
 No

#### Refusal of licences

**7c** How many pavement café licences has your Council refused since 1 October 2016?

*(Required)*

N/A

**7d** Which parts of section 4(2) of the Act have been applied when refusing any licence applications? (Tick all that apply)

*(Required)*

*Please select all that apply*

- The area proposed in the application is unsuitable.
- The area proposed in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- The applicant made a knowingly false statement in a material area or failed to comply with Section 11 of the Act.
- The applicant has previously been granted a pavement café licence which was revoked, or could have been revoked, for reasons within the applicant's control.

**7e** Has your Council received any appeals against refusing pavement café licence applications since 1 October 2016?

*(Required)*

*Please select only one item*

- Yes  
 No

#### Refusal of licence - Appeals

**7f** Have any appeals been successful?

*(Required)*

*Please select only one item*

- Yes  
 No

#### Successful appeals

**7g** Please briefly summarise the main grounds for any successful appeals?

(Required)

N/A

## 28 day notice

Section 11(2) of the Act requires that, where an application for the grant, renewal or variation of a pavement café licence is made, the applicant must ensure that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises. This notice must also remain in position and be visible and legible until the end of the period allowed for representations. The period allowed for representations is specified in Section 10(5) of the Act as meaning 28 days beginning with the first working day after the date when the application is received by the Council. The Council is also required to make applications available to be viewed by the public until the end of the period allowed for representations.

### 8 Does your council guidance inform applicants of the requirement to make notices of application visible to public?

(Required)

Please select only one item

- Yes  
 No  
 N/A (No guidance produced)

### 9 Does your Council make applications for pavement café licences available to be viewed by the public for the full period allowed for representations?

(Required)

Please select only one item

- Yes  
 No  
 N/A - No applications received

## 28 day notice for public

### 9a How do you do this?

(Required)

Template notice displayed at the premises by applicant and application details on Belfast City Council's website

### 9b As this is a requirement of the Act, how do you intend on doing this going forward?

(Required)

Template notice displayed at the premises by applicant and application details on Belfast City Council's website

## 28 day notice - Objections

### 10 Have you received any objections to applications?

(Required)

Please select only one item

- Yes  
 No  
 N/A - No applications received

## 28 day notice - Objections

### 10a Have any objections been successful?

(Required)

Please select only one item

- Yes  
 No

## 28 day notice - Reasons for successful objections

### 10b Please advise on the key grounds on which the objections have been successful. (Tick all that apply)

(Required)

Please select all that apply

- That all or any part of the public area to which the application applies is unsuitable  
 That granting the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder  
 That the applicant made a knowingly false statement in the application in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014  
 That the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant's control

Fees – please note this relates to the period prior to Covid and the suspension of fees by most/all councils

### 11 Prior to the Covid-19 Pandemic, did your Council charge a fee for a pavement café licence?

(Required)

Please select only one item

- Yes  
 No

Fees structure



**11a** Please provide details of any fees which had been agreed.

*(Required)*

The Council agreed appropriate fees and charges in December 2016, as follows:

- Grant Application Fee = £225.00 (No annual licence fee in the first year)
- Annual Licence Fee = £55.00
- Variation / Renewal Fee = £112.50

*Licences cover a five-year period and fees will be reviewed on an annual basis and applicants will be offered the opportunity to avail of a payment plan, where appropriate, to assist them in meeting the cost of licensing their business.*

**11b** Prior to the Covid-19 Pandemic, did your Council publicise the fees associated with pavement café licences?

*(Required)*

*Please select only one item*

Yes

No

## Fees

**11c** How did your Council publicise the associated fees? (Tick all that apply)

*(Required)*

*Please select all that apply*

Through the Council website

Within guidance documents

Newspaper/local or national media

Letters - mail campaign

Other – please specify below

## Flexibility

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 was designed to combine robust regulation of pavement cafés with the necessary flexibility to allow councils to respond to local circumstances and to help with the cost of administration. It was also designed with the intention of limiting burdens on businesses and enabling enforcement action to be proportionate to the risks involved.

\*Please note your responses should reflect the views of the Council.

**12** In your opinion, has the flexible approach worked well for your Council?

*(Required)*

*Please select only one item*

- Yes
- No
- Don't know

**13** What are the main benefits, if any, of the flexible approach to the Act? Please comment in the box below.

Pavement café licensing was only introduced during the Covid – 19 Pandemic and 94 businesses were able to avail of the temporary scheme. This enabled them to serve food and drink outside when indoor dining was no longer an option and provided financial relief to those that were struggling during/post lockdown. With licences being issued under such unusual circumstances it is difficult to comment on the how well the intention of permitting a flexible approach outlined when the scheme was introduced was achieved.

**14** What are the main drawbacks, if any, of the flexible approach to the Act? Please comment in the box below.

With licences being issued under such unusual circumstances it is difficult to comment on this point.

**Community well-being**

One of the aims of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 was to support general community well-being by permitting pavement cafés to operate under licence, support the creation of a vibrant daytime and night-time economy whilst also giving local communities opportunities to have a say in the expansion of pavement cafés in their areas should they wish.

\*Please note your responses should reflect the views of the Council.

**15** In your opinion, does the Act give those within the community a chance to voice their opinion on how licensing decisions might affect them?

*(Required)*

*Please select only one item*

- Yes
- No
- Don't know

Please provide a reason for your answer (optional)

**16** In your opinion, does the Act support efforts to improve the economic outlook in your council area?

*(Required)*

Please select only one item

- Yes  
 No  
 Don't know

Please provide a reason for your answer (optional)

Writing in the August 2022 edition of The Planner, Huw Morris highlights that the hospitality industry estimates that each outdoor seat could be worth up to £6,000 in revenue.

<https://www.theplanner.co.uk/2022/08/04/street-and-level-will-levelling-bill-revive-our-ailing-high-streets>

**17** In your opinion, has having pavement cafés open and operating helped towns and villages within your council area to become more vibrant?

*(Required)*

Please select only one item

- Yes  
 No  
 Don't know

Please provide a reason for your answer (optional)

In its response to the consultation of the Licensing of Pavement Cafes Bill, the NI Independent Retail Trade Association stated that Pavement Cafes have the potential to create a 'cafe culture' in Belfast, mirroring successful developments in other European cities, adding vibrancy, increasing trade and boosting tourism, if successfully managed.

**18** In your opinion, has having pavement cafés open and operating helped to enhance the appeal of the towns and villages within your council area to visitors and tourists?

*(Required)*

Please select only one item

- Yes  
 No  
 Don't know

Please provide a reason for your answer (optional)

Belfast City Council's Future City Centre Programme seeks to create "a vibrant, unique and thriving place where people spend time, live, work, visit and invest". The programme further seeks to increase footfall levels, dwell time and consumer spend through a unique retail mix and leisure experience which creates more reasons to visit the city centre. We believe that that pavement cafes have the potential to create the aforementioned 'café culture' in Belfast which will contribute towards more people spending time within the city centre.

**19** Are you aware of any negative impacts for the local communities in your council area, as a result of pavement cafés?

*(Required)*

Please select only one item

- Yes  
 No  
 Don't know

### Community well-being - negative impacts

**19a** What have these been? (Tick all that apply)

*(Required)*

Please select all that apply

- Crime  
 Nuisance noise  
 Anti-social Behaviour  
 Other – please specify

Pavement cafes have the potential to present accessibility issues for a range of users including Section 75 groups for example the elderly, wheelchair users, blind and partially sighted people, and parents with young children.

The Council's cleansing and waste management crews have experienced difficulties in getting their vehicles in to empty bins and clean the streets as pavement café furniture is not being removed at the end of trade.

Additionally, the pavement is not being cleaned and litter generated by customers using the area is not being collected by the business. This is contributing to the ongoing cleanliness issues in the City.

There is also concern that some pavement café customers sit or stand very close to moving vehicles.

### Enforcement

**20** Since 1 October 2016 has your Council ever had to deal with any enforcement issues, with regards to the Act?

*(Required)*

Please select only one item

- Yes  
 No

### Enforcement issues

**20a** Which of the following enforcement issues have you had to deal with? (Tick all that apply)

*(Required)*

Please select all that apply

- Removal of unlicensed furniture from public space.  
 Businesses not having adequate Public Liability Insurance.  
 Serving alcohol where condition of licence does not allow for this.  
 Any other compliance issues when completing an on-site check.

## Enforcement

**21** Has your Council had to revoke any pavement café licences at any time since the 1 October 2016?

*(Required)*

*Please select only one item*

- Yes
- No
- N/A - No applications received

## Enforcement - revoking of licence

**21a** How many licences have been revoked since 1 October 2016?

*(Required)*

N/A

**21b** What have been the reasons for revoking licences? (Tick all that apply)

*(Required)*

*Please select all that apply*

- That the public area where the licence permits the placing of temporary furniture for the consumption of food or drink has become, or is going to become, unsuitable for that purpose.
- That continuing to place such furniture on, or on a particular part of, the permitted area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- That the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the applicant knew to be false in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014.
- That the licence holder persistently failed to comply with any condition of the licence
- That the licence holder has, without reasonable explanation, failed to pay any fee due to the council under section 12 .

## Covid

During the Covid pandemic many councils introduced a temporary process for pavement café licence applications, with no associated fee, to help businesses recover.

\* Please note your responses should reflect the views of the Council.

**22** During the Covid-19 Pandemic, did your Council introduce a temporary process for pavement café licence applications, with no associated fee?

*(Required)*

*Please select only one item*

- Yes
- No

**23** Since the beginning of the Covid-19 Pandemic in March 2020, have you noticed an increase in applications for pavement café licences?

*(Required)*

*Please select only one item*

- Yes, there has been an increase in applications
- No, there has been a decrease in applications
- No, there has been no noticeable change in the number of applications
- N/A - No applications received

**24** In your opinion, did the Act help the Council to support businesses in the hospitality industry throughout the Covid-19 pandemic?

*(Required)*

*Please select only one item*

- Yes
- No
- Don't know

**25** In your opinion, did the flexible approach with regards to pavement café licences, make it easier for the Council to support local businesses in the hospitality industry throughout the pandemic?

*(Required)*

*Please select only one item*

- Yes, it made things easier
- No, it was the same
- No, it made it more difficult

**26** In your opinion, what were the main benefits, if any, of adopting a flexible approach throughout the Covid-19 pandemic?

Providing a means to enable hospitality businesses to increase the footfall of patrons therefore generating income when indoor dining was no longer an option.

Pavement Cafes can help create a vibrant and inviting space which attracts both tourists and locals into the area.

**27** In your opinion, what were the main negatives, if any, of adopting a flexible approach throughout the Covid-19 pandemic?

Concerns around processing applications in the absence of definitive guidance from DfI Roads and, in light of the concerns of various disability groups, of compliance with Disability Discrimination Act 1995 requirements.

Potential negatives include:

- sets an expectation that anyone could do this, with or without a licence;
- that requirements for licensing post pandemic are unfair on small traders;
- temporary scheme encouraged a very liberal view when considering applications to allow the hospitality businesses to reopen which make the transition to a permanent scheme and the introduction of enforcement difficult.

**28** Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of applications for pavement café licences?

*(Required)*

*Please select only one item*

- Yes, there has been a downturn in applications
- Yes, there has been an increase in applications
- There has been no change

**29** Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of renewals for pavement café licences?

*Please select only one item*

- Yes, there has been a downturn in renewals
- Yes, there has been an increase in renewals
- There has been no change

*The Council has yet to receive renewal applications due to the temporary scheme being extended.*

Any other comments

**30** Do you have any other comments regarding the pavement café licensing scheme?

### **Concerns of disability action groups**

As DfC will be aware Local Government representatives, including Belfast City Council (LGA, IoL and LFNI), raised concerns with the Committee for Social Development in October 2013, prior to the introduction of the legislation, about the need to ensure disabled access issues were carefully addressed. As such the completion of technical guidelines, which DfI – Roads were drafting at the time the legislation was introduced, is still seen as important to assist with consistency of interpretation regarding the factors to consider for the layout and design of a pavement café and to take account of other pavement users.

We would ask that the Department seeks definitive guidance from DfI – Roads and that this be made available to Council as soon as possible.

### **Planning permission**

Despite efforts by Heads of Planning and the Licensing Forum NI to resolve the matter there has been no agreement reached across the 11 Councils regarding the Licensing of Pavement Cafés Act (NI) 2014. Whilst some have taken a pragmatic approach there are others who believe that a strict interpretation of the legislation means that a planning application is required. At the outset if consideration had been given to designating pavement cafés as permitted development, then this would have avoided any confusion and ensured no additional financial burden was placed on prospective applicants.

### **Additional comment in relation to previous questions in the survey above:**

- 19a we are surprised that there is not a category for concerns relating to access for pedestrians, especially wheelchair users, those with visual impairment, service dog users and pushchairs.
- Likewise with 21b – there is one tag for inconvenience to persons, but there should have been an opportunity to track disabled access issues, which is not even noted within this question.

The following option is voluntary, please be advised that the security of emails in transit across the internet cannot be guaranteed, as we are not in control over what security protocols are in place with your email provider once the email has been sent.





<b>Subject:</b>	<b>Request by a cinema licensee in relation to the film classification for 'Five Nights at Freddy's' film</b>
<b>Date:</b>	18 October 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Lead Building Control Surveyor, Ext. 2444

<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider a request from a cinema operator to create a new classification rating of '15A' for broadcast of the 'Five Nights at Freddy's' film in cinemas within the Belfast City Council area.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is requested, having considered representations, to decide whether to:</p> <p>a) Depart from Standard Licence Condition 2 (b) which states that 'No persons under the age of fifteen years shall be admitted to any Exhibition when a '15' film is in the programme' and to permit cinema operators to impose a rating of '15A' for the Belfast City Council area in respect of the 'Five Nights at Freddy's' film which would mean that patrons under the age of 15 would be permitted entrance to view the film when accompanied by an adult.</p> <p style="text-align: center;"><b>OR</b></p> <p>b) Refuse the request to depart from the Standard Licence Condition and require the cinema operator to comply with the rating determined by the BBFC.</p> <p style="text-align: center;"><b>OR</b></p> <p>c) Defer consideration of the matter to allow Members to view the film and make a decision thereafter.</p>
2.2	Whilst there is a general provision for appeals in relation to the conditions placed on Cinema Licences, there is no right of appeal in respect of this decision.

2.3	Members are advised that the Licensing Committee does not have delegated powers in relation to policy and legislation concerning licensing matters and as such your recommendation will be subject to ratification by Council.
<b>3.0</b>	<b>Main report</b>
	<p><b><u>Key Issues</u></b></p> <p><b><u>Council powers and the role of the BBFC</u></b></p> <p>3.1 Councils' licence cinemas and other venues under the Cinemas (Northern Ireland) Order 1991 for the exhibition of films. In general, the legislation relates to technical matters such as structural stability and fire safety and, as such, the powers to issue licences are delegated to the Director of Planning and Building Control.</p> <p>3.2 Unlike other Licencing schemes, there is no public notification and representation process for Cinema Licence applications hence there is normally no involvement of the Committee with Cinema Licensing.</p> <p>3.3 Belfast City Council has established conditions of licence regarding the general running and administration of the premises. One such condition is that only films which have been classified with a certificate issued by the British Board of Film Classification (BBFC) may be shown. These Conditions are attached at Appendix 1.</p> <p>3.4 The BBFC is an independent body which classifies all films on behalf of local authorities, and they have strict guidelines and criteria in awarding films a classification. The BBFC Classification Guidelines are attached at Appendix 2.</p> <p>3.5 The BBFC system is used by all authorities within the United Kingdom and all commercial films will be classified through this process. The Council has adopted the BBFC classifications within the licence conditions on all cinema licences granted in Belfast.</p> <p>3.6 Article 3 (3) (a) of the Cinemas (Northern Ireland) Order 1991 states that it shall be the duty of a district council, in granting a licence under this Article as respects any premises to:</p> <p style="padding-left: 40px;">“impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of works designated, by the council or by such other body as may be specified in the licence, as works unsuitable for children”.</p> <p>3.7 Paragraph 2 (b) of the Council's Standard Licence conditions states that:</p> <p style="padding-left: 40px;">‘No persons under the age of fifteen years shall be admitted to any Exhibition when a ‘15’ film is in the programme.</p> <p>3.8 However, Paragraph 3 of those conditions goes on to provide that:</p> <p style="padding-left: 40px;">‘Notwithstanding the conditions hereinbefore contained, a film may be exhibited, or children, or any class of children, may be admitted thereto, or admitted unaccompanied, if permission of the Council is first obtained and any conditions of such permission are complied with.’</p>

<u>Request relating to 'Five Nights at Freddy's'</u>	
3.9	A request has very recently been received from the licensee of the Movie House at Cityside (Yorkgate) that the Committee consider the creation of a new age rating of '15A' for a forthcoming film, 'Five Nights at Freddy's', which is due for release on 27 October 2023. A rationale has been provided by the applicant in support of a '15A' rating and is attached at Appendix 3.
3.10	Presently such a classification does not exist in the BBFC ratings. The nearest equivalent is a '12A' which permits children under 12 to view such a film if accompanied by an adult. The proposal of the applicant in relation to 'Five Nights at Freddy's' would be to permit children under the age of 15 into the film if accompanied by an adult.
3.11	The film has only recently been classified by the BBFC as '15' hence the lateness of the request to bring this matter to your attention. The classification means that no one younger than 15 years of age may watch the film in a cinema. In their assessment of the film, the BBFC provide the following narrative: <i>"A man with a traumatic past takes a night security job at a shut down diner in this US horror thriller. Scenes of strong, sustained threat and violence accompany an unsettling theme of child abduction."</i>
3.12	The film has been classified as PG-13 "for strong violent content, bloody images, and language" in the US.
3.13	The Irish Film Certificate Office has rated the film as '15A' on the basis of their assessment metric of strong violence, mild drugs and mild language along with the following narrative: <i>"Supernatural horror with jump scares and some scenes of bloody violence. Injury detail depicted. Theme of child abduction"</i> .
3.14	Mr McAdam has advised in recent years there has been a significant shift in the way families consume film and parents prefer to be the decision makers. Parents find it hard to understand why they have the power to choose a 12A film for their children but not a 15 rated film. This can cause frustration and embarrassment for those who arrive at the cinema and are then prevented from seeing the film.
3.15	He has also stated that Five Nights at Freddy's is based on a video game which uses a different rating system called PEGI. This game has a PEGI age rating of 12 so part of the fanbase will be early teens who will want to see this movie.
3.16	Members will recall that in February 2022 you considered a similar request from Mr McAdam in relation to 'The Batman' and after consideration refused the request to create a 15A film classification for the film, thereby requiring cinema operators to comply with the rating determined by the British Board of Film Classification.
3.17	Subsequently however the Council, at its meeting of 1 March 2022, overturned your decision and agreed to depart from Standard Licence Condition 2(b) which stated that, 'No persons under the age of fifteen years shall be admitted to any Exhibition when a '15' film is in the programme' and to permit cinema operators to impose a rating of '15A' for the Belfast City Council area in respect of 'The Batman' film, which would allow patrons under the age of 15 entrance to view the film, when accompanied by an adult.
<u>Departure from the rating determined by the British Board of Film Classification</u>	
3.18	From a legal perspective the Council may depart from a BBFC classification should it wish to do so.

3.19	There are however significant practical concerns which Members may wish to consider in so doing.
3.20	BBFC classification is imposed by the statutory body with the requisite expertise in this matter who are entrusted to provide guidance about whether a film is suitable for children to view.
3.21	All classification decisions are based on the BBFC's published and regularly updated Guidelines. The Guidelines are the product of extensive public consultation, research and the accumulated experience of the BBFC over many years.
3.22	Films for cinema release are usually seen by at least two BBFC Compliance Officers, and in most cases, their age rating recommendation is approved by the Compliance Manager or the Head of Compliance.
3.23	Compliance Officers look at issues such as bad language, dangerous behaviour, discrimination, drugs, horror, nudity, sex, violence and sexual violence, when making recommendations.
3.24	As Members will appreciate, the Council has no such internal expertise or processes in place to impose its own ratings. It is difficult to identify any other external agency with sufficient expertise in child protection in this area other than BBFC.
3.25	Ultimately, the purpose of BBFC classifications is to protect children from viewing material which, in the view of those with established expertise in this field, is not suitable for them.
3.26	There may therefore be reputational issues for the Council in applying a lesser classification to a film which it has not seen in advance, particularly bearing in mind the reasons for a '15' classification.
3.27	<p>If the Committee were minded to depart from Paragraph 2 (b) of the Standard Licence Conditions, Committee is asked to consider imposing the following additional special conditions upon any cinema operator who wishes to show the Five Nights at Freddy's film as a 15A:</p> <ol style="list-style-type: none"> <li>I. Any cinema operator who wishes to show the Five Nights at Freddy's film as a 15A must notify the Council in advance.</li> <li>II. The cinema operator must clearly indicate the nature of any certificate received from the BBFC in any advertisement of the film displayed at the premises, as well as the fact that the Council has agreed that accompanied children under 15 may be permitted entrance.</li> <li>III. The cinema operator must provide appropriate advice in respect of '15A' films to enable an accompanying adult to decide upon the suitability of the film for children under the age of fifteen years.</li> </ol>
3.28	Alternatively, the Committee may wish to consider seeking the opportunity to view the film, in advance of its release, to form their own opinion about the appropriateness of determining a rating other than that set by the BBFC.
3.29	A representative from the BBFC and Mr McAdam have been invited to attend Committee and will be available to answer any questions Members may have in relation to the film.
	<b><u>Financial &amp; Resource Implications</u></b>
3.30	None.

3.31	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Conditions of Licence</li> <li>• Appendix 2 – BBFC Classification Guidelines</li> <li>• Appendix 3 – Applicant request</li> </ul>

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## CONDITION OF LICENCE

1. No film shall be exhibited unless:-
    - (a) It has received a 'U', 'PG', '12A', '12', '15', or '18' certificate of the British Board of Film Classification.
    - (b) It is a current news-reel which has not been submitted to the British Board of Film Classification.
  2.
    - (a) No persons under the age of twelve years, unless they are accompanied by an Adult, shall be admitted to any Exhibition when a '12A' film is in the programme.
    - (b) No persons under the age of fifteen years shall be admitted to any Exhibition when a '15' film is in the programme.
    - (c) No persons under the age of eighteen years shall be admitted to any Exhibition when a '18' film is in the programme.
  3. Notwithstanding the conditions hereinbefore contained, a film may be exhibited, or children, or any class of children, may be admitted thereto, or admitted unaccompanied, if permission of the Council is first obtained and any conditions of such permission are complied with.
  4. A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough in a form large enough for it to be read from any seat in the auditorium.
  5. There shall be prominently exhibited in each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures:-
    - (a) the title of each film to be shown on that day, other than trailers and films of less than five minutes' duration;
    - (b) the approximate times of commencement of each such film;
    - (c) whether each film has received a 'U', 'PG', '12A', '12', '15', or '18' certificate from the British Board of Films Censors;
    - (d) the effect of such 'U', 'PG', '12A', '12', '15', or '18' certificate in relation to the admission of persons under the age of eighteen years; and
    - (e) appropriate advice in respect of '12A' certificate films to enable an accompanying adult to decide upon the suitability of the film for children under the age of twelve years.
  6. The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the letter 'U', 'PG', '12A', '12', '15', or '18' in any advertisement of the film displayed at the premises.
  7. There shall not appear on any advertisement of a film displayed at the premises any reference to the Council or any wording to the effect that the film has been banned or not passed by the British Board of Film Classification.
  8. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Council, as the case may be.
  9. Where the Council has given notice in writing to the licensee objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to the public feeling, that advertisement shall not be displayed at the premises except with the consent in writing of the Council.
  10. Where the Council has given notice in writing to the licensee prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or be offensive to the public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Council.
  11. The licensee shall ensure that all attendants when on duty at the premises shall wear either distinctive clothing or suitable arm-bands.
  12. The premises shall not without consent in writing of the Council be used for the purpose for which the license is granted on:-
    - (a) Sunday at any time or,
    - (b) other days between the hours of 1.00 am and 8.00 am.
  13. Only films which have received a certificate from the British Board of Film Classification in the categories 'U', 'PG', '12A', '12', '15' and current news-reels will be permitted to be shown on Sundays during the hours of 3.30 pm to 7.30 pm.
- N. B. These conditions must be displayed with the licence in a conspicuous place on the premises at all times.**

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# Classification Guidelines

# Contents

# Contents

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**The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. Our classification function is funded through fees charged to those who submit films and video works for classification.**

We classify:

- films, trailers and advertisements on behalf of local authorities who license cinemas under the Licensing Act 2003<sup>1</sup>
- video works distributed on physical media under the Video Recordings Act 1984
- video works which are distributed over the internet under a voluntary, self-regulatory service
- commercial and internet content distributed via mobile networks under a voluntary, self-regulatory service

Our Classification Guidelines follow an extensive public consultation to which more than 10,000 people contribute across the UK, as well as other research, expert advice and our accumulated experience over many years. The Guidelines, and our practice in applying them, pay particular attention to changes in public taste, attitudes and concerns, and changes in the law. They also take account of new evidence from research and expert sources. The Guidelines are reviewed every four to five years, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to the normal considerations of fairness and reasonableness.

Here, and throughout the Guidelines, video works are taken to include films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

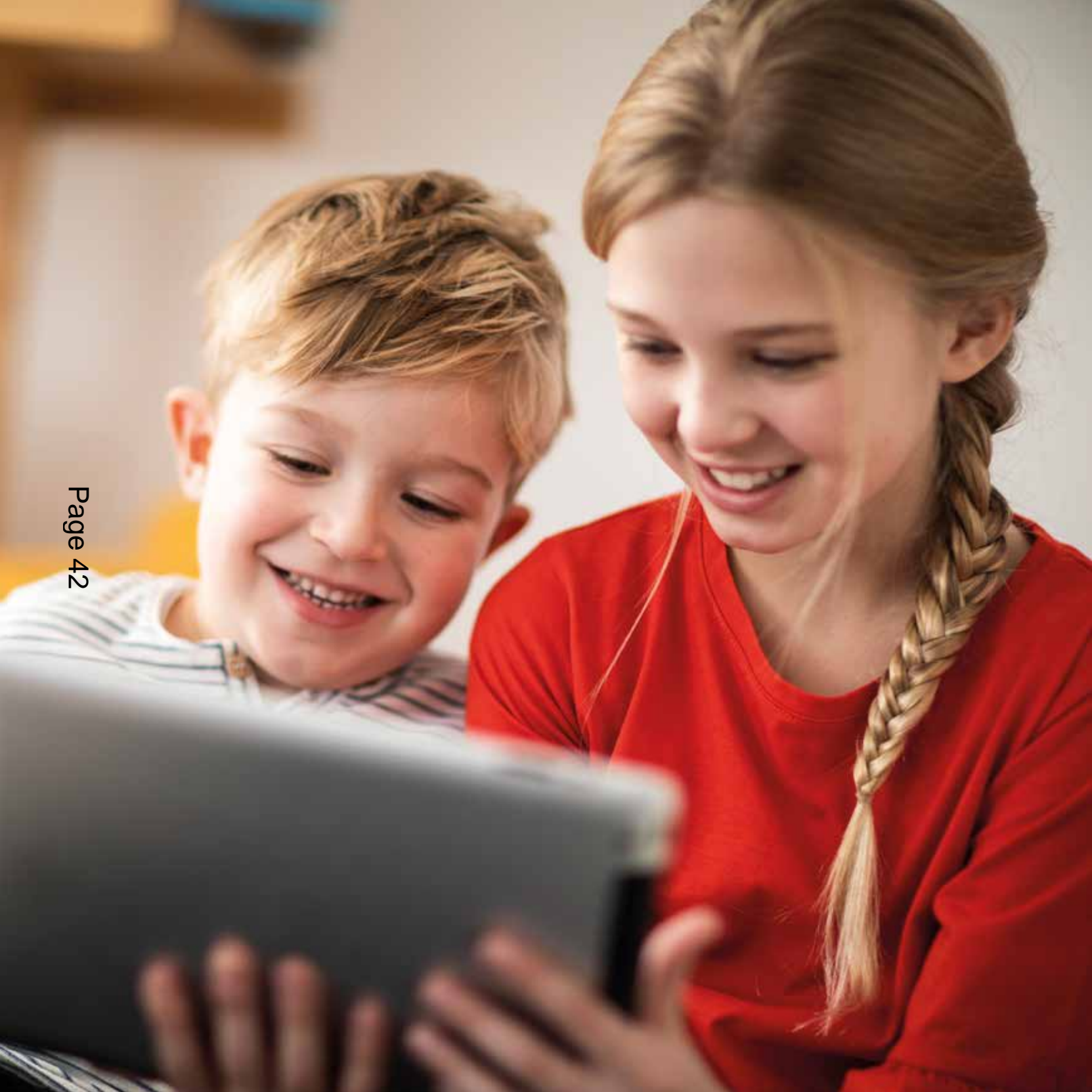
The Guidelines cannot be a comprehensive account of everything that may at any time be of concern. If issues arise which are not specifically covered here, they will be dealt with by us on their merits and in line with the standards expressed and implied in these Guidelines. The Guidelines are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter.

We will provide guidance on the interpretation of these Guidelines on request and their application to particular films.

## Shaped by you.

Every 4-5 years, we speak to over 10,000 people across the UK to ensure that the BBFC Classification Guidelines reflect what viewers want and expect.

<sup>1</sup>Since 31 March 2016 the BBFC has sub-contracted the assessment of cinema advertisements for commercial goods and services to the Cinema Advertising Association, while retaining responsibility for classifying all feature films, trailers, public information films and charity campaigns.



# Guiding principles

## Our guiding principles are:

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions

We fulfil these roles chiefly by providing age classifications and publishing advice (known as ratings info) for individual films and videos. Ratings info gives a detailed breakdown of the issues that result in a particular classification, as well as other issues likely to be of relevance to viewers.

Our extensive research into public opinion guides us as we seek to ensure that classification decisions generally reflect public sensibilities and expectations as these change over time. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

While media effects research and expert opinion can provide valuable insights, it can be inconclusive or contradictory on issues of suitability and harm. In such cases we must rely on our own experience and expertise to make a judgement as to the suitability of a work for classification at a particular age category, taking into consideration whether the availability of the material, to the age group concerned, is clearly unacceptable to broad public opinion.

We do this without infringing the right of adults to choose what they view provided that it remains within the law and is not potentially harmful.

In relation to harm, we will consider whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any moral or societal harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include impairing social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

We will not classify material which is in conflict with the criminal law, and we will have regard to whether the material has arisen from the commission of an unlawful act.

We act as a regulator across the United Kingdom. However, the UK does not have a single legal system, and so we take account of the different legal systems that coexist in the UK. Further details about the applicable legislation can be found in the Annexe – legal considerations.

# General classification considerations

**There are general factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two age categories.**

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## Context

We consider the context in which an issue (such as sex, language or violence) is presented within a film or video. In doing this we take account of factors such as the setting of a work (historical, fantasy, realistic, contemporary); the manner of presentation (for example, an aggressive and directed use of bad or discriminatory language may result in a higher classification than a light-hearted and self-referential use of the same term); the apparent intention of the film; the original production date of the work (for example, outdated attitudes might be considered less offensive, and consequently classified at a lower category, in an old, obviously dated, work); the expectations of the likely audience; and any special merits of the work.

## Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. The most challenging themes (for example, sexual violence, paedophilia and suicide) are unlikely to be appropriate at the lowest levels of classification (U or PG). However, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allows classification at 18 or even, where suitable, at lower levels. Classification decisions are likely to be less restrictive where difficult themes are handled in a reassuring and age appropriate manner, or where there is a positive outcome. Classification decisions are likely to be more restrictive where difficult themes are handled in a manner likely to create or reinforce anxiety.

## Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, a work with a dark or unsettling tone may receive a higher classification. Other tonal considerations which might have an influence on classification include the extent to which the work presents a despairing view of the world, or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

We take into account the impact of a work (i.e. how it makes the audience feel), for example the presentation of credible real world scenarios about which viewers, especially younger viewers, are likely to be anxious (e.g. terrorism, abduction, suicide, self-harm). We also take account of audience expectations regarding genre, for example in relation to horror films where threat may be more significant than the level of violence, or in the case of action films, where viewers are likely to have certain expectations regarding the type of highly choreographed and unrealistic violence they are likely to contain.

Where multiple classification issues are present in the same work, this may produce a cumulative impact that makes a higher classification more appropriate.



# Specific classification considerations

**This section of the Guidelines identifies concerns which apply, to a greater or a lesser degree, at all classification levels, and sets out the general approach that we take. The concerns are listed in alphabetical order.**

**Pages 18 to 28 of the Guidelines provide specific guidance for U through to R18 with regard to such concerns. This should be read together with the General classification considerations.**

## **Dangerous behaviour**

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a higher classification. Works which, taken as a whole, actively promote illegal behaviour may be cut or refused a classification.

Portrayals of potentially dangerous behaviour (especially relating to suicide, self-harm and asphyxiation) which children and young people may potentially copy, will be cut if a higher classification is not appropriate. The relative ease and likelihood of imitation are also considered.

Classification decisions may be less restrictive where the risks of any dangerous behaviour are likely to be obvious to the intended audience, or where material is intended to educate younger viewers about dangers. Classification decisions will be more restrictive where novel information is presented (for example, about specific suicide techniques), where harmful behaviour is glamorised, or where risks are not made clear.

## **Discrimination**

Potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work has a historical setting within which outdated attitudes or outmoded expressions would be expected; or the work is obviously dated, with little or no appeal to children; or the work seeks to challenge discriminatory attitudes and assumptions. Works with such content may receive a higher category where discriminatory language and behaviour is accompanied by threat or violence; or where there is a clear power imbalance; or where such behaviour is left unchallenged; or where discriminatory attitudes and assumptions are normalised. Where discriminatory language or behaviour occurs, this will normally be indicated in ratings info.

## **Drugs**

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote the activity may be cut. Works which normalise or glamorise drug misuse are likely to receive a higher classification than works which show drug misuse while emphasising the dangers.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in ratings info. Classification decisions will also take into account any promotion or glamorisation of such activities.

## **Language**

Language which people may find offensive includes the use of expletives with a sexual, religious or racial association, derogatory language about minority groups and commonly understood rude gestures. The extent of offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

## **Nudity**

Nudity with no sexual context is in principle acceptable at all classification levels, but will not generally occur more than occasionally at U.

Nudity with a sexual context will receive a higher classification. Where the principal purpose of depicting nudity is to sexually arouse it will usually only be passed at the adult categories (18 or R18).



## Specific classification considerations continued

### Sex

The portrayal of sexual activity can range from kissing to detail of unsimulated sex. The normalisation of overtly sexualised behaviour is a concern at the junior categories (U, PG and 12A/12). The classification system allows progressively stronger portrayals of sexual behaviour as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) will only be passed at 18 or R18.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.

### Sexual violence and sexual threat

Depictions of the stronger forms of sexual violence, including rape, are not permitted at the junior categories.

When considering scenes of sexual violence, aggravating factors include:

- the presence of a gang dynamic (e.g. a 'gang rape' scene)
- a focus on the victim being overpowered or powerless
- prolonged, detailed or gratuitous depiction
- an emphasis on nudity
- an emphasis on the pleasure of the attacker

- a strong emphasis on the distress and fear of the victim

- a credible 'real world' setting

- a protracted build-up of sexual threat

Mitigating factors include:

- brevity and lack of detail

- a clear educational message aimed at young people

- a strong narrative justification

We may refuse to classify content which makes rape or other non-consensual sexually violent behaviour look appealing or acceptable, reinforces the suggestion that victims enjoy such behaviour, or invites viewer complicity in such behaviour.

References to sexual violence are likely to be treated less restrictively than depictions of sexual violence, although any references at the junior categories will generally be oblique or undetailed.

Sexual threat and abusive behaviour are not permitted at the lowest levels of classification and will only be permitted at 12A/12 if brief and negatively presented.

### Threat and horror

Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.

The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes. Fantasy settings or the inclusion of humour may be mitigating factors. The presentation of 'real world' issues and fears may be an aggravating factor.

### Violence

Classification decisions will take account of the degree and nature of violence in a work.

Works which feature the following are likely to receive a more restrictive classification:

- portrayal of violence as a normal solution to problems
- heroes who inflict pain and injury
- callousness towards victims
- the encouragement of aggressive attitudes
- characters taking pleasure in pain or humiliation
- the glorification or glamorisation of violence
- gratuitous violence
- violence presented in a credible and realistic context (e.g. gang violence, domestic violence)

Works which feature the following are likely to be treated less restrictively:

- violence in a historical context
- violence in an action or fantasy context
- violence that lacks detail
- violence that looks unreal, fake or overly staged
- comic violence
- violence that is challenged or punished
- violence in a context where it is likely to be expected by the intended audience

We are unlikely to classify content which is so demeaning or degrading to human dignity (for example, it consists of strong abuse, torture or death without any significant mitigating factors) that it may pose a harm risk.

# Other matters

## Education videos

When classifying an education video, including a sex education video, for use in schools, we will take account of the educational purpose of the video and the context in which it is to be viewed (for example in the classroom mediated by a teacher).

## Music videos

In addition to the usual issues, the classification of a music video will take account of any elements which are of particular concern to parents, including glamorisation of behaviour which they consider inappropriate such as drug misuse or sexualised behaviour. Where music videos are short and self-contained, material may be less likely to be justified by context.

## Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. Some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in which such issues arise and to ensure that, when required, appropriate warnings are given to viewers. However, if it is obvious during viewing that the work contains strong examples of such imagery

or sounds, we will advise the distributor of the need to ensure that appropriate warnings are in place. Where necessary, we may require assurances regarding the display of appropriate warnings as a condition of classification.

## Release format

Classification decisions may be stricter on video works than on film. This is because of the increased possibility of under-age viewing as recognised in the Video Recordings Act (see Annexe), as well as the increased possibility of works being replayed or sections viewed out of context. Accordingly, a video work (either packaged or online) may occasionally receive a higher classification than on film, or require new or different cuts. (Video works may also receive a higher classification because they contain additional content.)

The screen format or visual presentation of a submission may also alter a classification, for example, if the image has been processed in the 3D format, or is shown with an altered aspect ratio such as on an IMAX screen, or if the work is experienced as a piece of immersive linear VR (virtual reality).

## Titles

We will require changes as a condition of classification if the title of a work incites racial or religious hatred, or other criminal behaviour, or encourages an interest in abusive or illegal sexual activity.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, we will advise the distributor to consider carefully the places in which it is likely to be seen and to take appropriate action, for example, by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to video works classified R18 as such works may only be supplied or offered for supply in a licensed sex shop.)

## Trailers and advertisements

Audiences may choose to see a full-length feature based on expectations of the particular genre at the given classification and on the published ratings info. In contrast, audiences have no choice, and often no expectation, about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature. Strong language will not be allowed in trailers at the U, PG and 12A/12 categories. Strong language may be permitted in trailers at 15, unless significantly aggravated by other factors. Infrequent very strong language may be permitted in trailers at 15 but usually only where there are mitigating factors such as a comic context.

The more restrictive approach set out above may be relaxed where an advertisement is part of a public information campaign or has a charitable purpose.

Cinemas are responsible for the exhibition of cinema trailers and advertisements, and we have no involvement in deciding which films they precede. Questions or complaints about the exhibition of trailers or advertisements should be directed to the cinema management in the first instance.

## Video games

With a few limited exceptions we do not classify video games. We consider for classification those video games contained on discs which feature primarily linear video content and any pornographic video games.

We also advise the video games authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the game.

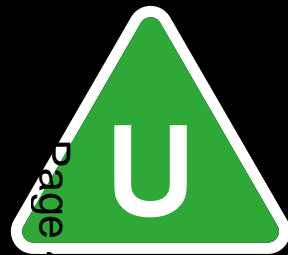
## Virtual reality

The BBFC is responsible for classifying linear VR (virtual reality) content whereas the video games authority is responsible for classifying non-linear VR content.



# The classification categories

We endeavour to classify submitted works in one of the following categories:



**The following pages set out guidance on how the specific classification considerations (for example, sex and violence) are applied from U through to R18. The criteria should be read in combination with the general approach set out earlier under 'Guiding principles', 'General classification considerations' and 'Specific classification considerations'.**

**Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.**

# Universal

Suitable for all



**A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.**

## Dangerous behaviour

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of or be presented unrealistically. No emphasis on realistic or easily accessible weapons.

## Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

## Drugs

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

## Language

Infrequent use only of very mild bad language.

## Nudity

Occasional nudity, with no sexual context.

## Sex

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

## Threat and horror

Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

## Violence

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).



# Parental Guidance

General viewing, but some scenes may be unsuitable for young children



**A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger or more sensitive children.**

## Dangerous behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

## Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

## Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

## Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

## Nudity

There may be nudity with no sexual context.

## Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

## Threat and horror

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings and comedy may be mitigating factors.

## Violence

Violence will usually be mild. However, there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



# 12A/12

Suitable for 12 years and over



**Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.**

**No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the ratings info for that film in advance.**

**No one younger than 12 may rent or buy a 12 rated video work.**

## **Dangerous behaviour**

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

## **Discrimination**

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

## **Drugs**

Misuse of drugs must be infrequent and should not be glamorised or give detailed instruction.

## **Language**

There may be moderate bad language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

## **Nudity**

There may be nudity, but in a sexual context it must be brief and discreet.

## **Sex**

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

## **Sexual violence and sexual threat**

There may be verbal references to sexual violence provided they are not graphic. The stronger forms of sexual violence, including rape, may only be implied and any sexual threat or abusive behaviour must be brief and negatively presented.

## **Threat and horror**

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

## **Violence**

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.



# 15

Suitable only for 15 years and over



**No one younger than 15 may see a 15 film in a cinema.  
No one younger than 15 may rent or buy a 15 rated video work.**

### **Dangerous behaviour**

Dangerous behaviour (for example, suicide, self-harming and asphyxiation) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

### **Discrimination**

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

### **Drugs**

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through detailed instruction). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

### **Language**

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### **Nudity**

There are no constraints on nudity in a non-sexual or educational context. Sexual nudity may be permitted but strong detail is likely to be brief or presented in a comic context.

### **Sex**

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour. Repeated very strong references, particularly those using pornographic language, are unlikely to be acceptable. Works whose primary purpose is sexual arousal are unacceptable.

### **Sexual violence and sexual threat**

There may be strong verbal references to sexual violence but any depiction of the stronger forms of sexual violence, including rape, must not be detailed or prolonged. A strong and sustained focus on sexual threat is unacceptable.

### **Threat and horror**

There may be strong threat and horror. A sustained focus on sadistic threat is unlikely to be acceptable.

### **Violence**

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable.



# 18

Suitable only for adults



**No one younger than 18 may see an 18 film in a cinema.**

**No one younger than 18 may rent or buy an 18 rated video work.**

Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic violence, rape or other non-consensual sexually violent behaviour which make this violence look appealing; reinforce the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour; or which invite viewer complicity in rape, other non-consensual sexually violent behaviour or other harmful violent activities
- where there are more explicit images of sexual activity in the context of a sex work (see right)

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

#### **Sex works at 18**

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed 18. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the R18 category. Material which is unacceptable in a sex work at R18 is also unacceptable in a sex work at 18.



# R18

To be shown only 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. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.**

The following content is not acceptable:

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe – legal considerations)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which are likely to cause serious physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for non-abusive, consensual activity
- penetration by any object likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game



# Intervention

**Where possible we will carry out our responsibilities through appropriate use of the classification categories, particularly in order to protect children from any potential harm.**

**If necessary, however, we may cut or even refuse to classify a film or video work.**

In some cases, we require assurances, cuts or other changes (for example, the addition of warning captions) as a condition of classification, or as a condition of classifying at a particular category. In some circumstances we may refuse to classify a work at any category. We publish details of all interventions on our website.

### **Cuts for category**

If the submitted work is suitable for classification, but only at a category higher than that requested by the customer, we will consider whether a lower category could be achieved through relatively minor or simple changes. If so, we may offer the customer a choice of accepting either the higher or lower category (the latter with defined changes as necessary).

Cuts for category are unlikely to be available if the required changes would be very extensive or complex, or would not address for example, a tonal or thematic issue running throughout the work.

### **Compulsory cuts**

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular age category, we may require cuts or other changes as a condition of classification. Such intervention is most likely when the submitted work contains:

- material which may promote criminal activity
- material which is obscene or otherwise illegal
- material created by means of the commission of a criminal offence
- portrayals of children in a sexualised or abusive context
- material which makes rape, other non-consensual sexually violent behaviour, or sadistic violence look appealing

- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes
- material which reinforces the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour
- material which invites viewer complicity in rape, other non-consensual sexually violent behaviour, or other harmful violent activities
- sex works which contain material listed as unacceptable at R18

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the customer will normally be given an opportunity to present evidence before a final decision is reached.

### **Refusal to classify**

As a last resort, the BBFC may refuse to classify a work, in line with the objective of preventing non-trivial harm risks to potential viewers and, through their behaviour, to society. We may do so, for example, where a central concept of the work is unacceptable, such as a sustained focus on rape, other non-consensual sexually violent behaviour or sadistic violence. Before refusing classification we will consider whether the problems could be adequately addressed through intervention such as cuts. In deciding whether to refuse to classify, we will keep in mind the inherent difficulty of using behavioural research to draw conclusions about real world risks, and will have regard to the full range of available evidence, including the views of the public and our own knowledge and experience.



# Engagement with the public

We publish detailed information about the content we classify, which we call ratings info. It's a helpful guide, particularly for parents, that gives a summary of how and why a film or video was given its age rating.

## Ratings info includes:

- a short description of the issues contained in a film or video, and this appears on the black card shown on the cinema screen before a film starts, for example:

15

**strong violence, sex, language, drug misuse**

- we publish a longer, fuller version on our website and app

All content classified since the early 2000s has a short line of ratings info, and content classified more recently also has a longer version, giving you a detailed idea of what issues – bad language, drugs, sex and violence, or the use of discriminatory language or behaviour, for instance – you're likely to find in the film. It also raises any other issues that may be of concern, such as divorce or bereavement.

We try to avoid giving away major plot points. When ratings info does contain plot spoilers we always post a warning. Occasionally, the longer version of ratings info describes full sequences in a film – for example, it might describe a specific fight scene to give you a flavour of the sort of violence in the film and how strong it looks and feels – so be aware of this.

We publish ratings info the moment a film or video is classified, but the longer version may not be available until 10 days before the film opens. Sometimes, we classify films many weeks or even months before they are due to open, which is why not all films listed on our website will have a link to the longer ratings info yet. We encourage viewers to check ratings info when they are choosing content for children and for themselves.

## bbfc.co.uk

Our website provides a comprehensive database of all the content we classify, including ratings info and information about cuts. You can read the Classification Guidelines, search through our press releases, research and Annual Reports. We also publish case studies on films, including many set film texts for Film Studies courses in the UK, a timeline of key events in our history and regular podcasts.

## cbbfc.co.uk

Content for younger children, including the chance to rate trailers for children's films and learn more about our work, can be found on CBBFC, our website for children. Parents can also find advice about choosing content for children on VoD platforms and information about our education programme.

## BBFC app

Our free app for iOS and Android devices lets you check the latest film classifications and ratings info, watch trailers and read our Guidelines.

## Twitter – @BBFC

We update our Twitter account, @BBFC, with all our news and latest film classification decisions. You can ask us quick questions there too. For more detailed questions, you can email us on [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk)

## Newsletters

We produce a regular newsletter about our latest classification decisions, podcasts and news. Our education team sends a newsletter to teachers once a term, focussing on our outreach programme, partnerships and resources, including case studies. For industry we send a regular update on our services, news and classification turnaround times each quarter. You can sign up to receive any of these newsletters on our website, [bbfc.co.uk](http://bbfc.co.uk)

## Podcasts

You can stream and download our regular short podcast on our website, Soundcloud and iTunes. Each episode focuses on a particular theme, film or TV series, and their age rating, highlighting key issues we took into account and any interesting facts about the classification process, for example any advice we gave, or reductions made by the film maker or distributor to secure a particular age rating.



# Appeals, advice viewings and feedback

## Appeals

We offer a formal reconsideration procedure which is open to any customer dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take fewer than 10 working days.

A customer may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, our reconsideration. In the case of films, the customer (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works a customer may appeal to the Video Appeals Committee. The VAC is independent of the BBFC and can be contacted by post as follows:

The Secretary  
The Video Appeals Committee  
3 Soho Square  
London  
W1D 3HD

Customers should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

## Advice viewings

A customer may submit works for advice at any stage of the production process. We will inform them of the likely classification a work will receive, and where appropriate any changes required to achieve the customer's preferred classification. However, advice given in such circumstances is not binding and we reserve the right to reach a different decision when the final version of the work is submitted formally for classification. If the final version of the work submitted for classification differs in any significant respect from that seen for advice, and if those changes appear to reflect advice we have given, then details of the changes will appear on our website.

## Feedback

If you want to send us any feedback about our age ratings or classification decisions, please don't hesitate to email us at [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk) or write to us at:

Chief Executive's Office  
BBFC  
3 Soho Square  
London  
W1D 3HD



# Annexe – legal considerations

The following legislation is not listed according to chronology or importance. Instead, it reflects a useful way of explaining the structure of the legal framework that applies to our work.

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## The Licensing Act 2003

England and Wales

## Cinemas (Northern Ireland) Order 1991

Northern Ireland

## Cinemas Act 1985

Scotland

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (anyone under 18) to any film to be restricted in accordance with our recommendations or those of the licensing authority. One of the key reasons for the licensing requirement is the protection of children, including from potentially harmful content in films.

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## The Video Recordings Act 1984

Video works (including films, TV programmes and some video games) which are supplied on a disc, tape or any other device capable of storing data electronically must have a BBFC classification unless they fall within the definition of an exempted work.

When considering whether to award a certificate to a work, or whether a work is suitable at a particular category, we are required by the Act to have special regard to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- criminal behaviour
- illegal drugs
- violent behaviour or incidents

- horrific behaviour or incidents
- human sexual activity

In considering these issues we have in mind the possible effect not only on children but also on other vulnerable people.

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## The Obscene Publications Acts 1959 & 1964

England and Wales

## The Civic Government (Scotland) Act 1982

Scotland

## The Obscene Publications Act 1857

Northern Ireland

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt a significant proportion of those likely to see it. Under the Obscene Publications Act 1959, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

In Scotland, case law implies a similar test would be applied. In Northern Ireland, while there is no express defence of “public good” it is likely that English law would be taken into consideration.

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## Criminal Justice and Immigration Act 2008

England, Wales and Northern Ireland

## Criminal Justice and Licensing (Scotland) Act 2010/Civic Government (Scotland) Act 1982

Scotland

It is illegal to be in possession of an extreme pornographic image. Under the Criminal Justice and Immigration Act 2008 an extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which:

- threatens a person’s life
- results, or is likely to result, in serious injury to a person’s anus, breasts or genitals
- involves sexual interference with a human corpse
- involves intercourse or oral sex with an animal
- involves non-consensual penetration of a mouth, vagina or anus with a penis or non-consensual sexual penetration of a vagina or anus by anything

Under the Civic Government (Scotland) Act 1982 an extreme pornographic image is one which is pornographic and obscene, and which depicts in an explicit and realistic way, an act which:

- takes or threatens a person’s life
- results, or is likely to result, in a person’s severe injury
- involves rape or other non-consensual penetrative sexual activity

- involves sexual activity involving (directly or indirectly) a human corpse
- involves sexual activity between a person and an animal

Works we classify under the Video Recordings Act are excluded from the scope of the offence across the UK.

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## The Protection of Children Act 1978

England and Wales

## Civic Government (Scotland) Act 1982

Scotland

## Protection of Children (Northern Ireland) Order 1978

Northern Ireland

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). Offences relating to the possession of such images are contained within the Criminal Justice Act 1988 (England, Wales and Scotland), and the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988. A child is defined as a person under the age of 18.

## Annexe – legal considerations continued

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### **The Coroners and Justice Act 2009**

England, Wales and Northern Ireland

### **The Criminal Justice and Licensing Act 2010**

Scotland

It is illegal to be in possession of a prohibited image of a child. A prohibited image of a child is a non-photographic or non-pseudo-photographic image which is pornographic and grossly offensive, disgusting, or otherwise of an obscene character, and which focuses solely or principally on a child’s genitals or anal region, or which portrays specified sexual acts by, of, or in the presence of a child, including masturbation, oral sex or penetration, including sexual acts with animals. A child is defined as being under 18 and an image of a child or other person can include imaginary representations. Works we classify under the Video Recordings Act are excluded from the scope of the offence unless images have been extracted from such works for the purpose of sexual arousal.

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### **The Sexual Offences Act 2003**

England and Wales

### **Sexual Offences (Scotland) Act 2009**

Scotland

### **The Sexual Offences (Northern Ireland) Order 2008**

Northern Ireland

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. It is also prohibited for a person to record the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

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### **The Criminal Justice and Courts Act 2015**

England and Wales

### **Abusive Behaviour and Sexual Harm (Scotland) Act 2016**

Scotland

### **Justice Act (Northern Ireland) 2016**

Northern Ireland

It is an offence to disclose a private sexual photograph or film without the consent of any individual who appears in the photograph or film, if it is done with the intention of causing that individual distress (or causing them fear, alarm or distress in Scottish law).

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### **The Public Order Act 1986**

England, Scotland and Wales

### **The Public Order (Northern Ireland) Order 1987**

Northern Ireland

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

In Northern Ireland the relevant group of persons may be defined not only by colour, race, nationality or ethnic or national origins, but also by “religious belief” or “sexual orientation” or “disability”.

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### **The Cinematograph Films (Animals) Act 1937**

England, Scotland and Wales

It is illegal to show any scene “organised or directed” for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but we also apply the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as “animals”.

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### **The Animal Welfare Act 2006**

England and Wales

### **The Welfare of Animals Act (Northern Ireland) 2011**

Northern Ireland

### **The Animal Health and Welfare (Scotland) Act 2006**

Scotland

It is illegal to supply, publish, show or possess with intent to supply a video recording of an “animal fight” that has taken place within the UK since 6 April 2007.

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### **The Tobacco Advertising and Promotion Act 2002**

It is illegal, in the course of a business, to publish a tobacco advertisement.

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### **Blasphemy**

In Scotland and Northern Ireland, the common law crime of blasphemy exists but has not been utilised for prosecution in modern times. The offences of blasphemy and blasphemous libel under the common law of England and Wales were abolished in The Criminal Justice and Immigration Act 2008.

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### **Human Rights Act 1998**

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

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### **Other unlawful material**

In carrying out its responsibilities the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

Get more info on our app

**[bbfc.co.uk/app](https://bbfc.co.uk/app)**

**British Board of Film Classification**

3 Soho Square,  
London,  
W1D 3HD

T 020 7440 1570

**[bbfc.co.uk/about-bbfc/contact-us](https://bbfc.co.uk/about-bbfc/contact-us)**

BBFC Classification Guidelines 2019

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12.10.23

Councillor Gary McKeown  
Chair, Licensing Committee  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS

Dear Councillor McKeown,

I am writing to you today as the owner of one of Belfast's longest established cinemas, Movie House at Cityside (Yorkgate), to once again request that the committee considers a new film rating option for a specific movie due to be released in your jurisdiction.

In March 2022 the committee awarded a 15A rating classification for the film The Batman, which allowed parents the right to bring their children to the cinema to see the film at cinemas within the Belfast City Council Area.

We ask you to consider this again for the upcoming film Five Nights at Freddy's which is due to open in cinemas on 27 October.

As background information, we currently use the guidance passed by the BBFC (British Board of Film Classification), which as you will know issues certificates of U, PG, 12A, 15 and 18. Many cinema owners across the UK share my view that some movies should have a new rating of 15A that would give parents a greater power to choose what films their children can see.

In 2002, the BBFC adopted a new 12A certificate to replace the existing 12 Certificate. 12A simply means that those under 12 can watch the film as long as they are accompanied by an adult parent or guardian. We believe this should be the case for some 15 movies, offering a 15A option in which parents can accompany their children to the cinema, if they believe the film is appropriate.

The BBFC states on its website that statutory powers over film remain with the local councils, which can overrule any of the BBFC's decisions on appeal, including altering the age ratings for films shown in their area.<sup>1</sup>

Over recent years there has been a significant shift in the way families consume film and parents prefer to be the decision makers. Parents find it hard to understand why they have the power to choose a 12A film for their children but not a 15 rated film. This can cause frustration and embarrassment for those who arrive at the cinema and are then prevented from seeing the film.

We anticipate that this will be the case for Five Nights at Freddy's, which has been awarded a 15 certificate in the UK. In the Republic of Ireland it has been given a 15A while in the United States it is a PG-13 meaning any age can see it with parental consent.

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<sup>1</sup> <https://www.bbfc.co.uk/education/university-students/bbfc-history>

Five Nights at Freddy's is based on a video game which uses a different rating system called PEGI. This game has a PEGI age rating of 12 so part of the fanbase will be early teens who will want to see this movie.

I write to ask the committee to consider issuing a 15A rating on Five Nights at Freddy's on this occasion allowing parents to make the choice as to whether to accompany their children to see this film.

Thank you for your consideration in this matter.

Yours sincerely,

Michael McAdam  
Managing Director, Movie House Cinemas