



Licensing Committee

Wednesday 15 April 2009

Appendices

| <u>APPENDIX</u> | <u>REPORT</u> | <u>PAGE NO.</u> |
|-----------------|---|-----------------|
| A | FINANCIAL MONITORING STATEMENT | 2 |
| B | SURREY COUNTY DISTRICTS FILM LICENSING JOINT COMMITTEE – BBFC GUIDANCE (EXTRACT FROM THEIR WEBSITE) | 3 |

LICENSING COMMITTEE
FINANCIAL MONITORING STATEMENT
 Figures to the end of February 2009

PROJECTED BUDGET AND FORECAST

| | 2008/09 Probable £'000 | 2009/10 Estimate £'000 | Future Years | |
|--|------------------------------|------------------------------|------------------|------------------|
| | | | 2010/11 £'000 | 2011/12 £'000 |
| Approved Budget: | | | | |
| Alcohol and related Licences | 72 | 73 | 73 | 73 |
| Gambling Licences | 10 | 11 | 11 | 11 |
| Total approved budgets | 82 | 84 | 84 | 84 |
| Approved and reported changes: | | | | |
| <u>Changes approved in Financial Forecast (December 2009):</u> | | | | |
| Other potential changes: | | | | |
| Lower than anticipated income | 2 | | | |
| Latest Budget Projections | 84 | 84 | 84 | 84 |

SAVINGS TARGETS (Built into the budgets above)

| | 2008/09 Budget £'000 | Future Years | | |
|------|----------------------------|------------------|------------------|------------------|
| | | 2009/10 £'000 | 2010/11 £'000 | 2011/12 £'000 |
| None | | | | |

CURRENT YEAR KEY BUDGET INDICATORS

| | 2008/09 Probable £ | Budget to date £ | Actual to date £ | Variance to date £ |
|------------------------------|--------------------------|------------------------|------------------------|--------------------------|
| Income from: | | | | |
| Alcohol and related Licences | | | | |
| Application fees | 3,000 | 2,700 | 2,059 | -641 |
| Annual fees | 51,500 | 51,500 | 50,252 | -1,248 |
| Variation licences | 4,000 | 3,700 | 3,748 | 48 |



The British Board of Film Classification 3 Soho Square London W1D 3HD t:020 7440 1570 f:020 7287 0141

our guidelines

Introduction

Legal

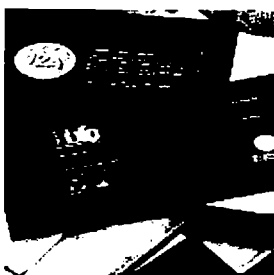
The Categories

Main Issues

Categories

Rejects

Appeals



Introduction

i. The British Board of Film Classification (BBFC) is an independent, non-governmental body funded through the fees it charges to those who submit films, videos, DVDs and video games for classification.

ii. The BBFC classifies films on behalf of the local authorities who license cinemas under the Licensing Act 2003.

iii. The BBFC classifies videos, DVDs and some video games under the Video Recordings Act 1984. (The video games covered by the VRA are those whose exemption is forfeited under section 2(2) because they depict human sexual activity, gross violence or other matters of concern.)

iv. The BBFC will not classify material which it believes to be in breach of the criminal law.

v. Where possible the BBFC will carry out its responsibilities through appropriate use of the classification categories, particularly in order to protect children from actual or potential harm. If necessary, however, the Board may cut or even reject a film, video, DVD or video game. The Board's approach to rejects is set out at the end of these Guidelines.

vi. In line with domestic administrative law principles and the requirements of the Human Rights Act 1998, there is a particular need to make the classification criteria clear. This is fulfilled by the publication of these Guidelines and their availability on the BBFC website (<http://www.bbfc.co.uk>) or directly from the Board.

vii. The detail of the Guidelines is contained in the following pages. But it is right to set out here the general underlying grounds on which the Board exercises the broad discretion conferred on it. There are three main considerations:

- is the material in conflict with the law?
- is the material, at the age group concerned, likely to be harmful?
- is the material, at the age group concerned, clearly unacceptable to broad public opinion? (It is on this ground, for example, that the Board intervenes in respect of language. This ground also applies at '18', although here it is balanced against the public expectation that adults should be free to choose their entertainment, within the law.)

viii. The BBFC Classification Guidelines reflect all these considerations and others set out later. They are the product also of public consultation, research and the accumulated experience of the BBFC over many years.

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

x. Responsibility for the Guidelines and for their interpretation rests with the BBFC and is subject to normal considerations of fairness and reasonableness.

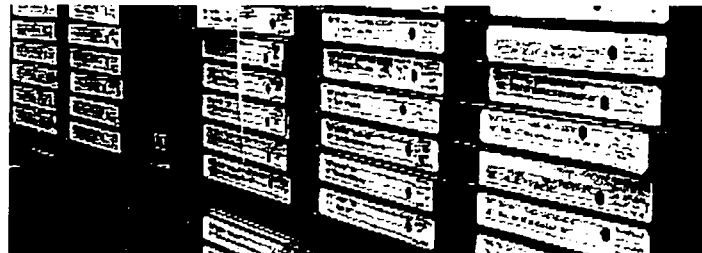
xi. The BBFC undertakes to provide guidance on the interpretation of these Guidelines at any time.



The British Board of Film Classification 3 Soho Square London W1D 3HD t:020 7440 1570 f:020 7287 0141

our guidelines

[Introduction](#)
[Legal](#)
[The Categories](#)
[Main Issues](#)
[Categories](#)
[Rejects](#)
[Appeals](#)



Legal Considerations

The Video Recordings Act 1984

The Act requires the BBFC to have special regard (among the other relevant factors) to the likelihood of works being viewed in the home, and to

- any harm to those likely to view a video
- any harm to society through the behaviour of those viewers afterwards

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

The Act further requires that special regard is paid to the manner in which the work deals with

- criminal behaviour
- use of illegal drugs
- violent behaviour or incidents
- horrific behaviour or incidents
- human sexual activity

The Cinematograph Films (Animals) Act 1937

It is illegal to show any scene 'organised or directed' for the purposes of the film to involve actual cruelty to animals.

The Protection of Children Act 1978

It is illegal to show indecent photographs or pseudo-photographs of a child (under the age of 18).

The Obscene Publications Act 1959

It is illegal to show a work which is obscene. A work may be found obscene if, taken as a whole, it has a tendency to deprave and corrupt (ie make morally bad) a significant proportion of those likely to see it.

Human Rights Act 1998

Among the rights established under this Act are the right to private life and family, and the right to freedom of expression. When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person.

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.

The Licensing Act 2003

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (under 18) to any film to be restricted having regard to the recommendations of the BBFC. The licensing objectives are;

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Other unlawful material

In carrying out its responsibilities, the Board 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.

All content © bbfc 2005 unless otherwise stated.
This page can be viewed at : <http://www.bbfc.co.uk/policy/policy-legal.php>
Page Printed : Thursday 02 April 2009