



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE:	Friday, 27 September 2024
TIME:	11.00 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Casey
Councillor J Henderson

Councillor Smith
Councillor Wiggins

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DATE OF PUBLICATION: Wednesday, 18 September 2024

AGENDA

1 Election a Chairman for the Meeting

The Sub-Committee will elect a Chairman for the meeting.

2 Minutes of the Last Meeting (Pages 5 - 10)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on Monday 9 September 2024.

3 Apologies for Absence and Substitutions

The Sub-Committee is asked to note any apologies for absence and substitutions received from Members.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

5 Report of the Assistant Director (Governance & Legal) - A.1 - Application fro the Grant of Permission to Show Unclassified Film (Pages 11 - 62)

To determine a request for the licence holder to show to the public a number of short films that has not been classified by the British Board of Film Classification.

The request to show the short film has been made by Michael Offord of Electric Palace Harwich on behalf of the Harwich International Shanty Festival. The film would be shown at the Electric Palace Harwich between 11 October 2024 and 13 October 2024.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Premises / Personal Licences Sub-Committee is to be held at a time and date to be determined as and when it is required..

Information for Visitors

FIRE EVACUATION PROCEDURE

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 9TH SEPTEMBER, 2024 AT 10.30 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors A Cossens, J Henderson, Thompson and Codling
Also Present:	Councillor Codling (stand by Member)
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer), Bethany Jones (Committee Services Officer), Emma King (Licensing Officer), Alfie Smith (Licensing Enforcement Officer) Matthew Ramsden (Planning Enforcement Officer) and Christopher Bailey (Elections and Leadership Support Officer)

21. CHAIRMAN OF THE MEETING

It was moved by Councillor A Cossens, seconded by Councillor Thompson and:-
RESOLVED that Councillor J Henderson be elected as Chairman for the meeting.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence nor substitutions on this occasion.

23. MINUTES OF THE LAST MEETING

It was moved by Councillor A Cossens, seconded by Councillor Thompson and:-

RESOLVED that the minutes of the meeting of the Sub-Committee held on Monday 2 September 2024, be approved as a correct record and be signed by the Chairman.

24. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

25. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - GRANT OF A PREMISES LICENCE, KINGS LOCAL, 65-67 KINGS AVENUE, HOLLAND ON SEA, ESSEX, REF: 24/00399/PREMGR

The Sub-Committee had before it an Officer report namely item A.1 – Application for the Grant of a Premises Licence, Kings Local, 65-67 Kings Avenue, Holland-on-sea, Essex. Ref: 24/00399/PREMGR. This application had been scheduled to be before the Sub-Committee on Monday 2 September 2024, but the applicant had failed to attend the Sub-Committee. The Chairman at that meeting had decided that it was within the public's best interest to adjourn the item until this date, when the applicant could be present.

Members heard from the Council's Licensing Manager. He explained that the application before the Sub-Committee was in relation to the premises located 65-67 Kings Avenue, Holland on Sea, to be known as "Kings Local", application number

24/00399/PREMGR. He stated that the premises was to be used as a convenience store and that the applicant had said that the store was to be refitted to a new high standard.

Members also heard that the premises used to be a social club and had been licensed for alcohol sales.

It was reported that the proposed licensable activities on this application were for the sale of alcohol, off the premises, every day between the hours of 06:00 and midnight. This was also the proposed opening times of the convenience store.

The Licensing Manager explained how the applicant had outlined steps in the application to promote the four licensing objectives. The report outlined how representations could be made either in support of, or against, an application. In addition, all responsible authorities had been consulted, as was the standard procedure.

The Sub-Committee heard how one email of representation had been received from a member of the public, as well as one representation from Tendring District Council's Planning Authority, as a Responsible Authority, in relation to the planning permission for this premises. Details of both representations were contained within the published agenda pack.

Members were reminded that each application must be considered in its own right and on its own merit, and judged only on how it might impact on the four licensing objectives.

QUESTIONS FROM MEMBERS	OFFICER'S ANSWERS												
Was the Social Club a licensed premises and what were its hours of operation?	It was a licensed premises, and it operated from 10:00 through to 23:00 Monday to Sunday.												
There are other similar businesses local to this one, what are their licensed hours for the sale of alcohol?	<table border="0"> <tr> <td>Tesco</td> <td>06:00 to 23:00</td> </tr> <tr> <td>Co-op</td> <td>07:00 to 22:00</td> </tr> <tr> <td>Morrisons</td> <td>06:00 to 23:00</td> </tr> <tr> <td>Roaring Donkey Pub</td> <td></td> </tr> <tr> <td> Mon to Thur & Sun</td> <td>11:00 to 23:00</td> </tr> <tr> <td> Fri & Sat</td> <td>11:00 to 01:00</td> </tr> </table>	Tesco	06:00 to 23:00	Co-op	07:00 to 22:00	Morrisons	06:00 to 23:00	Roaring Donkey Pub		Mon to Thur & Sun	11:00 to 23:00	Fri & Sat	11:00 to 01:00
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The Sub-Committee then heard from the Council's Planning Enforcement Officer. He explained that the property did not have the correct planning permission for the use of the building to be a convenience store which required it to be classified as a class E and that currently it was classified a Social Club, which was designated as an F2 premises.

He explained that without the correct permissions in place and if the license was granted, it would encourage the owners to open the store and result in a breach of planning under The Town and County Planning Act 1990.

The Planning Enforcement Officer also outlined that local Planning Officers had been consulted on the matter and that as it stood, there was not enough information to state whether planning permission would likely be granted. He believed that Essex County

Council needed to be consulted for customer parking as well on the means on delivering goods. He pointed out that there was also no information on how waste on the site was to be disposed of.

He informed the Sub-Committee that the Planning Enforcement Team had recently spoken with the applicant via a phone call, and they had said that they did intend to submit a planning application, but nothing had yet been received.

QUESTIONS TO OFFICER	ANSWERS OF OFFICER
<p>If the license which you state was granted today and they didn't get planning permission, then what would be the procedure after that?</p>	<p>There are many things that we can do as an Authority, we have to assess the impact on the local environment, we have to take into account that it is a residential development it's not a rural location, if it was to open at 6:00 we have to then question at what time would deliveries occur, is it that they're going to receive at 5:00 in the morning; are they going to be unsociable hours?</p> <p>As an Authority we can then put a stop notice in, but this of course incurs legal action, so there's other costs that could be incurred to the Council potentially. In enforcement as you may be aware everything is potential, we have to assess it on its merit at the time, but yes we have got ways of stopping it if need be, but we would have to cross that bridge when it comes to it, hopefully not but we have to determine it at the time.</p>

The Sub-Committee then heard from the applicant's agent.

"Thank you Chair, since you have already seen the applications and all the steps that we are taking to promote the licensing objectives, I will go straight into addressing the objectives or objections. Coming back to the planning matter, this is being handled by planning consultants, I think they have been in contact already, so that will be handled, when we put the application in, we didn't know it was needed, so know that we have come to know that there's planning permission needed, it's going through. I don't see a reason it will be rejected, but it's the process that need to go through. The Planning Officer mentioned a number of things, like parking, I know it's not part of the licensing objectives so it can't be assessed. But we are planning parking for at least four cars in the front so there is that. Other things like waste management that will all be handled, there is space, it was a social club, and they had been handling it.

At the moment the landlord is involved in terms of planning, so they are supporting the whole process at the moment, so that's where we are with in terms of planning. Coming back to the hours as we are here for licensing not for planning. We applied for hours between 6:00am and midnight, that is the opening hours of the premises, so what we would like to do is not have the licensing and the opening hours, the same hours. At the

moment we haven't had planning permission but there's no reason the opening hours cannot be provided until midnight since the social club already have been licensed until 23:00, but I'm not sure what were the opening hours, as we don't have much detail, about the planning hours of the Social Club.

The licensing hours, those concerns raised by the objector, point number two concerning people coming out of the pub or bar, buying alcohol from here and hanging around or throwing bottles. That is a concern and it's not been evidenced. It's not been happening, if there were things like that happening that would already have been happening because there is a supermarket closing at 11pm.

We don't see opening an extra hour until midnight would contribute to any problems, as we have no evidence that there are problems at the moment in terms of people drinking in the streets or throwing bottles or cans.

The location is a mostly commercial place, I think it will be a great addition for I mean the way we looked at it we I looked at it is the applicant is putting in an investment to bring that building to life, which is really great for local businesses.

In terms of this convenience store, a lot of places close at 11:00pm, this store means people could come and do their shopping late at night. We understand there are the premises like Co-op and Tesco, but this is about a choice and that the people have a choice of products and prices and other services, which is really great for the community.

There is parking out front for four customers and this kind of supermarket don't normally get early morning deliveries or late-night deliveries, they normally happen between like 8:00 a.m. or 9:00 a.m. to between 5: 00p.m in the evening, so that wouldn't be a concern really, but again you know when we I'm sure the planning people will handle that with a condition.

Coming back to licensing, I think for us we don't see any reason or any concerns that impact the licensing objectives, opening either in the morning 6:00 at midnight thank you”.

QUESTIONS TO APPLICANT	APPLICANT'S ANSWERS
How come planning permission wasn't sought before the licence application?	It was operated as a social club so I think it was just the assumption we made that it would be a class E, that it was converted into class E during that conversion period during Coronavirus. I think we should have checked it, but we didn't do it, even the landlord didn't know about it the agents didn't know about it either. Finally, we are here, the planning application would be done before the premises opens as a Supermarket.
When will the planning application be submitted?	It is with our planning consultants now and they will bring it forward when it is ready.
Would you be willing to change your opening hours?	I think the hours on our application fit in with the other local businesses in the area.

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate this matter. The Head of Legal Services (Linda Trembath) and the Committee Services Officer (Keith Durran) retired with the Sub-Committee in case they were asked to assist Members in those deliberations.

Upon the resumption of the meeting and upon being asked by the Chairman, the Head of Legal Services confirmed that she had not proffered any legal advice to the Sub-Committee during its retirement.

The Sub-Committee unanimously **RESOLVED** the following decision:-

“Premises/Personal Licences Sub-Committee meeting Monday 9 September 2024

This application is for a premises licence for the premises known as King’s Local, at 65-67 King’s Avenue, Holland-on-Sea, Essex for the sale of alcohol between the hours of 6 am and midnight seven days a week.

The premises was a social club, which in planning terms is use F2. A convenience store is use class E and therefore there needs to be a planning application to change the use of the premises. That is an important aspect in this matter and has caused us some concern because if we grant a licence, until the applicant has the relevant planning permission the applicant should not be opening at all. Of course, if planning permission is granted the hours that permission may allow the premises to open may be different from the hours of any premises licence we grant on this application.

Currently not only is there no planning permission for the change of use of the premises, but no planning application has been made. This Committee are concerned that in granting the application now, the applicant would open the premises and commence trading even if planning permission has not been granted and that could involve the authority in taking action against the applicant, including through the Courts. This Committee very strongly advise the applicant not to open the premises for any trading until such time as she has the relevant planning permission.

In addition to the current lack of planning permission, we note the concerns around both customer parking and the delivery of goods, as well as questions around the disposal and removal of waste. The applicant would be well advised to talk to the relevant Council officers and work with them to address the various issues, and to do so as quickly as possible.

Accordingly, although the Committee will grant this application, albeit with slightly reduced hours, they very strongly advise the applicant to apply for a change of use in the planning permission and to make that application today.

This application is granted for the sale of alcohol between the hours of 6.00 and 23.00 hours daily, Monday to Sunday”.

The meeting was declared closed at 11.42 am

Chairman

PREMISES/PERSONAL LICENSING SUB-COMMITTEE

27 SEPTEMBER 2024

REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL)

A.1 APPLICATION FOR THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILM

PURPOSE OF THE REPORT

To determine a request for the licence holder to show to the public a number of short films that has not been classified by the British Board of Film Classification.

The request to show the short film has been made by Michael Offord of Electric Palace Harwich on behalf of the Harwich International Shanty Festival. The film would be shown at the Electric Palace Harwich between 11 October 2024 and 13 October 2024.

SUMMARY

The Electric Palace Harwich gives the opportunity to local film makers to show their films to the public through various public events. The Electric Palace Harwich want to support local and regional talent and, as an exhibitor of films, the best way they feel this can be achieved is to provide an opportunity for Essex based creatives to show their films to new audiences. However, one of the major difficulties facing short film makers is the cost of obtaining BBFC classification.

The film submitted by The Electric Palace Harwich on behalf of the Harwich International Shanty Festival will be shown as part of the festival in October 2024.

The Harwich International Shanty Festival was set up in 2006 to organise and co-ordinate an annual sea shanty festival over a weekend in October. Through concerts, singarounds, pub sessions, talks and workshops, the history and heritage of Harwich as part of the British seafaring nation is celebrated, promoted and perpetuated by local people and groups. This is unique for the county of Essex and is attracting audiences countrywide and beyond.

By assisting the cinema in providing this classification service at a cost neutral fee, the Council through its Premises / Personal Sub-Committee is helping to promote and support the town, the District, the local tourist, leisure industries, and the work of local independent filmmakers.

In addition, the Electric Palace Harwich is a special venue locally and provides for a diverse range of film and entertainment that is not always catered for by mainstream venues and which attracts and brings visitors into Harwich as a result. The theatre is therefore always an important destination and venue for Tendring's tourist and leisure industry.

SUPPORTING INFORMATION

Mr Offord and the individual film producer have not requested the film to be classified by the

British Board of Film Classification (BBFC) as the cost would make the project impossible. To classify a film for theatrical showing with the BBFC would cost over £1,000.

As the film which Mr Offord wishes to screen does not have the benefit of a certificate, the consent of the Council is required before the films can be shown.

The public exhibition of films upon licensed premises must either be classified by the British Board of Film Classification or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

Should the Premises / Personal Sub-Committee be minded to recommend the granting for the films to the Assistant Director (Governance), then it may wish to suggest a suitable classification. To assist Members, the British Board of Film Classification [BBFC] Guidelines are attached at Appendix A.

Mr Offord has informed the Licensing Authority Film reveals the forgotten oyster culture of Colchester, Essex through meetings with oystermen, scientists, poets and historians.

Mr Offord confirmed that as a cinema, enforcing the application of any restrictions is something that they undertake on a weekly basis. All of their staff and volunteers are appropriately trained and experienced in ensuring that only those that are old enough, are admitted to the screenings. Mr Offord has included a copy of the cinema safeguarding policy for information. Appendix B

The Licensing Act 2003 deals with the exhibition of films as regulated entertainment. There is a mandatory condition imposed on all licences that permit the exhibition of films, which requires that the recommendations of the British Board of Film classification (BBFC) are followed in respect of the admission of children. However, the licensing authority may give permission for a film that is not classified by the BBFC to be shown, provided the authority's own requirements are followed by the licence holder.

To ensure that the films are not available to the public for viewing until such time that the classifications have been approved; arrangements have been made for Members to view the films prior to the Premises / Personal Sub-Committee Meeting on 29 September 2024.

A summary of the film is attached at Appendix C. A member of the Licensing Team has viewed the films and confirms that the synopsis for the film is accurate. It is of the opinion of the Licensing Team Member that the film should be classified as U (Universal). This suggestion has been made in accordance with the BBFC guidelines.

The BBFC is an independent body that classifies films, trailers and advertisements on behalf of local authorities who license cinemas. Its guidelines set out the classification categories, including the factors that determine which classification a film may be given. These guidelines are attached to the report for information.

Policy Guidelines of Tendring District Council's statement of licensing policy relates to Film Exhibitions and the promotion of the protection of children from harm. See Appendix D

FINANCE, OTHER RESOURCES AND RISK

Officers have taken into consideration the various costs to cover the work that is involved in dealing with this application including the production and printing of the covering Sub-Committee report and have invoiced the Harwich International Shanty Festival £315 which is considered a fair, reasonable and proportionate amount that will enable the Licensing Service to recover its costs for the work that it has done on a cost neutral basis and is in accordance with the provisions made under Section 3 of the Localism Act 2011.

COUNCIL'S ADOPTED GUIDELINES AND LEGISLATION

The public exhibition of films upon licensed premises must either be classified by the British Board of Film Classification or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

Paragraph 2(1)(b) of Schedule 1 of the Licensing Act 2003 defines the exhibition of a film as the provision of entertainment regulated in accordance with the Act.

Section 20(3) of the Licensing Act 2003 requires that:

Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Therefore, the admission of children to the public screening of material unclassified by the British Board of Film Classification is subject to authorisation by the licensing authority in accordance with the powers of the Licensing Act 2003.

When considering whether to authorise the exhibition, the Premises / Personal Sub-Committee should have regard to the Licensing Act 2003 objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The most relevant licensing objective in respect of the exhibition of films is the protection of children from harm.

In carrying out its Licensing functions, the licensing authority when authorising film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003. See Appendix E. The parts of the Guidance of particular relevance to this application are:

- 2.36 The protection of children from harm
- 10.17 Censorship
- 10.59 and 10.60 Exhibition of films.

- 14.62 Children and Cinemas

It is recommended that the Sub-Committee use 'The British Board of Film Classification Guidelines' as a reference point for its considerations concerning the access of children to the film(s). In particular, the 'General Classifications Considerations' section of this Guidance may be helpful to the Sub-Committee.

The Licensing Authority may impose conditions and specific restrictions upon an authorisation where deemed necessary to comply with the licensing objectives.

RECOMMENDATION(S)

The Sub-Committee is requested to:

a) In accordance with the Council's Constitution, recommend to the Assistant Director (Governance) the screening of an unclassified film subject to Council officers viewing the film and imposing an appropriate age restriction, if any, having regard to the British Board of Film Classification guidelines;

OR

b) refuse permission to screen an unclassified film.

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.

APPENDICES

Appendix A	-	BBFC Guidelines
Appendix B	-	Electric Palace Safeguarding Policy
Appendix C	-	Film Summary
Appendix D	-	Extracts of the Licensing Act 2003 Policy
Appendix E	-	Extracts of the S.182 Guidance

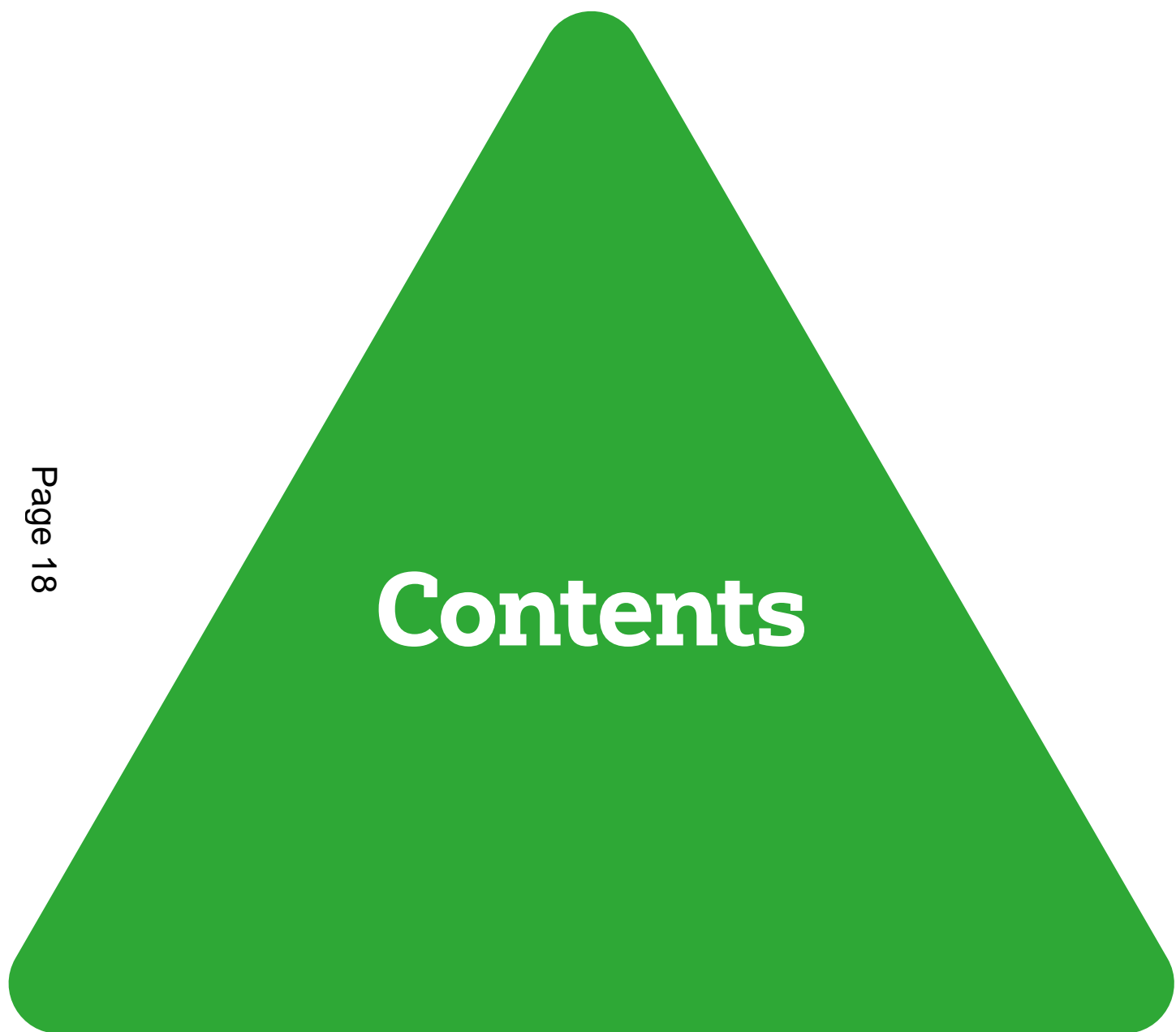
REPORT CONTACT OFFICER(S)

Name	Michael Cook & Emma King
Job Title	Licensing Manager & Licensing Officer
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Classification Guidelines



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18	▲ U	36	Annexe – legal considerations
20	▲ PG		
22	● 12A/12		

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 2003¹
 - 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.

¹Since 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.

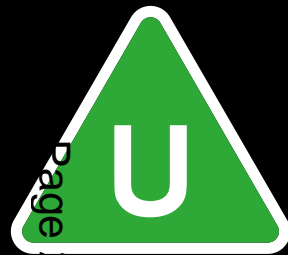
We also advise the video games authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the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

15

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

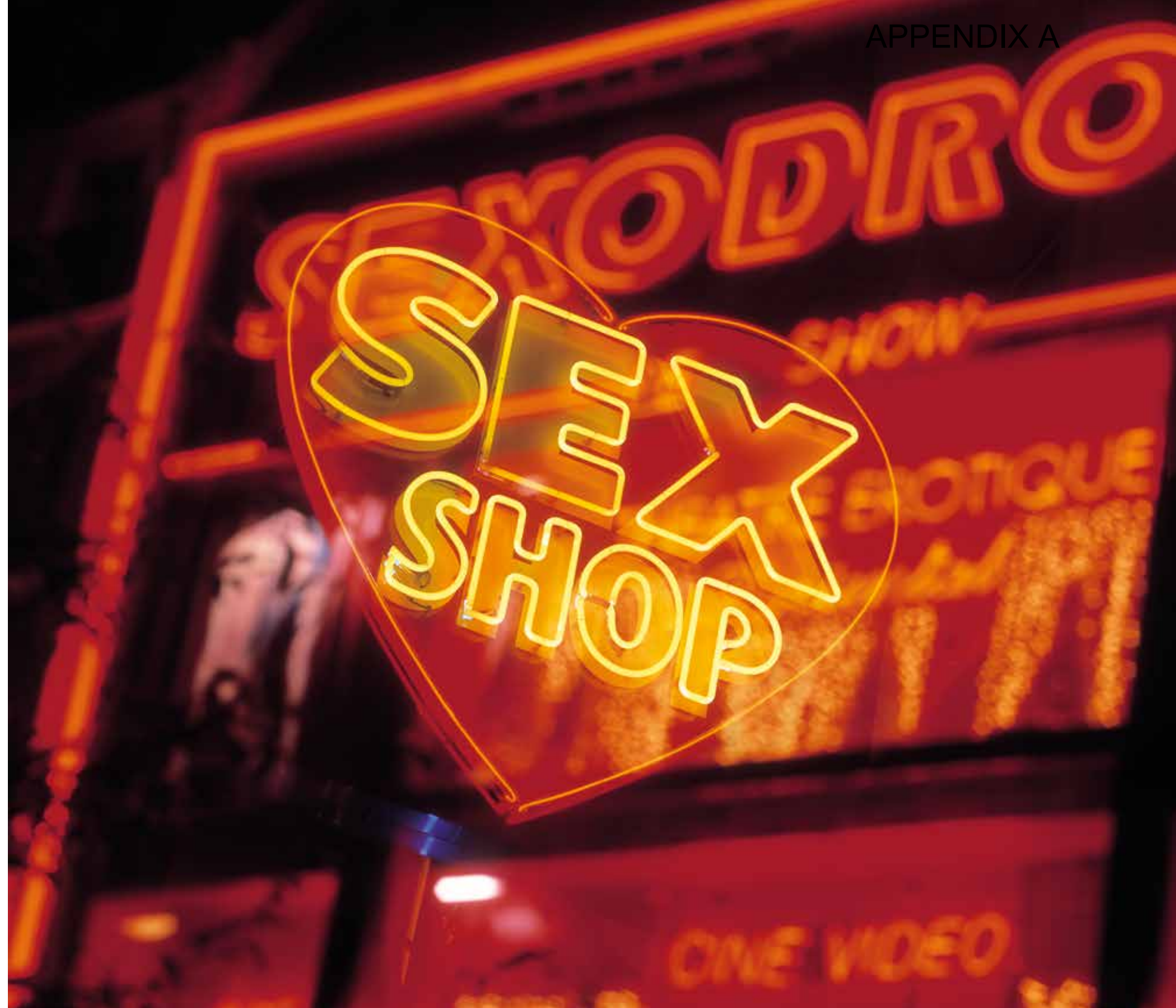
To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only



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

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

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 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.

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.

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.

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.

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.

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

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.

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.

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).

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”.

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”.

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.

The Tobacco Advertising and Promotion Act 2002

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

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.

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.

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

British Board of Film Classification

3 Soho Square,
London,
W1D 3HD

T 020 7440 1570

bbfc.co.uk/about-bbfc/contact-us

BBFC Classification Guidelines 2019

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The Electric Palace

Safeguarding Policy for Children and Vulnerable Adults

Including:

Safeguarding Guide for Electric Palace Staff and Volunteers

- and -

Lost Child Procedure

Useful contact numbers

Contacts

Electric Palace Education Officer
(Designated Safeguarding Officer)

Hayley Forrest

0751 695 6215

Electric Palace Operations Manager

Michael Offord

0773 430 0045

Essex Children and Families Hub

(Available Mon-Thurs 8:45-5:30pm and Fri 8:45-4:30pm)

0345 603 7627

Essex Children and Families Hub Out of Hours Service

0345 606 1212

Essex Safeguarding Adults Board

0345 603 7630

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Policy Statement

The Electric Palace is committed to a practice which protects children¹ and vulnerable adults² from harm.

The Electric Palace accepts and recognises the responsibility to develop awareness of the issues which may cause harm to children.

The Electric Palace is committed to the safeguarding of children and vulnerable adults through the following means:

- **Awareness:**
Ensuring relevant staff and others are aware of abuse and the risks facing children and vulnerable adults.
Providing effective management for staff and volunteers through supervision, support and training.
- **Prevention:**
Ensuring through awareness and a good code of practice, that staff and others minimise the risk facing children and vulnerable adults.
Carefully following the procedures for recruitment and selection of staff, artists and volunteers
- **Reporting:**
Ensuring that all staff and others involved in our work are clear about what steps to take where concerns arise regarding the safety of children and vulnerable adults.
- **Responding:**
Ensuring action is taken to support and protect children where concerns arise regarding possible abuse.

The Electric Palace is also committed to reviewing its policy and good practice at regular intervals.

This policy is updated and reviewed on an annual basis.

Last updated December 2020

¹ Throughout this policy, when reference is made to a *child* or to *children*, it is assumed that young people up to the age of 18 are included.

² Throughout this policy, a vulnerable adult is defined as anyone aged 18 years or over; who may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation

Child Protection Procedures

The Electric Palace endeavours to safeguard children and vulnerable adults by:

- Recognising that all children and vulnerable adults have a right to freedom from abuse.
- Ensuring that all our staff and volunteers are carefully selected and that those in regular contact with children and vulnerable adults have relevant and current Disclosure and Barring Service Checks.
- Seeking written permission around issues such as photography and filming, ensuring that all staff and freelancers are trained accordingly.
- Actively discouraging bullying, violent and degrading behaviour and taking measures to deal with such incidents should they arise.
- Responding swiftly and appropriately to all suspicions or allegations of abuse, and providing parents/carers and children/vulnerable adults with the opportunity to voice any concerns they may have.
- Disallowing children from consuming alcohol, drugs or smoking and carrying offensive weapons on the premises.
- Providing effective management for relevant staff and volunteers in Children and Vulnerable Adults Protection matters through supervision, support and training.
- Appointing a dedicated member of staff who will take specific responsibility for Children and Vulnerable Adults safety and act as the main point of contact for parents/carers, children/vulnerable adults, outside agencies and staff.
- Ensuring that access to confidential information is restricted to the Electric Palace Designated Safeguarding Officer, to others on a “need to know” basis and to the appropriate external authorities.
- Sharing information about good practice in relation to the protection of children and vulnerable adults with any agencies, freelance professionals, cinema staff, volunteers or other individuals who need to know.
- Reviewing the effectiveness of the Children and Vulnerable Adults Protection Policy and activities each year at department level.

Guidelines for the board of trustees, staff, freelance staff, artists and volunteers

- The board, staff, freelance staff, artists and volunteers should not spend excessive amounts of time alone with children, away from others.
- Meetings with individual children should take place as openly as possible in a public place where possible.
- If privacy is needed, the door should be left open and other staff members informed of the meeting.
- The board, staff, freelance staff, artists and volunteers are advised not to make unnecessary physical contact with children.
- There are however, occasions where physical contact may be unavoidable, such as providing comfort and reassurance for a distressed child or physical support during physical activities such as workshops etc. In all cases, physical contact should only take place with the consent of the child or young person i.e. 'Is it ok if I.....?'
- It is not good practice to take children in a private car on journeys. Where this is unavoidable, it should be with the full knowledge and written consent of the child/childrens' parents and the Operations Manager at the Electric Palace.
- The board, staff, freelance staff, artists and volunteers should not meet with children outside organised activities, unless it is with the knowledge and written consent of parents and the Education Officer or Operations Manager at the Electric Palace.
- Any school or organisation bringing a group of young people or vulnerable adults to events at the Electric Palace must acknowledge the appropriate staff ratios for supervision before the visit can be confirmed. They should provide their own staff or volunteers for the occasion. Please ensure that a risk assessment, including a safeguarding check list, is carried out by Electric Palace staff in advance of any group visit.

Appropriate staff ratios for the supervision of children are:

1:3 for 0-2yr olds

1:4 for 2-4yr olds

1:6 for 4-8yr olds

1:8 for 9-12yr olds

1:10 for 13-18yr olds

Photography and Film

Photography and film are sometimes part of media coverage or events at the Electric Palace. The use of digital cameras and mobile phones present the opportunity for misuse of images.

- Commissioned professional photographers or the media must be clear about expectations of them in relation to child protection and will be advised by Electric Palace staff in regard to this.
- Provide a clear brief for photographic, video, online and film work about what is considered appropriate in terms of content and behaviour.
- Introduce professional photographer, or other media professional to the entire group and explain their role, where relevant.
- Inform participants, carers and parents that a photographer/media professional will be in attendance at an event and ensure that they consent to both the taking and publication of videos/film or photographs.

Ensure that the consent form contains the following details:

1. The name of the subject.
 2. The name and contact details of the parent/carer of the subject.
 3. The reason or use the images are being intended to be put to, with options for parents/carers to identify which they consent to.
 4. A signed declaration that the information provided is valid and that the images will only be used for the reasons given.
- Do not allow unsupervised access to participants or one to one photo sessions at events.
 - Do not approve photo sessions outside the event.
 - Photographic and recording equipment including mobile phones is forbidden under all circumstances in any changing areas.

Web Site Images

There have been concerns about the risks posed directly and indirectly to children and young people through the use of photographs on web sites. Photographs can be used as a means of identifying children when they are accompanied with personal information. This information can make a child vulnerable to an individual who may wish to start to “groom” that child for abuse. Secondly the content of the photo can be used or adapted for inappropriate use and there is evidence of this adapted material finding its way onto child pornography sites.

- Consider using models or illustrations if you are promoting a project.
- Avoid the use of the first name and surname of the individuals in a photograph.
- Only use images of participants in suitable dress to reduce the risk of inappropriate use.
- Photographic and video material must be stored on the shared drive, not on the personal devices of the board, staff, artists or volunteers.

What is Abuse?

Abuse is any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm. It commonly occurs within relationships of trust or responsibility and represents an abuse of power and/or a breach of trust. Abuse can happen to a child or vulnerable adult regardless of their age, gender, disability or race.

Definitions of Abuse

Physical Abuse

Physically hurting or injuring a child. This can involve:

- Hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating.
- Munchausen Syndrome by proxy, (whereby a parent/carer feigns the symptoms of, or deliberately causes ill health in a child/vulnerable adult).
- Giving children alcohol, inappropriate drugs or poison.

Sexual Abuse

This involves forcing or enticing a child/vulnerable adult to take part in sexual activities, whether or not they are aware of what is happening. It may involve physical contact, penetrative or non-penetrative acts.

Emotional Abuse

Persistent emotional ill treatment which is likely to cause serious harm to the child's emotional development or harm and distress to a vulnerable adult.

Neglect

The persistent failure to meet basic emotional needs, which is likely to result in serious impairment to health or development. This may include the failure of the parent/carer to supply food, shelter or clothing or a failure to protect from physical harm and danger, or allow access to medical care or treatment. It may also include neglect of, or unresponsiveness to basic emotional needs, such as:

- Persistent lack of love and affection.
- Constant overprotection which prevents children from socialising.
- Children are frequently being shouted at or taunted.
- Bullying, neglect, physical or sexual abuse.

Contextual Safeguarding

The risks presented by social conditions, that exist outside of familial relationships, and are not related to the capacity of parents/carers, such as:

- Peer on peer relationship abuse.
- Criminal exploitation (including County Lines).
- Sexual exploitation/online abuse.
- Risks associated with gangs/groups.
- Radicalisation.
- Trafficking and modern slavery.

Signs and Indicators of Abuse and Risk

- Unexplained or untreated bruising or injuries.
- Suffering continual stomach pains or other physical ailments without any medical explanation.
- Aggressive or withdrawn behaviour and refusal to talk about injuries.
- Unexpected fear of an adult and flinching when touched.
- Sexually explicit behaviour and language.
- Unaccounted for sources of money.
- Unaccounted for access to new equipment/clothing etc.
- Fear of going home to parents or carers or of them being contacted.
- Changes over time in manner and appearance such as losing weight, becoming dirty and dishevelled, being constantly tired and always hungry.
- Telling you about being asked to 'keep a secret' or dropping other hints or clues about abuse.

Responding to signs or suspicions of abuse

All staff and freelancers have a duty to refer cases where abuse is known to have happened or is suspected.

Be alert for signs of abuse. However, even if a child or vulnerable adult is displaying some or all of these signs, it does not necessarily mean they are being abused – there may be other causes. Also, none of these signs may be present – you may just feel that there is something wrong. If you are worried about possible abuse it is your responsibility to put the interests of the child or vulnerable adult first and report it immediately. You should report it to the Electric Palace Designated Safeguarding Officer.

(If your concerns are about this person, you should report it to their line manager, a Director of the Electric Palace, or if this is impossible go directly to the police or social services.)

Do not initiate a conversation with the child or vulnerable adult to ask them about your concerns. You should inform the Electric Palace Designated Safeguarding Officer of your concerns.

If you are working in a setting such as a school or residential establishment this setting should have established procedures in place regarding suspicions or allegations of abuse. You should follow their procedures but also inform the Electric Palace Designated Safeguarding Officer.

Responding to disclosures of abuse

If a child or vulnerable adult discloses abuse to you, you should inform the Electric Palace Designated Safeguarding Officer as soon as possible. You should also:

- Let them know that it is right to tell someone of their worries.
- Listen attentively.
- Stay calm.
- Make sure that they know that they are not to blame for what has happened.
- Explain that you will have to tell someone else about the abuse, you cannot keep this secret, even if this discourages them from disclosing further.
- Only ask factual questions to establish what has happened.
DO NOT ASK LEADING QUESTIONS.
- Make a note of what the child/vulnerable adult has said, together with the date and time of your conversation, sign it and immediately tell the Electric Palace Designated Safeguarding Officer. Try to use the language which was used in the disclosure not your own language.
- Do not share this information with anyone other than the Electric Palace Designated Safeguarding Officer, or those members of staff with responsibility for safeguarding. A list of relevant staff members is available at the front of this document. Do not contact or approach the parents or carers about the conversation or any person suspected of abuse

Electric Palace staff, volunteers and freelancers are not professionals in child protection. Wherever possible it is their duty to report any of their own observations/disclosures to the person responsible for child protection when working in offsite locations.

The Electric Palace uses a form for recording safeguarding concerns (see Appendix 1: Safeguarding form for staff and volunteers). There are copies of this form in the duty managers' folder in the office.

Please complete Section A of the form. Follow the instructions on the form to record the important details about who may have been harmed and write down what has happened in as much detail as possible. Information will then be passed to the relevant authorities and agencies by the Electric Palace Designated Safeguarding Officer.

Safeguarding Guide for Electric Palace Staff and Volunteers

Some common signs of abuse/safeguarding concerns to look out for

- Unexplained or untreated bruising or injuries.
- Suffering continual stomach pains or other physical ailments without any medical explanation.
- Aggressive or withdrawn behaviour and refusal to talk about injuries.
- Unexpected fear of an adult and flinching when touched.
- Sexually explicit behaviour and language.
- Unaccounted for sources of money.
- Unaccounted for access to new equipment/clothing etc.
- Fear of going home to parents or carers or of them being contacted.
- Changes over time in manner and appearance such as losing weight, becoming dirty and dishevelled, being constantly tired and always hungry.
- Telling you about being asked to 'keep a secret' or dropping other hints or clues about abuse.

Procedure to follow if you have a safeguarding concern when at work:

If you see something that concerns you:

- Do not ask leading questions or try to elicit a disclosure
- Take as many detailed and factual notes as you can as soon after your concern as possible using section A of the form provided by the Electric Palace.
- Report immediately to:
 - a) Laura Ager (Designated Safeguarding Officer)
 - b) Michael Offord
 - c) Any senior member of staff

If a member of staff shares a safeguarding concern with you:

- Report immediately to Laura Ager (Designated Safeguarding Officer) 07999204378
- If Laura is unavailable, call the Essex Child and Family Hub on 0345 603 7627 and ask for advice

Lost Child procedure

As soon as a child is thought to be missing notify the Duty Managers immediately.

Duty Managers will begin an immediate search of the building.

If necessary, staff members should be called away from other duties to assist with the search.

All staff involved in the search should remain in radio contact.

The artist or leader of session should stay with their group, to ensure the safety of other children at the session.

Once the child is located, they should be returned to the session.

If necessary, the Duty Managers can administer First Aid.

Parents / carers should be informed of the incident, and a clear understanding of the risks going forward should be discussed.

The incident needs to be reported to the Electric Palace Designated Safeguarding Officer.

If the child is not located inside the building, the Police or Police Community Support Officer must be contacted by the Duty Managers, using 999 / 101.

The police will want to know the following information:

- Where you are (address of setting / venue).
- The next of kin of the child.
- A detailed description of the child, including age and gender, working down from head to toe including as much clothing description as possible.
- The circumstances of the incident, including anything that may have triggered the disappearance, how long have they been missing, where were they last seen, was there an argument or disturbance.

- Who is looking for the child, where are they, do they have a mobile with them, what is the number?

The police will require all information on the incident so far, including any prior conversations and advice from the police.

Contact the parent / carer using contact details held (it is very important that class registers are kept up to date and in a safe location). Continue calling until contact is made. Duty Managers or the Electric Palace Designated Safeguarding Officer will be responsible for this.

Staff should continue to search (until advised otherwise by the police).

Always consider the requirements of the children still at the setting.

If any safeguarding concerns are raised by the incident, the procedures set out in the Electric Palace Safeguarding Policy for Children and Vulnerable Adults should be followed.

Risk assessments will need to be reviewed and updated as necessary by the Electric Palace Designated Safeguarding Officer and other relevant staff.

See Appendix 2. for a concise version of this procedure.

Copies of this document are kept in the duty managers' folder in the office.

Capturing information regarding a Safeguarding concern or disclosure

Please complete this form to ensure any allegations or disclosures are fully documented.

Return it to the Duty Manager or the Designated Safeguarding Officer (DSO) who will then make a referral if appropriate.

If a child / young person or vulnerable adult is in immediate harm and you can't reach your Duty Manager or the DSO then you can seek advice by calling:

Essex Children and Families Hub **0345 603 7627**
(Available Mon-Thurs 8:45-5:30pm and Fri 8:45-4:30pm)

Essex Children and Families Hub Out of Hours Service **0345 606 1212**

SECTION A to be completed by the member of staff who is raising a concern or the member of staff to whom a child makes a disclosure	
Your name:	Position:
Date:	Time:
Event:	Seat Number (if relevant and known):
Name of child/young person or vulnerable adult:	Name of parent/carer (if known): If unknown can you describe who the child was with?
Date of birth/age (if known):	If unknown how old do they look?

Can you describe what you are concerned about? (eg Has there been a change in their behaviour? What have you observed?)

If a disclosure has been made please record exactly what the child said in their own words and what questions you asked eg when, where, what:

APPENDIX B

What action you have taken:

(please tick any that apply and write down the date and time it took place)

- Discussed concern with Duty Manager / Supervisor
- Discussed concern / allegation with Education Officer / Operations Manager
- Contacted the Essex Children and Families Hub directly
- In an emergency, contacted the Police
- Other actions taken (please use separate sheet to describe if necessary)

Signed:

Date:

SECTION B to be completed by designated personnel who made a referral to LADO or Duty and Advice Team or the Emergency Children's / Adult's Social Work Service

Your name:

Position:

Date referral made:

Time referral made:

- Referral made to by DSO
- Referral made by staff (in the absence of the above)

Details of discussion held: (please use back of sheet if necessary)

Signed:

Date:

SECTION C to be completed by the DSO

Action taken or follow up required:

Signed:

Date:

Lost Child procedure

Notify the Duty Managers immediately. The Duty Managers will search the building.

Other staff members may assist, all staff involved in the search must remain in phone contact.

The artist or leader of session should stay with their group, to ensure the safety of other children at the session. Always consider the requirement for any other children in the building.

Once the child is located, they should be returned to the group.

If necessary, the Duty Managers can administer First Aid.

If the child is not located inside the building, the police must be contacted by the Duty Managers using 999 / 101.

The police will want to know the following information:

- Where you are (address of setting/venue).
- The next of kin of the child.
- A detailed description of the child, including age and gender, working down from head to toe including as much clothing description as possible.
- The circumstances of the incident, including anything that may have triggered the disappearance, how long have they been missing, where were they last seen, was there an argument or disturbance.
- Who is looking for the child, where are they, do they have a mobile with them, what is the number?

Contact the parent / carer using contact details held. Continue calling until contact is made.

The incident needs to be reported to the Electric Palace Designated Safeguarding Officer, who will carry out a review of the risk assessment.

If any safeguarding concerns are raised by the incident, the procedures set out in the Electric Palace Safeguarding Policy for Children and Vulnerable Adults should be followed.

From: operationsmanager@electricpalace.com <operationsmanager@electricpalace.com>

Sent: 04 September 2024 11:09

To: Licensing Section <licensingsection@tendringdc.gov.uk>

Cc: Michael Cook <mcook@tendringdc.gov.uk>

Subject: Oster Land - Screening of Unclassified Film at the Electric Palace

Dear Michael and Emma

Here's a link to the film Osyter Land – **To follow for private viewing**

The film is a short documentary (31Mins) by Essex based Film Maker – Matthew J Harrison

The Film reveals the forgotten oyster culture of Colchester, Essex through meetings with oystermen, scientists, poets and historians.

Matthew would like to screen the film at the Electric Palace Harwich as part of this years Harwich International Shanty Festival between the 11th and 13th October. We would like to programme a number of screenings throughout that weekend.

I do realise that this may be too tight a deadline - I have been chasing the film maker for a number of months about this, – if deadlines are a problem, we can always revisit at a later date. If you are able to have a look at this ready for the Shanty Festival Weekend, it would be greatly appreciated.

Regards

Michael

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Licensing Act 2003 Licensing Policy Extract

Film Exhibitions

- 6.8 In the case of film exhibitions, if relevant representations are made, the Licensing Authority will expect licence and certificate holders and those who have given notice of a Temporary Event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if appropriate.
- 6.9 If relevant representations are made and it is considered appropriate and proportionate for the promotion of the licensing of the licensing objective, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 6.10 The Licensing Authority will rarely impose complete bans on access to children. However, in exceptional circumstances where relevant representations have been made, conditions restricting access or excluding children completely may be considered appropriate for the promotion of the licensing objective.

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Protection of children from harm

2.36 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

Censorship

10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Exhibition of films

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

10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Children and cinemas

14.62 The statement of policy should make clear that in the case of premises giving film exhibitions¹⁷, the licensing authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of

APPENDIX E

Film Classification or the licensing authority itself (see paragraphs 10.59 to 10.60).