

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Environmental Health and Waste Strategy
Head of Legal and Democratic Services

TO: Licensing Committee

15/8/2002

WARDS: None directly affected

SPIDER-MAN AND THE BRITISH BOARD OF FILM CLASSIFICATION

1 INTRODUCTION

- 1.1 A film, Spider-man, has recently been released and given a “12” certificate by the British Board of Film Classification (“BBFC”). The certificate has been the cause of some controversy, with some councils taking the view that it is unnecessarily stringent and that younger children should be able to see the film.
- 1.2 Cambridge City Council has received no request from cinemas locally to review the certificate given to Spider-Man. It has, however, received a petition signed by a young person from Cambridge, Dean Pettipher, and by his school friends, asking the Council to give the film a lesser certificate.
- 1.3 The purpose of the report is to inform the Committee of receipt of the petition and to ask the Committee whether it wishes to revise Spider-man’s certificate.

2. RECOMMENDATIONS

- 2.1 That the Committee accepts the “12” certificate given to Spider-man by the British Board of Film Classification;
- 2.2 That the Committee thanks Dean Pettipher and his friends for the effort they have taken to submit the petition and for the interest they have shown.

3. BACKGROUND: CINEMA LICENSING

- 3.1 The City Council is the statutory cinema licensing authority for Cambridge. It derives its powers from the Cinemas Act, 1985. One of the obligations given to the Council by the Act is to impose conditions on cinemas with respect to the admission of children to films which are judged, either by the Council or by another body, as being unsuitable for children.
- 3.2 The Council’s standard cinema licence conditions require cinemas to restrict admission of under-18s in accordance with certificates granted by the BBFC. This approach is encouraged by the Home Office in Circular No.19/1986. However, the Council is not bound by the view of the BBFC, and the licence conditions allow for the Council to relax the requirements of a BBFC classification if it wishes.

4. BACKGROUND: THE BBFC

4.1 The BBFC describes itself in the following terms on its website:

"The British Board of Film Classification (BBFC) is an independent body which was originally established by the film industry in 1912. This was because local authorities were imposing their own, widely varying censorship of films under legislation intended to give them controls over safety standards in cinemas. Local Authorities, from early on, accepted the decisions of the Board. There are obvious benefits to Local Authorities as well as to the film industry in having a central body like the BBFC to bring consistency to the classification process, but still remain independent of both, and to accept responsibility for decisions taken.

"To this day the Board's decisions can be over-ruled by local authorities. This does not happen very often.

"Examples where it has happened include the film MRS DOUBTFIRE, when pressure from parents led some local authorities to award a local 'PG' instead of the '12' originally awarded by the BBFC. Westminster Council banned CRASH, Bournemouth Council banned ROMANCE, and Camden Council gave '18' certificates to THE TEXAS CHAIN SAW MASSACRE and THE STORY OF O before the films came into the Board for classification. Both were subsequently classified '18' uncut by the Board.

"THE LAST HOUSE ON THE LEFT has also received local approval for individual screenings, most recently from Leicester Council.

"In 1985 the Board became the statutory authority for classifying videos under the Video Recordings Act."

5. SPIDER-MAN

5.1 The BBFC has given detailed reasons for its decision to award a "12" certificate to Spider-man. The content of an email explaining the decision is reproduced in the appendix to this report.

6. CONSULTATIONS

6.1 In addition to the BBFC, we have contacted a number of authorities who have downgraded the film to a PG or qualified PG e.g. PG12. These also appear to be as a result of a written request from the smaller local cinema operators as opposed to the national chains e.g UCI, Showcase and Warners.

6.2 As far as the city is concerned, no approach has been made by the Arts Picture House or Warner Village Cinemas for the Council to relax the certificate. Warner's policy is to abide by the BBFC rating and not to approach licensing authorities direct. However, it might consider showing the film if we indicated that we would amend the certificate. The Arts Picture House has no plans to show Spiderman in the near future.

7. OPTIONS

- 7.1 The options are either to abide by the BBFC certification or to award a less stringent certificate. If members are minded to relax the certificate, they should consider whether they need to see the film first.
- 7.2 The view of the officers is that the Committee should keep to its policy of accepting the BBFC's classification other than in exceptional cases. The officers regard the BBFC's explanation as convincing. Even if members are sceptical, they should be cautious about overruling the BBFC decision for the following reasons:
- The BBFC is an experienced and expert body in licensing films;
 - There is merit in having a consistent approach to film licensing across the Country;
 - The credibility of the BBFC could be undermined if its classification system is not widely accepted by cinema licensing authorities;
 - A departure from the BBFC classification could lead to requests for more certificates to be relaxed, and also for more stringent certificates and bans;
 - It would not be practical for members to take on the burden of viewing a large number of films and reaching a view on certificates and cuts and there are practical benefits in being able to rely on the BBFC to do this job.

The officers suggest that, even if members are sceptical about aspects of the BBFC's view, it may be appropriate to accept it. It would be open to the Committee to accept the BBFC's decision even if the Committee would itself have reached a different decision.

8. IMPLICATIONS

- (a) **Financial and Staffing Implications** None.
- (b) **Equal Opportunities Implications** None
- (c) **Environmental Implications** None
- (d) **Community Safety** None direct. Any implications will be dependent upon the view one takes of any link between violence in films and other media and behaviour.

9. STOP-PRESS

- 9.1 We have very recently received a letter from the BBFC announcing that it is shortly to amend the mandatory "12" certificate to an advisory "12A". This would allow children younger than 12 to see a film with a "12A" certificate, provided they are accompanied by an adult. The letter from the BBFC is appended to the report. The date of implementation of this change has yet to be announced.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Report and minutes of a meeting of Waveney DC's Licensing Sub-Committee,
11 June 2002

Handwritten notes of conversations between Food & Occupational Safety Manager and Yarmouth, Breckland, Waveney and Norwich Councils, and the BBFC and Warner Village Cinemas.

Email from Craig Lapper, BBFC, dated 2 July 2002

To inspect these documents contact Simon Pugh, Head of Legal and Democratic Services on (01223) 457401, email simon.pugh@cambridge.gov.uk.

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Report file:

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Appendix

Text of an email to the Council from Craig Lapper, Chief Assistant (Policy - BBFC)

"Further to your telephone request I am writing to explain the Board's decision to classify 'Spider-man' in the '12' category. I hope that the following information will be useful to you in reaching a decision.

"The background to this is an unusually aggressive marketing campaign directed specifically at young children which has preceded the cinema release of Spider-man. This reflects the American practice of building up a huge expectant audience in advance, for example through selling merchandise - clothes, toys etc. - to children as young as 5 or 6 or less. When the film finally comes out, its often violent content is aimed at a rather wider and older audience and it is quite inappropriate for young children.

"This practice has been criticized recently in America, and Hollywood has been reported as giving undertakings to avoid marketing violent films to under-age audiences.

"Spider-man is perhaps the strongest example of this so far in the UK. The film itself is (in the words of Barry Norman in the Radio Times for 15-21 June) "a very violent film, hence its 12 certificate".

"In fact, Spider-man is what the BBFC regards as a high '12' rating. Some violent elements within it took it close to the '15' level. In reaching a final decision, the BBFC gave close attention to the criteria expressed in its published Classification Guidelines. These were the product of the most comprehensive programme of public research undergone by any content regulator and, we believe, reliably reflect the requirements of the British public. The research exposed particular public concern about 'potentially dangerous activity presented as safe and exciting... in works aimed at children' (page 10). The 'PG' rating prohibits 'detail of fighting or other dangerous techniques'.

"Spider-man concerns a hero in a modern, urban setting who wins in the street or at school by kicking people, or by heavy blows to the face with his fists, breaking their limbs or smashing them through a windscreen. Our public consultation process has made it quite clear that street violence of this nature is not acceptable in films rated below '12'. An over-riding additional concern is that, taken as a whole, Spider-man is a film which quite clearly presents extreme violence as a solution to problems. This is a worrying message to put across to younger audiences.

"As you may be aware, pressure has been placed upon the BBFC by the distributors to alter the film's rating. It has been suggested that our '12' rating is out of line with that in other countries. In fact, this is not the case. Spider-man received a 'PG-13' in the States. The 'PG-13' straddles the British '12' and '15'. In Europe, there have been similar ratings to the UK '12' in a number of countries. Our colleagues in Germany, who also gave it a '12' (which prohibits under 12s from access to the film), report similar pressure from the film company's representatives to reduce the category, which they robustly resisted.

"The strongest scenes in the film, which we believe take the film significantly beyond the 'PG' category are as follows:-

Reel 3 - The wrestling bout, especially the kicks delivered by the hero.

Reel 3 - The revenge attack on the car jacker, especially the two shots of the car jacker's face being smashed through glass and the shot of the car jacker's wrist being broken.

Reel 5 - The climactic fight between the Green Goblin and Spider-man, especially the crunching sound effects, sight of blood and saliva flying from mouth, heavy blows to face and detail of impalement . We believe this scene in particular occupies the borderline between '12' and '15' and would require significant reductions for a 'PG' certificate. Any such reductions would in turn seriously damage the climax of the film.

"The following sequences, whilst less worrying than those cited above, were also felt to test the 'PG' category and, had the film company been prepared to cut the film to comply with 'PG' standards, would be looked at again very carefully:-

Reel 1 - Osborn experiments on himself. Convulsions and screams, defenceless scientist thrown through glass.

Reel 2 - Parker breaking Flash's arm at end of fight at school.

Reel 2 - Parker's first use of webbing to swing between buildings, which presents possible dangers of attempted imitation by younger 'PG' audiences.

Reel 3 - The wrestling bout which precedes Parker's, especially the flying drop elbow blow, the repeated blows with a chair, and the opponent landing on a ringside table.

Reel 4 Knife threat (and implied sexual threat) to Mary Jane by gang, followed by strong kicks and blows from Spider-man."