

<b>TITLE</b>	<b>Film Classification Policy</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 8 June 2016
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Paul Anstey – Joint Service Delivery Manager - West Berkshire and Wokingham Environmental Health and Licensing

## **OUTCOME / BENEFITS TO THE COMMUNITY**

This report introduces a draft Film Classification Policy for consideration by Members.

## **RECOMMENDATION**

Members are recommended to agree the draft Film Classification Policy as presented in the Appendix to this report.

## **SUMMARY OF REPORT**

This report presents a policy for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification (BBFC) decisions or requests to reclassify films, under powers of the Licensing Act 2003.

## **Background**

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.

The purpose of this Policy, set out in the Appendix to this report, 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.

Where a premise seeks or intends to exhibit film(s) that venue must be covered by a Premise Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

The Licensing Authority when authorising film(s) shall at all time take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National

Guidance).

The Licensing Authority may be requested 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 may 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).

In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:

- A film festival covering a specific period of time
- A one off screening of a film
- A trailer for a film

In accordance with paragraph 10.31 of 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.

Under the LA03, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm

### **Analysis of Issues**

Draft Film Classification Policy for consideration.

### **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	
Next Financial Year (Year 2)	Nil	Yes	
Following Financial Year (Year 3)	Nil	Yes	

### **Other financial information relevant to the Recommendation/Decision**

There are no financial implications arising from the recommendation in this report

<b>Cross-Council Implications</b>
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There are no implications arising from the recommendations in this report
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<b>List of Background Papers</b>
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Licensing Act 2003
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National Guidance under Section 182 of the Licensing Act 2003
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