

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
*Chief Executive,*  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

DYDD GWENER, 23 MAWRTH 2018

## AT: HOLL AELODAU'R PWYLLGOR TRWYDDEDU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R **PWYLLGOR TRWYDDEDU** A GYNHELIR YN Y SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM **10.00 AM**, **DYDD MERCHER, 4<sup>YDD</sup> EBRILL, 2018** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Mark James* DYB

**PRIF WEITHREDWR**



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Janine Owen
Ffôn (Llinell Uniongyrchol):	01267 224030
E-bost:	JanineOwen@sirgar.gov.uk
Cyf:	AD016-001

# PWYLLGOR TRWYDDEDU

14 AELOD

## Y GRŴP PLAID CYMRU – 7 AELOD

1. Y Cynghorydd Mansel Charles
2. Y Cynghorydd Alun Davies
3. Y Cynghorydd Ann Davies
4. Y Cynghorydd Tyssul Evans
5. Y Cynghorydd Ken Howell
6. Y Cynghorydd Eirwyn Williams
7. Y Cynghorydd Elwyn Williams [Is-Gadeirydd]

## Y GRŴP LLAFUR – 4 AELOD

1. Y Cynghorydd Fozia Akhtar
2. Y Cynghorydd Penny Edwards
3. Y Cynghorydd Amanda Fox
4. Y Cynghorydd John Prosser

## Y GRŴP ANNIBYNNOL – 3 AELOD

1. Y Cynghorydd Rob Evans
2. Y Cynghorydd Irfon Jones
3. Y Cynghorydd Edward Thomas [Cadeirydd]

**DYLAI AELODAU FOD YN YMWYBODOL NA CHANIATEIR IDDYNT OFYN I AELODAU O FEWN EU GRWPIAU EU HUNAIN I'W CYNRYCHIOLI MEWN CYFARFODYDD O'R PWYLLGOR YMA**

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGANIADAU O FUDDIANNAU PERSONOL.
3. MR UMAAR BIN HAMEED - 5 - 8  
TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT
4. MR EIRWYN LYN DAVIES - 9 - 12  
TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT
5. MR RUSSELL ALAN HOWE - 13 - 16  
TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT
6. MR DAVID GEORGE HOPKINS - 17 - 20  
CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/  
HURIO PREIFAT
7. DEDDF TRWYDDEDU 2003 - 21 - 64  
CAIS YN YMWNEUD Â DOSBARTHIAD FFILM
8. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y 65 - 68  
PWYLLGOR TRWYDDEDU A GYNHALIWDYD AR  
19<sup>EG</sup> CHWEFROR, 2018.

Mae'r dudalen hon yn wag yn fwriadol

## PWYLLGOR TRWYDDEDU

4<sup>YDD</sup> EBRILL 2018

## MR UMAAR BIN HAMEED

## TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT

## ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

Bod y Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a oedd wedi'i rhoi i Mr Hameed yn cael ei hatal am 14 diwrnod.

## RHESYMAU:

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth:  
Cymunedau

Enw Pennaeth y Gwasanaeth  
Mr Jonathan Morgan

Awdur yr Adroddiad  
Justin Power

Swydd:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

Rhifau Ffôn:  
Cyfeiriadau E-bost:

01554 899285  
jmorgan@sirgar.gov.uk

01267 228932  
JHPower@sirgar.gov.uk

# EXECUTIVE SUMMARY

## LICENSING COMMITTEE

4<sup>TH</sup> APRIL 2018

### MR UMAAR BIN HAMEED HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

Mr Umaar Bin Hameed of Flat 2, 27 Picton Terrace, Carmarthen is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**LEGAL:** The legal implication of Suspending Mr Hameed's licence is that he may lodge an appeal

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**1. Local Member(s):**

No local member involvement and therefore no consultation necessary.

**2. Community / Town Council:**

No Community / Town Council involvement and therefore no consultation necessary.

**3. Relevant Partners:**

No Police and Fire Authority involvement and therefore no consultation necessary.

**4. Staff Side Representatives and other Organisations:**

There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10726	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol



## PWYLLGOR TRWYDDEDU

4<sup>YDD</sup> EBRILL 2018

**MR EIRWYN LYN DAVIES**  
**TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Bod Mr Eirwyn Lyn Davies yn cael rhybudd terfynol ynghylch ei ymddygiad yn y dyfodol.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

**Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cynghorydd P.M. Hughes**

**Y Gyfarwyddiaeth:**  
Cymunedau

**Enw Pennaeth y Gwasanaeth**  
Mr Jonathan Morgan

**Awdur yr Adroddiad**  
Justin Power

**Swydd:**

**Pennaeth Dros Dro Cartrefi a**  
**Chymunedau Mwy Diogel**

**Uwch-swyddog Trwyddedu**

**Rhifau Ffôn:**

**Cyfeiriadau E-bost:**

**01554 899285**  
**jmorgan@sirgar.gov.uk**

**01267 228932**  
**JHPower@sirgar.gov.uk**

# EXECUTIVE SUMMARY

## LICENSING COMMITTEE

4<sup>TH</sup> APRIL 2018

<p><b>MR EIRWYN LYN DAVIES</b> <b>HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE</b></p>
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Mr Eirwyn Lyn Davies of Bro Helyg, Pontardulais Road, Tycroes, Ammanford is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?	NO
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**1. Local Member(s):**

No local member involvement and therefore no consultation necessary.

**2. Community / Town Council:**

No Community / Town Council involvement and therefore no consultation necessary.

**3. Relevant Partners:**

No Police and Fire Authority involvement and therefore no consultation necessary.

**4. Staff Side Representatives and other Organisations:**

There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD20378	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol

**PWYLLGOR TRWYDDEDU**  
**4<sup>YDD</sup> EBRILL 2018**

**MR RUSSELL ALAN HOWE**  
**TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Bod Mr Howe yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

**Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio:** Cynghorydd P.M. Hughes

**Y Gyfarwyddiaeth:**  
Cymunedau

**Enw Pennaeth y Gwasanaeth**  
Mr Jonathan Morgan

**Awdur yr Adroddiad**  
Justin Power

**Swydd:**

**Pennaeth Dros Dro Cartrefi a**  
**Chymunedau Mwy Diogel**

**Uwch-swyddog Trwyddedu**

**Rhifau Ffôn:**  
**Cyfeiriadau E-bost:**

**01554 899285**  
**jmorgan@sirgar.gov.uk**

**01267 228932**  
**JHPower@sirgar.gov.uk**

**EXECUTIVE SUMMARY  
LICENSING COMMITTEE**

**4<sup>TH</sup> APRIL 2018**

**MR RUSSELL ALAN HOWE  
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

Mr Russell Alan Howe of 28 Park Hall, Carmarthen is a licensed hackney carriage/private hire dual driver with this authority.

This item was deferred by the Committee on the 19<sup>th</sup> February 2018 as Mr Howe was unable to attend.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

### 1. Local Member(s):

No local member involvement and therefore no consultation necessary.

### 2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

### 3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

### 4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

#### THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10657	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol



**PWYLLGOR TRWYDDEDU****4<sup>YDD</sup> EBRILL 2018**

**MR DAVID GEORGE HOPKINS**  
**CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/  
 HURIO PREIFAT**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Gwrthod cais Mr Hopkins.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cynghorydd P.M. Hughes

<b>Y Gyfarwyddiaeth:</b> Cymunedau	<b>Swydd:</b>	<b>Rhifau Ffôn:</b> <b>Cyfeiriadau E-bost:</b>
<b>Enw Pennaeth y Gwasanaeth</b> <b>Mr Jonathan Morgan</b>	<b>Pennaeth Dros Dro Cartrefi a</b> <b>Chymunedau Mwy Diogel</b>	<b>01554 899285</b> <b>jmorgan@sirgar.gov.uk</b>
<b>Awdur yr Adroddiad</b> <b>Justin Power</b>	<b>Uwch-swyddog Trwyddedu</b>	<b>01267 228932</b> <b>JHPower@sirgar.gov.uk</b>

**EXECUTIVE SUMMARY  
LICENSING COMMITTEE**

**4<sup>TH</sup> APRIL 2018**

**MR DAVID GEORGE HOPKINS  
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/  
PRIVATE HIRE DUAL DRIVERS LICENCE**

To consider an application from Mr David George Hopkins of 4 Dolau Bran, Llandovery for the grant of a hackney carriage/private hire dual drivers licence.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**LEGAL:** The legal implication of refusal to grant a licence is that Mr Hopkins may lodge an appeal.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**1. Local Member(s):**

No local member involvement and therefore no consultation necessary.

**2. Community / Town Council:**

No Community / Town Council involvement and therefore no consultation necessary.

**3. Relevant Partners:**

No Police and Fire Authority involvement and therefore no consultation necessary.

**4. Staff Side Representatives and other Organisations:**

There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD20485	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR TRWYDDEDU**  
**4<sup>YDD</sup> EBRILL 2018**

**DEDDF TRWYDDEDU 2003**  
**CAIS YN YMWNEUD Â DOSBARTHIAD FFILM**

**YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Bod y Pwyllgor yn gwyllo'r ddwy ffilm fer ac yn gwneud argymhelliad ynghylch caniatáu i blant wyllo'r ffilmiau gan gyfeirio at ganllawiau dosbarthiad y BBFC.

Hynny yw, mewn perthynas â'r ffilm yn dwyn y teitl "Sampli" na chaiff personau o dan 12 oed wyllo'r ffilm ac mewn perthynas â'r ffilm yn dwyn y teitl "Helfar Heli" na chaiff personau o dan 15 oed wyllo'r ffilm.

**Y RHESYMAU:**

Sicrhau nad yw dangos y ffilmiau yn tanseilio'r amcanion trwyddedu ac yn arbennig o ran amddiffyn plant rhag niwed.

<b>Ymgynghorwyd â'r Pwyllgor Craffu perthnasol</b>	<b>Amherthnasol</b>
<b>Angen i'r Bwrdd Gweithredol wneud penderfyniad</b>	<b>Amherthnasol</b>
<b>Angen i'r Cyngor wneud penderfyniad</b>	<b>Amherthnasol</b>

**Yr Aelod o'r Bwrdd Gweithredol sy'n Dal y Portffolio:** Y Cyngorydd P.M. Hughes

**Y Gyfarwyddiaeth:**  
**Cymunedau**

**Enw Pennaeth y Gwasanaeth**  
**Mr Jonathan Morgan**

**Awdur yr Adroddiad**  
**Emyr Jones**

**Swydd:**

**Pennaeth Dros Dro Cartrefi a**  
**Chymunedau Mwy Diogel**

**Pen-swyddog Trwyddedu**

**Rhifau Ffôn:**

**Cyfeiriadau E-bost:**

**01554 899285**  
**jmorgan@sirgar.gov.uk**

**01267 228717**  
**eorjones@sirgar.gov.uk**

# EXECUTIVE SUMMARY

## LICENSING COMMITTEE

4<sup>TH</sup> APRIL 2018

### LICENSING ACT 2003

### FILM CLASSIFICATION REQUEST

To consider a request from Mrs Mair Craig on behalf of Llansadwrn Reading Rooms for a recommendation regarding the admission of children to view two previously unclassified short films.

The applicant wishes to screen the two Welsh language films, "Sampli" and "Helfar Heli" prior to the screening of a certificated feature film at the community cinema.

The premises intend operating the community cinema under the community premises exemptions set out in paragraph 6A of Schedule one of the Licensing Act 2003.

In order to satisfy the requirements of the Licensing Act 2003, the films shown must have a recommendation concerning the admission of children issued by either the film classification body (BBFC) or relevant licensing authority, which in this case is ourselves.

The committee is asked to refer to the guidelines in relation to age ratings produced by the British Board of Film Classification (BBFC) which are attached as appendix 1. In particular the committee are asked to consider the references to Imitable behaviour, Language, Nudity and Sex contained on pages 19 and 20 of the guidance relating to films classified 12 and 15.

DETAILED REPORT ATTACHED ?

NO

Appendix 1 - Classification Guidelines

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

### 1. Local Member(s):

No local member involvement and therefore no consultation necessary.

### 2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

### 3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

### 4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	Llansadwrn Reading Rooms	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol





**bbfc**

Age Ratings You Trust

**Guidelines**





<b>Introduction</b>	<b>2</b>
<b>Guiding Principles</b>	<b>3</b>
<b>General Classification Considerations</b>	<b>4</b>
<b>Specific Classification Considerations</b>	<b>5</b>
<b>Other Matters</b>	<b>8</b>
<b>The Classification Categories</b>	<b>12</b>
<b>U</b>	<b>15</b>
<b>PG</b>	<b>16</b>
<b>12A/12</b>	<b>19</b>
<b>15</b>	<b>20</b>
<b>18</b>	<b>23</b>
<b>R18</b>	<b>24</b>
<b>Advice Viewings</b>	<b>26</b>
<b>Intervention</b>	<b>27</b>
<b>Appeals</b>	<b>29</b>
<b>Engagement with the Public</b>	<b>30</b>
<b>Feedback</b>	<b>33</b>
<b>Annexe</b>	<b>34</b>

## Introduction

The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. We are 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
- video works 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 extensive public consultation, 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 or expert sources. The Guidelines are reviewed periodically, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to 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.

## 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 by providing age classifications and publishing advice (known as BBFCinsight) for individual films and videos. 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. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

Media effects research and expert opinion on issues of suitability and harm can be inconclusive or contradictory. 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. 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.

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 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, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding 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, or has been created through the commission of a criminal offence.

We act as a regulator across the United Kingdom. However, the United Kingdom 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 Annex.

## 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.

### **Context**

Context is central to the question of acceptability of film and video content. When considering context therefore, we take into account issues such as public expectation in general and the expectations of a work's audience in particular.

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 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); 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, drug misuse, sexual violence, paedophilia, racial hatred or violence) are unlikely to be appropriate at the most junior levels of classification. 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.

### **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 in relation to horror films where threat may be more significant than the level of violence.

## 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 12 to 24 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.

### **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 as a whole seeks to challenge such attitudes; or the work is obviously dated, with little or no appeal to children.

### **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 BBFCinsight. Classification decisions will also take into account any promotion or glamorisation of such activities.

### **Imitable 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 hanging, suicide and self-harm) which children and young people may potentially copy, will be cut if a higher classification is not appropriate.

## **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. Strong detail in such a context will usually only be passed at the adult categories (18 or R18).

## **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. 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 normally only be passed at the adult categories. Sex works which only contain sex which may be simulated will usually be passed at 18. The R18 category is suitable for sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images. R18 video works may be supplied only in licensed sex shops which no one under 18 may enter. R18 films may be shown only in specially licensed cinemas.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.



## **Threat**

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 may be a mitigating 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 higher classifications:

- 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

Sadistic or sexual violence is likely to receive a higher classification. Any depiction of sadistic or sexual violence which is likely to pose a harm risk will be subject to intervention through classification, cuts or even, as a last resort, a refusal to classify.

We may refuse to classify content which makes sexual or sadistic violence look appealing or acceptable, reinforces the suggestion that victims enjoy sexual violence, or invites viewer complicity in sexual violence or other harmful violent activities.

We are also 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**

The classification of a music video will take account of any elements which are of concern to parents, including glamorisation of behaviour which they consider inappropriate. 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.

### **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.) Where necessary, assurances on public display of the full title, or changes to the title, may be required as a condition of classification.

### **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 BBFCinsight. 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.

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 pornographic video games which include for example:

- images of unstimulated human sexual activity involving genitals or anus
- sexual fetish material, including bondage or sadomasochistic activity, urination and other bodily functions
- material likely to encourage an interest in sexually abusive activity
- the portrayal of sexual activity which involves lack of consent whether real or simulated
- sexual threats, humiliation or abuse
- penetration by any object associated with violence or likely to cause physical harm
- images of sexual activity with animals

whether such images or material are of real events or activity or are animated.

We also advise the Games Rating 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.

## 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 specifically 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.



Tudalen 40





## **U 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.**

**If a work is particularly suitable for pre-school children, this will be indicated in the BBFCinsight.**

### **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.

### **Imitable behaviour**

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of. No emphasis on realistic or easily accessible weapons.

### **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**

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).



## **PG 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.**

### **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.

### **Imitable 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.

### **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**

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings may be a mitigating factor.

### **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).





Tudalen 44



## **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 BBFCinsight for that film in advance.**

**No one younger than 12 may rent or buy a 12 rated video work.**

### **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 instructional detail.

### **Imitable 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.

### **Language**

There may be moderate 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.

### **Threat**

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.

Sexual violence may only be implied or briefly and discreetly indicated, and its depiction must be justified by context.



## **15 – Suitable only for 15 years and over**

**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.**

### **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 instructional detail). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

### **Imitable behaviour**

Dangerous behaviour (for example, hanging, suicide and self-harming) 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.

### **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. There may be nudity in a sexual context but usually without strong detail.

### **Sex**

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

### **Threat**

There may be strong threat and horror. A sustained focus on sadistic or sexual 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.

There may be detailed verbal references to sexual violence but the depiction of sexual violence must be discreet and justified by context.





Tudalen 48





## **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 or sexual violence which make this violence look appealing; reinforce the suggestion that victims enjoy sexual violence; or which invite viewer complicity in sexual violence or other harmful violent activities

- where there are more explicit images of sexual activity in the context of a sex work (see below) or where the primary purpose of the images in question is sexual arousal

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

### **Sex education at 18**

Where sex material genuinely seeks to inform and educate in matters such as human sexuality or safer sex and health, explicit images of sexual activity may be permitted.

### **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)
- 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 may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game. Strong physical or verbal abuse, even if consensual, is unlikely to be acceptable

These Guidelines will be applied to the same standard regardless of sexual orientation of the activity portrayed.



Tudalen 51

## **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.

## **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 sexual or sadistic violence look normal, appealing, or arousing
- 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 sexual violence
- material which invites viewer complicity in sexual violence 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 sexual 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.

## **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 at **VAC, PO Box 6949, London, W1A 3TZ** or by email at **[enquiries@vacappeal.co.uk](mailto:enquiries@vacappeal.co.uk)**

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.

## Engagement with the Public

As part of our role we provide consumers, particularly parents, with as much information as possible to enable them to make a fully informed decision about what they will view. We therefore publish detailed information about the content of every film we classify. This is called BBFCinsight.



# insight

### BBFCinsight consists of the following:

- short content advice on film posters, some film advertising and video packaging, for example:



Strong language and sex references

- more detailed information, aimed particularly at parents, found on our website and free App

BBFCinsight is a short description of the issues found in a film or video work. It explains why an individual title received a particular classification. It highlights the key issues in a film, and gives examples of the content in the film, avoiding where possible any potential plot spoilers.

BBFCinsight also notes any other issues that might be important for parents, or those wishing to take younger viewers to see a film. This may include, for example, themes of divorce or bereavement, a film's overall suitability for family viewing and the likely familiarity of the audience with the film's source material or cast.

We encourage viewers to check BBFCinsight for a clear idea of the issues a work contains.



## Websites



### **BBFC Website - [www.bbfc.co.uk](http://www.bbfc.co.uk)**

Our website gives detailed information about every classification decision.

The website includes an online version of our Guidelines, detailed information about the different classifications, a library of our research, education tools and resources for use in the classroom and independent study, and a media centre including news and press releases.



### **Children's BBFC – [www.cbbfc.co.uk](http://www.cbbfc.co.uk)**

This website offers children clear information about how age classifications work and our role and history. It includes interactive elements, and material especially adapted for younger filmgoers and families.

The site also has an area for adults which contains information about BBFCinsight, the classification categories and details of our education and outreach work (for example, video conferencing) for schools.

### **BBFC App**

We have a free App available to download for iOS and Android devices. It lets users check the latest film and video classifications on the go, along with BBFCinsight.

### **Twitter**

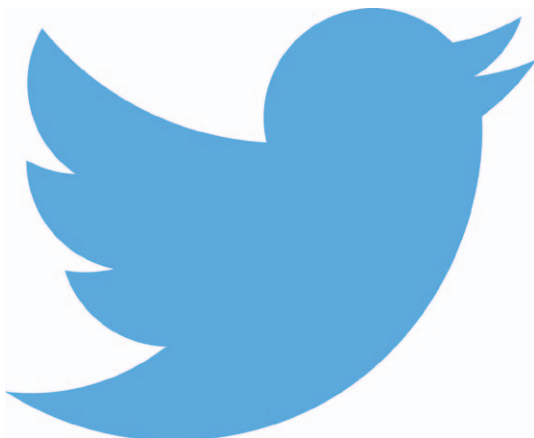
We regularly update our Twitter account, **@BBFC**, with BBFC news and the latest film and video classifications.

### **Newsletters**

We produce regular newsletters for the industry, for those involved in education and for the general public. These give details about recent BBFC classification decisions as well as our resources, workshops and events. To sign up for any of the newsletters visit **[www.bbfc.co.uk](http://www.bbfc.co.uk)**.

### **Podcasts**

We produce themed podcasts which feature guest interviews, discussion of recent decisions and current classification issues. The podcasts can be downloaded from the website.



Tudalen 58

## Feedback

We welcome all feedback, whether positive or negative, and any comments can be sent to [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk), or in writing to the **Director's Office, BBFC, 3 Soho Square, London, W1D 3HD.**

For further details see the 'Contact Us' page on [www.bbfc.co.uk](http://www.bbfc.co.uk)



Tudalen 59

# 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 Act 1959 & 1964 – England and Wales**

### **The Obscene Publications Act 1857 – Northern Ireland**

### **The Civic Government (Scotland) Act 1982 – Scotland**

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, Northern Ireland and Wales**

### **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 bestiality

In Scotland, the Civic Government (Scotland) Act 1982, includes as "extreme" for the purpose "an act which takes or threatens a person's life" and "rape or other non-consensual penetrative activity".

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**

### **Protection of Children (Northern Ireland) Order 1978 – Northern Ireland**

### **Civic Government (Scotland) Act 1982 – Scotland**

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.

### **The Coroners and Justice Act 2009 – England, Northern Ireland and Wales**

### **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**

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. The Act also prohibits a person recording 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 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”.

In Scotland, the communication of material that is threatening and is intended to stir up hatred on religious grounds is an offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

### **The Cinematograph Films (Animals) Act 1937**

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 or 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, we 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.



Tudalen 63

**bbfc**

Age Ratings You Trust

**British Board of Film Classification**

**3 Soho Square, London, W1D 3HD**

**T 020 7440 1570**

**[www.bbfc.co.uk](http://www.bbfc.co.uk)**



## PWYLLGOR TRWYDDEDU

Dydd Llun, 19 Chwefror 2018

**YN BRESENNOL:** Y Cynghorydd E.G. Thomas (Cadeirydd)

### Y Cynghorwyr:

P.M. Edwards, J.K. Howell, H.I. Jones, D.E. Williams, J.M. Charles, C.A. Davies, W.T. Evans, J.G. Prosser, A.L. Fox and J.E. Williams

### Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

A. Evans, Cyfreithiwr Cynorthwyol  
R. Edmunds, Rheolwr Materion Defnyddwyr a Busnes  
J. Power, Uwch Swyddog Trwyddedu  
K. Thomas, Swyddog Gwasanaethau Democraidd  
P. Booth, Swyddog Trwyddedu

**Y Siambr, Neuadd y Sir - 10.00 - 10.50 am**

### 1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr A. Davies ac R. Evans.

Cyfeiriodd y Cadeirydd at ymddiheuriad y Cynghorydd Davies a dymunodd yn dda iddo ar ran y Pwyllgor.

### 2. DATGANIADAU O FUDDIANNAU PERSONOL.

Y Cynghorydd	Rhif y Cofnod	Y Math o Fuddiant
E. Williams	6. – Mr Jason Owen Jenkins – Trwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat	Mae'r ymgeisydd yn byw yn ei ward

### 3. MR DAFYDD WILLIAM RHYS EVANS - CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT

Bu'r Pwyllgor yn ystyried cais gan Mr Dafydd William Rhys Evans o 3 Maesybedw, Boncath am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat.

Bu'r Pwyllgor yn cyfweld â Mr Evans ynghylch ei gais.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr Evans yn cael ei ganiatáu a'i fod yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**PENDERFYNWYD, yn unol â chanllawiau'r Cyngor, ganiatáu cais Mr Dafydd William Rhys Evans am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a rhoi rhybudd iddo ynghylch ei ymddygiad yn y dyfodol.**

**4. MR RUSSELL ALAN HOWE - TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT**

Dywedodd yr Uwch-swyddog Trwyddedu wrth y Pwyllgor fod gohebiaeth wedi dod i law gan Mr Howe yn nodi nad oedd yn gallu dod i'r gwrandawriad, ond ei fod yn rhoi caniatâd i'w gais gael ei ystyried yn ei absenoldeb, pe bai'r Pwyllgor am wneud hynny.

**PENDERFYNWYD** gohirio ystyried cais Mr Russel Alan Howe am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat tan y cyfarfod nesaf.

**5. MISS CLAIRE LOUISE WHITEHEAD - CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT**

Gan gyfeirio at gofnod 4 o'i gyfarfod ar 7 Rhagfyr 2017, rhoddodd y Pwyllgor ystyriaeth i gais gan Miss Claire Louise Whitehead o 37 Caeglas, Llanelli am adnewyddu ei Thrwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat gyda'r Awdurdod.

Bu'r Pwyllgor yn cyfweld â Miss Whitehead ynghylch ei chais am adnewyddu ei thrwydded.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Miss Whitehead am adnewyddu ei thrwydded yn cael ei ganiatáu a'i bod yn cael rhybudd terfynol ynghylch ei hymddygiad yn y dyfodol.

**PENDERFYNWYD YN UNFRYDOL** fod y Pwyllgor yn cynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i Ddeddf Llywodraeth Leol 1972.

Ar ôl y toriad, ailymgynullodd y Pwyllgor i roi eu penderfyniad.

**PENDERFYNWYD**, yn unol â chanllawiau'r Cyngor, ganiatáu cais Miss Claire Louise Whitehead am adnewyddu ei Thrwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a rhoi rhybudd iddi ynghylch ei hymddygiad yn y dyfodol.

**6. MR JASON OWEN JENKINS - TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT**

(NODER: Roedd y Cynghorydd E. Williams wedi datgan buddiant yn yr eitem hon gan fod yr ymgeisydd yn byw yn ei ward. Gadawodd y cyfarfod tra bo'r Pwyllgor yn penderfynu ar yr eitem hon.)

Rhoddwyd gwybod i'r Pwyllgor fod Mr Jason Owen Jenkins o 12 Llysmorfa, Llangynnwr, yn meddu ar Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat gyda'r Awdurdod a bod mater wedi codi ynghylch ei drwydded. Bu'r Pwyllgor yn cyfweld â Mr Jenkins ynghylch y mater hwnnw.

Argymhellodd yr Uwch-swyddog Trwyddedu fod Mr Jenkins yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**PENDERFYNODD y Pwyllgor gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i Ddeddf Llywodraeth Leol 1972.**

Ar ôl y toriad, ailymgynullodd y Pwyllgor i roi eu penderfyniad.

**PENDERFYNWYD bod Mr Jason Owen Jenkins yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.**

Y RHESYMAU:

Ar ôl clywed yr holl dystiolaeth, gwnaeth y Pwyllgor y casgliadau canlynol yn seiliedig ar ffeithiau (yn ôl yr hyn oedd yn debygol):-

1. Eich bod yn yrrwr tacsï trwyddedig gyda'r Awdurdod
2. Eich bod wedi bod yn yrrwr tacsï trwyddedig ers 1998
3. Eich bod ar 18 Awst 2011, 27 Medi 2016 a 20 Tachwedd 2017, wedi defnyddio iaith fras a sarhaus tuag at aelodau o'r cyhoedd

Ar ôl penderfynu, yn ôl yr hyn oedd yn debygol, eich bod wedi defnyddio iaith fras a sarhaus tuag at aelodau o'r cyhoedd, mae'r Pwyllgor wedi penderfynu y dylech gael rhybudd terfynol ynghylch eich ymddygiad yn y dyfodol.

**7. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU "B" A GYNHALIWYD AR 29AIN TACHWEDD, 2017.**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu 'B' a gynhaliwyd ar 29 Tachwedd 2017, gan eu bod yn gywir.**

**8. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU "B" A GYNHALIWYD AR 25AIN IONAWR, 2018**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu 'B' a gynhaliwyd ar 25 Ionawr 2018, gan eu bod yn gywir.**

**9. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU "A" A GYNHALIWYD AR 12FED RHAGFYR, 2017.**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu 'A' a gynhaliwyd ar 12 Rhagfyr 2017, gan eu bod yn gywir.**

**10. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWYD AR 7FED RHAGFYR, 2017.**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod y Pwyllgor Trwyddedu a gynhaliwyd ar 7 Rhagfyr 2017, gan eu bod yn gywir.**

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**CADEIRYDD**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol