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# Policy for Determining Film Classifications

## 2025 - 2028

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## 1. Purpose

- 1.1 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests to reclassify films.

## 2. Background and Legislative Framework

- 2.1 This new policy has been drafted in accordance with the provisions of the [Licensing Act 2003](#) (the Act).

- 2.2 The Act requires that the licensing authority carry out its various licensing functions to promote the following four licensing objectives:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance; and
- The protection of children from harm.

- 2.3 The Film Classification Policy is concerned primarily with the following two licensing objectives the former being the most relevant:

- The protection of children from harm.
- The prevention of crime and disorder

- 2.4 The Licensing Authority when authorising film(s) shall always consider the guidance issued under Section 182 of the Licensing Act 2003 (the National Guidance).

- 2.5 The British Board of Film Classification (BBFC) included two over-riding principles which this policy supports:

- To protect children and vulnerable adults from potentially harmful or otherwise unsuitable content.
- To help children and families choose what's right for them and avoid what's not.

- 2.6 Section 26 of the [Counter Terrorism and Security Act 2015](#) places a duty on West Berkshire Council to have 'due regard to the need to prevent people from being drawn into terrorism'.

## 3. Introduction

- 3.1 West Berkshire Council (The Council), as the Licensing Authority, is responsible for authorising the [public exhibition of films](#). Section 20 of the Licensing Act 2003 (the Act) 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 Board of Film Classification (the BBFC) or by the Licensing Authority itself.

- 3.2 Where a premise seeks or intends to exhibit film(s), that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Act. In the case of a Temporary Event Notice, the Act's mandatory condition relating to films does not apply, but applicants may still request the assistance of the Council in determining the classification of a film(s).

#### 4. **When Might a Licensing Authority Classify a Film?**

- 4.1 The Licensing Authority may be requested to authorise a film that has:
- 4.1.1 already been classified by the British Board of Film Classification (BBFC) or when
  - 4.1.2 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).
  - 4.1.3 An independent party may request that the Licensing Authority reclassifies/ authorises the film for local screening (with recommendations on age restrictions)
- 4.2 In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s) within West Berkshire Council's District. Usually this will be for:
- A film festival covering a specific period.
  - A one-off screening of a film.
  - A trailer for a film.

#### 5. **Process for Submitting an Application**

- 5.1 Applications should be submitted to the Licensing Authority a minimum of **28 days** before the proposed screening.
- 5.2 An application for authorisation should include the following information:
- i. the name of the film maker.
  - ii. A brief synopsis of the film.
  - iii. Any recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film.
  - iv. Any existing classification issued by an existing classification body, whether within or outside the UK.
  - v. Information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
  - vi. The language spoken in the film and whether there are subtitles in English.
  - vii. Details of how any age restrictions will be enforced.
- 5.3 In accordance with National Guidance, all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. The Council accept that the film(s) may need to be submitted by means other than DVD. In this instance, applicants are requested to

contact the Licensing Authority to discuss other ways of the film being reviewed for classification. All requests must be accompanied by detailed reasons for the request.

- 5.4 If the film contains dialogue in a language other than English an interpreter will be required for the classification. West Berkshire Council will arrange for a suitable interpreter and the applicant will be responsible for the cost of this.
- 5.5 In line with the National Guidance, where a film is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 5.6 The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle – as such requests shall not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the [BBFC's Guidelines](#) for 18 and R18 restricted films.

## **6. Process for Classifying Films**

- 6.1 Applications for authorisation of films will be considered by a Licensing Officer on behalf of the Licensing Authority, as set out in The Council's Scheme of Delegation. Any requests to classify films may be referred by the Licensing Manager for determination.
- 6.2 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 6.3 A Licensing Officer will view the entire film and assess it against the BBFC guidelines and National Guidance and shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing.
- 6.4 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 6.5 Where the Licensing Authority has determined to refuse authorisation of a film clear and concise reasons shall be given.
- 6.6 Any person aggrieved by the decision of the Local Authority can appeal to the Licensing Sub-Committee. An appeal must be made in writing within 10 working days from the date of the decision letter and must give in detail the reasons why the classification is being appealed and which part of the BBFC guidance is thought to apply.
- 6.7 The Licensing Sub-committee will convene to view the film(s) in line with the BBFC guidance and National Guidance, and the original decision and appeal letter will be reviewed. The Sub-committee will issue a decision notice within 5 working days of viewing the film. The notice will give:
- the decision of the sub-committee (has the film been reclassified or has the original classification remained).
  - the reasons for the decision which must be in line with National Guidance,
- 6.8 A [fee](#) will be payable on application.

6.9 All Applications should be sent for the attention of:

Licensing Authority  
Public Protection Partnership  
Theale Gateway  
Theale Library  
Church Street  
Theale  
Berkshire  
RG7 5BZ

Tel: 01635 519184

E-mail: [Licensing@westberks.gov.uk](mailto:Licensing@westberks.gov.uk)

7. **Classification**

- 7.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 7.2 The National Guidance under Section 182 of the Act recommends that:
- 7.2.1 “Licensing Authorities should not duplicate the BBFC’s work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.”
- 7.3 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
- 7.4 Where a licensed premise seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film.
- 7.5 The Licensing Authority recognises the principle within the [Human Rights Act 1998](#) that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the [Obscene Publications Act 1959](#) or has been created through the commission of a criminal offence.
- 7.6 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 required to promote the licensing objectives.

## 8. **Protection of Children from Harm**

- 8.1 In accordance with the Section 182 National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from exposure to strong language and sexual expletives, for example in the context of film exhibitions or where adult entertainment is provided.
- 8.2 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.
- 8.3 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, for example:
- *Persons Under the Age Of [insert appropriate age] Cannot Be Admitted to Any Part of The Programme*
  - *Persons Under the Age Of [insert appropriate age] Can Only Be Admitted to the Programme If Accompanied by An Adult.*
- 8.4 To ensure the promotion of the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and holder of any recommendation(s) on the restriction of the age of access for children to the film(s). This may include any relevant notices required to be displayed by the licence holder inside and outside the premises. The licensed premises hosting the exhibition of film will be expected to comply with these recommendations.

## 9. **Authorisations**

- 9.1 Any authorisations for the exhibition of film issued by the Licensing Authority shall only apply when the film is exhibited within West Berkshire Council and does not affect the authorisation or recommendations in any other Local Authority.
- 9.2 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).
- 9.3 Details of the authorisation including any recommendations shall be available from the Council's Licensing Services.
- 9.4 The issue of any authorisation by West Berkshire Council is strictly limited to the authorisation within the Authority and it is assumed that all relevant third-party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 9.5 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that they have satisfied themselves after proper enquiry that no material to be exhibited

contravenes the current interpretation of the Obscene Publications Act 1959, the [Copyright Design and Patents Act 1988](#) or any other relevant legislation and has not been created through the commission of a criminal offence.

9.6 The Licensing Authority shall also not be liable for any material that has been 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

9.7 Each application will be considered on its individual merit. There is no right to appeal the classification imposed by the Licensing Authority, save by the way of Judicial Review of the decision.

9.8 All authorisations under a Premises Licence or Club Premises Certificate will be subject to the mandatory conditions contained in the Act relating to the exhibition of film.

## 10. **Exemptions**

10.1 The provision of the exhibition of a film is exempt from regulation by the Licensing Act 2003 (LA03) if either:

10.2 It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery, or its sole or main purpose is to:

- i. demonstrate any product,
- ii. advertise any goods or services, or
- iii. provide information, education or instruction
- iv. the film is shown on a 'not-for-profit' basis in a community premises between the hours of 08.00 and 23.00 provided that the audience does not exceed 500.

## 11. **Review**

11.1 This policy will be reviewed to respond to any changes and at least every three years.

11.2 The Licensing Team within the Public Protection Partnership is responsible for reviewing and maintaining this Policy.



## 12. Glossary/ Definitions

Children	any person under the age of 18 years
Exhibition of a film	Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.
The Act	The Licensing Act 2003
The Licensing Authority	West Berkshire Council