



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

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

1.0	Purpose of Report or Summary of main Issues
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.
2.0	Recommendations
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>OR</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>OR</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.
3.0	Main report
	<p><u>Key Issues</u></p> <p><u>Council powers and the role of the BBFC</u></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>

Request relating to 'Five Nights at Freddy's'

- 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: *"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."*
- 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: *"Supernatural horror with jump scares and some scenes of bloody violence. Injury detail depicted. Theme of child abduction"*.
- 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.

Departure from the rating determined by the British Board of Film Classification

- 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 data-bbox="304 1299 1474 1361">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 data-bbox="304 1366 1474 1496">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 data-bbox="304 1500 1474 1599">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.
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.
	<p><u>Financial & Resource Implications</u></p>
3.30	None.

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