

AGENDA ITEM NO. 5

**LICENSING AND GENERAL PURPOSES
COMMITTEE
21ST MARCH 2016**

**CHIEF EXECUTIVE'S OFFICE
SOLICITOR TO THE COUNCIL
REPORT NO LEG1603**

FILM CLASSIFICATION UNDER THE LICENSING ACT 2003

1. INTRODUCTION

Under the Licensing Act 2003, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a mandatory condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, (the British Board of Film Classification (BBFC) is currently the only body which has been so designated) or by the licensing authority itself.

Thus, if a licence or certificate holder wishes to show a film that has not been classified by the BBFC, responsibility for viewing the film and making recommendations will fall on the Licensing Authority. Members will need to watch the whole film and issue a classification (applicable only within the borough of Rushmoor). For consistency, it is recommended that any classification be based on current BBFC guidance.

Whilst various powers and duties under the Licensing Act 2003 have been delegated to the Licensing Sub Committee (Alcohol and Entertainment) or to officers, there have been no delegations in respect of unclassified films.

As Members will be required to consider films with a view to the promotion of the licensing objectives, officers believe that it would be appropriate for powers relating to the classification of films to be delegated to the Licensing Sub Committee (Alcohol and Entertainments).

2 FINANCIAL IMPLICATIONS

This process does not attract a statutory fee and therefore the cost of carrying out film classification will need to be met from the existing licensing budget.

3 RECOMMENDATIONS

- (i) That functions under the Licensing Act 2003 with respect to the classification of films be delegated to the Licensing Sub-Committee (Alcohol and Entertainments).
- (ii) That, for public consistency, any classification of films by the licensing authority be based on current BBFC classifications and guidelines.

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Background papers:

Published information