

## The Minutes of the 184th BBFC Board of Classification Meeting

Monday, 12 September 2016

### Present:

Patrick Swaffer	President
Alison Hastings	Vice President
Gerard Lemos	Vice President
David Austin	Chief Executive
Alexandra Evans (minutes)	Policy Director

### Minutes of the previous meeting

1. The minutes were agreed.

### Matters Arising

2. There were no matters arising.

### Recent Classification Decisions

3. The Board considered three recent classification decisions.
4. *The Wave* (15) is a Norwegian drama about a devastating tsunami that hits the coast of Norway. The Board viewed two clips. The first showed a couple who, unable to outrun the wave, brace themselves in a car and experience its full impact. The second clip showed a father walking amongst bodies on a bus, shining a torch in the corpses' faces to check that his children are not amongst the dead.
5. The Board considered that the intensity of the scenes along with a focus on dead bodies were best placed at 15, albeit towards the lower end of the category.
6. *Peaky Blinders* is a BBC drama set in post-World War One Birmingham. It follows the life of crime boss Tommy Shelby and his family. The Board viewed a clip from the third series in which Tommy is strangled by his lover to enable him to hallucinate that he is having sex with his dead wife.
7. The scene demonstrates the dangerous sexual practice of erotic asphyxiation without highlighting the risks. Instead, Tommy is successfully 'reunited' with his wife and is then seen to recover quickly. The Board agreed that the length and intensity of the sex scene and the level of detail shown meant that the episode was suitable for adults only.
8. Finally, the Board viewed *Kayleigh's Love Story*, which the BBFC saw for advice. Leicester Police commissioned the short film following the online grooming, rape and murder of 15-year-old Kayleigh Haywood in November 2015. The film highlights the risks of connecting with strangers online and is intended to discourage teenage girls from putting themselves at risk.

9. While the Board acknowledged the importance of the film's public safety message, the dark tone and the level of detail about Kayleigh's abduction, rape and murder meant that 15 would be required if it came in for formal classification.

### **New Classification Services**

10. Chief Operating Officer, Dave Barrett, briefed the Board on three new classification services currently being piloted, all of which are aimed at improving the service offered to those submitting content for classification.
11. Simultaneous Classification offers distributors the opportunity to obtain a video classification under the Video Recordings Act 1984 at the same time as the content is rated for theatrical release, provided the content is supplied on a digital file that can be archived in line with our VRA obligations. This reduces the cost of the VRA classification by 50% and will benefit in particular independent distributors releasing smaller titles.
12. The Day After Broadcast pilot aimed at encouraging distributors to submit content (particularly TV series) for classification immediately after broadcast rather than when the series is released on DVD or Blu-ray which is usually many months later. The service enables distributors to obtain the classification under the BBFC's Watch & Rate scheme and under the Video Recordings Act 1984 at no extra charge provided the content is identical. Take up of this service will benefit consumers, as the BBFC rating will be available when making viewing decisions online.
13. Finally, in November, the BBFC will be piloting an Enhanced PBE service which extends the current offer and introduces a new next day classification service charged at a premium. The BBFC's current PBE service, which offers distributors the opportunity to obtain classification decisions within 48 hours, has proved extremely popular with express slots booking up very quickly. Whilst the BBFC always encourages distributors to submit content in good time, it recognises that there are occasions when classification decisions are required urgently. It is hoped that Enhanced PBE will meet this need. The premium charge to clients reflects the additional cost to the BBFC in managing its schedule to ensure that decision times for content received under our standard submissions process are not adversely affected and the cost exposure in allocating examiners and compliance officers to view content before a submission has been confirmed.
14. The Board welcomed all three initiatives and agreed that the outcome of the trials should be analysed with a view to the introduction of a full, permanent service. **ACTION: Dave Barrett**

### **Digital Economy Bill**

15. The Board considered the Government's plan to require commercial pornographic websites and Apps to implement robust age verification barriers to prevent children from accessing pornographic content online. The Bill will have its Second Reading Debate in the House of Commons on 13 September and will then go to Committee from 11 October for detailed scrutiny. The committee has invited David Austin to give oral evidence to it. The Board agreed that David Austin and the BBFC's policy team should continue to

engage with relevant stakeholders as the Bill progresses through both Houses. **ACTION: David Austin, Alexandra Evans**

### **Audiovisual Media Services Directive**

16. The Board considered the EU Commission's proposal to amend the Audiovisual Media Services Directive (AVMSD) to increase regulatory scrutiny of video on demand services and video-sharing platforms. The BBFC welcomes the draft's adoption of a more general harm test but is concerned that the proposed new statutory oversight has the potential to undermine current non-statutory regulatory provisions in the UK.
17. The BBFC is concerned that the proposed legal obligation on VOD services to comply with alternative, potentially lower statutory standards will mean that VOD services may be dissuaded from continuing to engage with BBFC on a voluntary, best practice basis to offer UK consumers more meaningful and helpful content information. This could in turn lead to a diminution of online child protection standards for children in the UK.
18. The Board agreed that David Austin and the policy team should continue to engage with Government and other stakeholders on the draft AVMSD.  
**Action: David Austin, Alexandra Evans**

### **AOB**

19. There was no AOB.

Date of next meeting: Monday, 10 October 2016