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# Film Classification Policy

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Committee considering report:	Licensing Committee
Date of Committee:	28 July 2025
Portfolio Member:	Councillor Tom McCann
Report Author:	Moira Fraser
Forward Plan Ref:	LC

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## 1 Purpose of the Report

- 1.1 To consider the draft policy and agree its adoption.

## 2 Recommendation

The Licensing Committee to:

- 2.1 **CONSIDER** the policy and recommend that it is adopted subject to any modifications agreed by the Committee.
- 2.2 **RECOMMEND** to Full Council that the Section 1.4 of the Council's Scheme of Delegation (Part 11 of the Constitution) be amended to delegate the classification of films under Section 20 of the Licensing Act 2003 to Officers.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no financial implications associated with the adoption of this policy. There is an associated fee for undertaking this work set out in the <a href="#">fees and charges</a> schedule.
<b>Human Resource:</b>	There are no human resources implications associated with the adoption or administration of this policy as it forms part of the ongoing work of the officers and requests to classify films are not frequent.
<b>Legal:</b>	Section 20 of the Licensing Act 2003 provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British

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Implication	Commentary			
	Board of Film Classification (the BBFC) or by the Licensing Authority itself.  Legal Services have considered and signed off the draft policy.			
<b>Risk Management:</b>	The adoption of an up-to-date policy will minimise the risk of challenge to the Council.			
<b>Property:</b>	None			
<b>Policy:</b>	There is no policy implications associated with this report.			
	Positive	Neutral	Negative	Commentary
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No impact
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
<b>Environmental Impact:</b>		✓		No impact
<b>Health Impact:</b>		✓		No impact
<b>ICT Impact:</b>		✓		No impact

Implication	Commentary			
<b>Digital Services Impact:</b>		✓		This policy will be included on the Public Protection Partnership <a href="#">Website</a> using existing resources.
<b>Council Strategy Priorities:</b>	✓			This work is business as usual within the service.
<b>Core Business:</b>		✓		This work is business as usual within the service.
<b>Data Impact:</b>		✓		No impact
<b>Consultation and Engagement:</b>	There is no requirement to consult on this policy.			

## 4 Executive Summary

- 4.1 West Berkshire Council, as the Licensing Authority, is responsible for authorising the public exhibition of films. Section 20 of the Licensing Act 2003 provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to the films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself.
- 4.2 The Licensing Authority may be asked to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:
- (a) A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
  - (b) An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions)
- 4.3 In addition, the Licensing Authority may be requested to authorise the showing of an
- (a) unclassified film(s) within West Berkshire Council's Borough. Usually this will be for:
    - i. A film festival covering a specific period.
    - ii. A one-off screening of a film.

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iii. A trailer for a film.

- 4.4 In accordance with the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is necessary to promote the licensing objectives.
- 4.5 Any authorisations for the exhibition of film issued by the Licensing Authority shall only apply when the film is exhibited within West Berkshire and does not affect the authorisation or recommendations in any other Local Authority.
- 4.6 Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival only, subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Council's Licensing Service.
- 4.7 The Licensing Authority shall also not be liable for any material that is created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.
- 4.8 The Committee is asked to consider the draft policy and agree its adoption.

## 5 Other options Considered

- 5.1 Not to adopt the policy

## 6 Appendices

- 6.1 Appendix A – Draft Film Classification Policy

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### Background Papers:

None

### Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval. ☐

Delays in implementation could have serious financial implications for the Council. ☐

Delays in implementation could compromise the Council's position. ☐

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months. ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

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**Wards affected:** All

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