



Subject:	Request to Create a New Film Classification Rating
Date:	16th February, 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
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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/Summary of Main Issues
1.1	To consider a request from a cinema operator to create a new classification rating of '15A' for the broadcast of 'The Batman' film in cinemas within the Belfast City Council area.
2.0	Recommendations
2.1	<p>The Committee is requested, having heard representation from the applicant, Mr Michael McAdam, 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 Batman' 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>
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.

3.0	Main Report
	<p data-bbox="272 219 427 248"><u>Key Issues</u></p> <p data-bbox="165 286 1474 416">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 data-bbox="165 454 1474 551">3.2 Unlike other Licensing 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 data-bbox="165 589 1474 719">3.3 Belfast City Council ('the 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 data-bbox="165 757 1474 853">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 data-bbox="165 891 1474 987">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 its jurisdiction.</p> <p data-bbox="165 1025 1474 1256">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: "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 data-bbox="165 1294 1474 1424">3.7 Paragraph 2 (b) of the Council's Standard Licence conditions states that: 'No persons under the age of fifteen years shall be admitted to any Exhibition when a '15' film is in the programme.</p> <p data-bbox="165 1462 1474 1659">3.8 However, Paragraph 3 of those conditions goes on to provide that: '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> <p data-bbox="165 1697 1474 1827">3.9 A request has been received from the licensee of the Movie House at Cityside (Yorkgate) for the Committee to consider the creation of a new age rating of '15A' for a forthcoming film release, 'The Batman'. A rationale has been provided by the applicant in support of a '15A' rating and is attached at Appendix 3.</p> <p data-bbox="165 1865 1474 1991">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 the 'The Batman' would be to permit children under the age of 15 into the film if accompanied by an adult.</p>

3.11	The film has recently been classified by the BBFC as '15' therefore no one younger than 15 years of age may watch the film in a cinema.
3.12	Officers are aware that the film has been classified as 'PG-13' in the US for 'strong violent and disturbing content, drug content, strong language, and some suggestive material'. It has been rated '15A' by the Irish Film Certificate Office on the basis of their assessment metric as follows: violence (Strong), drugs (Moderate), sex/nudity (Mild) and language (Strong).
3.13	The applicant has identified that the UK Cinema Association, which represents over 90% of UK cinema operators, has been requested to write to the BBFC on the creation of a new '15A' rating. The applicant has requested the Council consider this request while he awaits a response from BBFC.
3.14	In August 2012, the Committee agreed to accede to a request from Cinemagic (a film festival for children) to screen unclassified films for 2012 and subsequent years. Whilst this condition has been exercised previously for unclassified films it has never been used to admit children to a film which has an existing BBFC classification.
3.15	It is clear that from a technical legal perspective, the Council may depart from a BBFC classification should it wish to do so.
3.16	There are however a number of significant practical concerns which would cause concern for officers in so doing.
3.17	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. At its heart the classification process is about protecting children and therefore a cautious approach should be adopted in considering departing from their decision in this regard.
3.18	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.
3.19	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.
3.20	Compliance Officers look at issues such as bad language, dangerous behaviour, discrimination, drugs, horror, nudity, sex, violence and sexual violence, when making recommendations. They also consider context, tone and impact - how it makes the audience feel - and even the release format - for example, as DVDs, Blu-rays and VoD content are generally watched at home, there is a higher risk of under-age viewing.
3.21	As the Committee 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.
3.22	It is recognised that this particular film is likely to appeal to children under the age of 15 and that the proposed rating would still require children to be accompanied by an adult. Officers also acknowledge the impact of Coronavirus restrictions upon cinema operators over the last 2 years.

3.23	However, it is important to remember that 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.
3.24	There may also be significant 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.
3.25	Given the nature of this request the matter has been brought to the Committee for determination.
3.26	<p>If the Committee were minded to depart from Paragraph 2 (b) of the Standard Licence Conditions, it is also asked to agree to impose the following additional special conditions upon any cinema operator who wishes to show the Batman film as a 15A:</p> <ol style="list-style-type: none"> <li data-bbox="287 660 1474 728">I. Any cinema operator who wishes to show the Batman film as a 15A must notify the Council in advance. <li data-bbox="287 761 1474 884">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="287 929 1474 1030">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.
3.27	The applicant will be available at the Committee meeting to answer any questions which Members may have in relation to the film.
	<u>Financial and Resource Implications</u>
3.28	None.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.29	There are no issues associated with this report.
4.0	Documents Attached
	<ul style="list-style-type: none"> <li data-bbox="287 1523 798 1556">• Appendix 1 – Conditions of Licence <li data-bbox="287 1590 925 1624">• Appendix 2 – BBFC Classification Guidelines <li data-bbox="287 1657 750 1691">• Appendix 3 – Applicant request