

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 28 January 2013

Subject: Application for the Certification of Films

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City and Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Executive Summary

To advise Members of an Application for the certification of films to be shown at the Banff Mountain Film Festival. This festival is to be held at the Carriageworks Theatre, Great George Street Leeds in February 2013.

1.0 Purpose of this report

1.1 This report informs Members with the background, history and issues of an application made under the Licensing Act 2003 ("the Act") for the certification of films that do not currently have a BBFC (British Board of Film Classification) certification. Finally, this report informs Members of the options available to them when considering an application for the certification of films.

2.0 Background information

2.1 The Licensing Act 2003 applies to premises which provide film exhibitions. At present there are a total of 7 cinemas licensed in the Leeds District.

2.2 The majority of films shown in Cinemas will carry a Certificate from the BBFC the categories of which are as follows:

Category `U`	Passed for general exhibition
Category `PG`	Passed for general exhibition but parents/guardians are advised that the film contains materials they might prefer children under fifteen years not to see.
Category `12`	Passed as suitable only for exhibition to persons of twelve years or over. When a programme includes a `12` film, no persons under twelve can be admitted.
Category `12a`	Passed as suitable for children under the age of 12 if accompanied by an adult
Category `15`	Passed as suitable only for exhibition to persons of fifteen years and over. When a programme includes a `15` film, no persons under fifteen years can be admitted.
Category `18`	Passed as suitable only for exhibition to adults. When a programme includes an `18` film no person under the age of eighteen can be admitted.

2.3 In addition to licensing premises for film exhibitions, the Licensing Authority has a duty under Section 20 of the Licensing Act 2003 to categories a film which is absent of a certificate from a film classification body such as the BBFC. The Licensing Authority may also reject or modify a film which has received a Certificate from the BBFC.

3.0 Main Issues

- 3.1 A request has been received from the Carriageworks Theatre which intends to host the Banff Film Festival. This will be the fourth year this festival has been held in the Leeds Area.
- 3.2 Details of the films which require certification including a brief synopsis and a recommended category in line with the BBFC classifications is attached at **Appendix `A`** for Members information.
- 3.3 To assist Members a comparison between the classification from British Columbia (Canada) and the BBFC are attached at **Appendix `B`**.

3.4 The Carriageworks has the benefit of a Premises licence with the exhibition of films as a licensable activity.

4.0 Implications for council policy and governance

4.1 There are no implications for Council policy and governance in respect of determining this application.

5.0 Legal and resource implications

5.1 The applicant can appeal any decision made by committee. Any appeal would be to the Magistrates Court.

6.0 Recommendations

6.1 Members are requested to consider this request for the certification of the films as attached hereto.

6.2 Members may take the decision to view any of the films prior to the issue of a certificate.

7.0 Options available to Members

The Licensing Authority has a duty to create conditions or restrictions, and does have the authority to categorise a film which is absent of a Certificate from the BBFC.

Banff Mountain Film Festival World Tour

2013 Synopsis of Films for Licensing

The Gimp Monkeys

2012, 8 minutes

Directed by: Mikey Schaefer

Canadian Classification Rating: General, coarse language

Focus: Climbing

Subtitles: no

Film Synopsis:

Three friends that have all lost at least one limb set out to be the first all-disabled ascent of Yosemite's iconic El Capitan.

The Gimp Monkeys follows the trio as they attempt the 1,800-foot *Zodiac* route on El Cap's southeast face that, if successful, would take them five days to complete.

Yosemite National Park's near-vertical granite wall is a prized bucket list item for the world's strongest, most able-bodied climbers. The film follows them up the climb as they talk about their abilities, and not their disabilities, and eventually the successful climbing attempt.

Suggested British classification: Parental Guidance

Industrial Revolutions

UK, 2011, 5 minutes

Directed by: Stu Thomson

Canadian Classification Rating: General, no advisory

Focus: mountain biking

Subtitles: no

Film Synopsis:

This film shows world renowned mountain bike rider Danny MacAskill doing tricks on his mountain bike in an abandoned ironworks.

The film has no talking - only music backing.

Suggested British classification: U

Moonwalk

USA, 2011, 4 minutes

Directed and Produced by: Mikey Schaefer

Canadian Classification Rating: General, no advisory

Focus: Highlining

Subtitles: no

Film Synopsis:

A man of many talents, Dean Potter is a decorated climber and BASE jumper.

In this short piece, he highlines (i.e. walks along a 1 inch wide piece of nylon webbing) between two desert sandstone towers with a massive full moon as his backdrop.

There is limited talking and mainly just music as a background.

Suggested British classification: U

NDIZOTHEKA (it is possible) special edit

Canada, 2012, 46 minutes

Directed by: Benjamin Jordan

Classification: General, no advisory

Focus: culture, paragliding

Subtitles: yes (limited, for clarity)

Film Synopsis:

From opposite corners of the earth, two men are united by a common dream; to be the first to paraglide from Mount Mulanje, Malawi's highest peak.

The two meet in Malawi and one teaches the other how to paraglide. The film follows them on their trip across Malawi. They visit schools on the way and teach the children how to build kites and also shows them training for the first jump from the peak of Mount Mulanje.

The film ends as they both paraglide off the peak and shows their flight back down to the nearby community that are amazed by the paragliders.

Suggested British classification: U

Reel Rock 7: Dura Dura

USA, 2012, 26 minutes

Directed by: Peter Mortimer, Nick Rosen, Josh Lowell, Alex Lowther

Classification: Parental Guidance, coarse language (TBC)

Focus: rock climbing

Subtitles: No

Film Synopsis:

Chris Sharma has been the “king” of sport climbing for 15 years, and has created a mecca for hard routes near his home in Catalunya, Spain.

Now, Czech climber Adam Ondra, has come to Sharma’s home to attempt some of the difficult climbing routes that Sharma has established.

The film shows them both attempting one particularly hard route and their several attempts to get to the top.

Suggested British classification: 12A

Frontier

USA, 2010, 20 minutes

Directed by: Rush Sturges

Canadian Classification Rating: General

Focus: Kayaking

Subtitles: None

Film Synopsis:

The film follows a group of kayakers as they travel from Mexico to Iceland and features them kayaking off huge waterfalls and visiting remote areas on their kayaks as they tackle some of the most challenging whitewater ever paddled.

Suggested British Classification: Parental Guidance

Further

27 minutes

Directed by: Jeremy Jones

Focus: snowboarding

Subtitles: no

Film Synopsis:

Further is a snowboarding film that follows one of the world's best snowboarders who heads out to explore some of the world's most remote mountain terrain in Alaska.

The film documents their journey to the backcountry and Alaska and then shows footage of them snowboarding down various mountains and talking about their adventures and why they do it.

Suggested British classification: Parental Guidance

Appendix B

Suggested Film Classifications for Banff Film Festival – Equivalence Table

The table below includes the film classifications under which the films for the Banff Film Festival have been rated (all are either G or PG) and the columns to the right indicate a suggested equivalent BBFC rating. Please see Appendix C for more info about the Canadian classification ratings.

As language is the only thing that anyone may find offensive in the films (there is no discrimination, drugs, horror, violence, etc) then I have only included reference to bad language in the BBFC summary.

Table 1 – Canadian (British Columbia) and BBFC Film Classifications

British Columbia Classification	Suggested Equivalent BBFC ratings	
<p>Rating G - Suitable for viewing by persons of all ages. Occasional violence, swearing and coarse language, and the most innocent of sexually suggestive scenes and nudity, are permitted in this category.</p>	<p>Rating U - Suitable for all - Language - Infrequent use only of very mild bad language.</p>	<p>Rating PG - General viewing, but some scenes may be unsuitable for young children Language - Mild bad language only.</p>
<p>Rating PG - Parental guidance advised. Theme or content may not be suitable for all children although there is no age restriction. Motion pictures in this category may contain</p>	<p>Rating PG - General viewing, but some scenes may be unsuitable for young children Language - Mild bad language only.</p>	<p>Rating 12A - These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Moderate language is allowed. The use of strong</p>

<p>less subtle sexually suggestive scenes and nudity and a more realistic portrayal of violence than in the General category; coarse language may occur more often than in the General category.</p>		<p>language (for example, 'f*&k') must be infrequent.</p>
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In summary, the rating G in the British Columbia (Canada) classification corresponds to either U or PG under the BBFC (mostly U).

The rating PG in British Columbia corresponds to either PG or 12A under the BBFC (generally PG although conservatively some may be considered 12A).

Film Classification Ratings from the Consumer Protection BC (Canada) Website

Categories and Advisories

Categories

The *Motion Picture Act* Regulations define 6 unique classification categories used for film classification in British Columbia.

General



Suitable for viewing by persons of all ages. Occasional violence, swearing and coarse language, and the most innocent of sexually suggestive scenes and nudity, are permitted in this category.

Parental Guidance



Parental guidance advised. Theme or content may not be suitable for all children although there is no age restriction. Motion pictures in this category may contain less subtle sexually suggestive scenes and nudity and a more realistic portrayal of violence than in the General category; coarse language may occur more often than in the General category.

14 Accompaniment



Suitable for persons 14 years of age or older. Persons under 14 years of age must view these motion pictures accompanied by an adult. Motion pictures in this category may contain violence, coarse language or sexually suggestive scenes, or any combination of them.

18 Accompaniment



Persons under 18 years of age must view these motion pictures accompanied by

an adult. Motion pictures in this category will contain horror, explicit violence, frequent coarse language or scenes that are more sexually suggestive than in the 14A category, or any combination of them.

Restricted



Restricted to persons 18 years of age and over. Persons under 18 years of age are not permitted to attend under any circumstances. These motion pictures are “adult motion pictures”, as defined in the Act, and may contain explicit sexual scenes, violence or scenes referred to in Section 5(3) of the Act, or any combination of them. The director will assign this classification to motion pictures if the director considers that the theme, subject matter or plot of the adult motion picture is artistic, historical, political, educational or scientific.

Adult



Restricted to persons 18 years of age and over. Persons under 18 years of age are not permitted to attend under any circumstances. These motion pictures are “adult motion pictures”, as defined in the Act, and may contain explicit sexual scenes or scenes of brutality or torture to persons or animals, or any combination of them, that are portrayed in a realistic and explicit manner; however, the scenes would, in the director’s opinion, be tolerable to the community.

Trailers

Consumer Protection BC uses 3 designations for trailers.



Approved for exhibition with all films.



Approved for exhibition with films classified as 14A or 18A.



Approved for exhibition with films classified as Restricted or Adult.

Advisories

Advisories are short information pieces designed to provide the public with information regarding film content. The following is a list of advisories that have been recently applied to films.

Bullying. Anti-social behaviour (particularly in a school environment) in which a character intimidates, torments or physically harms another person.

Coarse Language. Dialogue using profanity (i.e. "four letter" words), blasphemy, disparaging racial or sexual orientation remarks. May include sexual language. The context and frequency of the dialogue is considered.

Crude Content. Content or humour that is primitive, gross or vulgar. For example, scenarios involving bodily fluids.

Domestic Violence. Violence that is depicted within a home involving characters in the same family (e.g. spousal or child abuse).

Drug Use. The injection, consumption or inhalation of illegal narcotics.

Explicit Sexual Scenes. Scenes that depict a sexual act, the occurrence of which is actually visible by the viewer. For example, the viewer will be able to clearly see a genital-to-genital connection. Limited to Restricted and Adult rated films.

Explicit Violence. Violence that is expressly conveyed, leaving nothing merely implied, and depicted in detail. It may be characterized by extreme brutality, torture, and extreme bloodletting, tissue damage, dismemberment and/or decapitation.

Horror. Gory and grotesque depictions of frequent murders and tortures; intense or suspenseful psychological theme; prolonged and graphic focus on bloodletting/tissue damage/mutilated bodies. Relevant to 18A films.

May Frighten Young Children. Scenes that may be shocking or alarming to a person under the approximate age of eight.

Nudity. The appearance of any of the following:

- post-pubescent human genitals;

- post-pubescent human buttocks; or
- post-pubescent human female nipple(s).

Sexual Content. Dialogue, props, costumes, situations or other depictions that are overtly sexual.

Sexual Language. Dialogue that does not necessarily include coarse language, but describes or refers to sexual activity.

Sexually Suggestive Scenes. Scenes in a motion picture that depict:

- sexual activity other than explicit sexual scenes (i.e. genital connections will not be visible to the viewer); or
- a sexual act that is not actually visible to the viewer, but the scene and the context in which it appears are intended to suggest that a sexual act is or may be occurring. For example, two bodies moving under blankets while the bed is rocking.

Sexual Violence. Physically coercive sexual activity.

Violence. Behavioural acts with evidence/indication of harm or potential for harm. This may include armed combat, natural disasters, accidents, hand-to-hand combat, use of weapons, torture and violent sports.

The following is a list of other advisories that have been recently applied to films.

- Scenes of genocide;
- Sexually suggestive scenes involving minors;
- Theme of child abuse; and
- Theme of suicide.