

LICENSING ACT COMMITTEE
8 SEPTEMBER 2026

LICENSING ACT: FILM CLASSIFICATION

Responsible Cabinet Member - Councillor Garner
Responsible Director - Trevor Watson

SUMMARY REPORT

PURPOSE OF THE REPORT

1. To seek Members' approach to classifying films for public exhibition not already classified by the British Board of Film Classification (BBFC).

SUMMARY

2. Under the Licensing Act 2003, the exhibition of films is a regulated entertainment activity requiring authorisation through a premises licence, club premises certificate or temporary event notice.
3. Whilst most films are already classified by the BBFC, ultimate responsibility for authorising the exhibition of films rests with local licensing authorities.
4. A recent request from amateur film producers to show a film that had not been classified has highlighted the need to develop protocols when these issues arise.

RECOMMENDATIONS

5. Members are requested to adopt a film classification approach based upon current BBFC guidelines combining officer delegation with Licensing Act Sub-Committee oversight.
6. Agree a fee to be charged for classification

REASONS

7. To ensure standards are maintained to protect children from harm and that Darlington Council complies with legislative requirements.

Trevor Watson
Executive Director, Economy and Public Protection

Contact officer: Colin Dobson Ext 5988

BACKGROUND PAPERS

Licensing Act 2003

Section 182 Guidance to the Act 2018

Human Rights Act 1998

BBFC guidelines <https://www.bbfc.co.uk/what-we-do/classification-guidelines>

Council Plan	This will maintain the legal framework when dealing with all Licensing Act applications for films
Addressing inequalities	The proposals will have no additional impact on the equality of opportunity for the disabled public.
Tackling Climate Change	This report has no impact on the Council's carbon impact.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This will address potential health concerns related to the showing of films
S17 Crime and Disorder	This will address issues specifically relating to the prevention of crime and disorder
Wards Affected	Any proposals will affect licences throughout the Borough
Groups affected	This does not have a direct impact on any particular group
Budget and Policy Framework	This report represents no major change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Impact on Looked-After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

MAIN REPORT

Information and Analysis

- 8.** Under the Licensing Act 2003, the exhibition of films is a regulated entertainment activity requiring authorisation through a premises licence, club premises certificate or temporary event notice. The main purpose of classification is to ensure the Licensing Act objectives of protecting children from harm and the prevention of crime and disorder are not undermined, particularly in the showing of extreme violence and sexual content.
- 9.** Whilst the BBFC is the nationally recognised body responsible for classifying films in the United Kingdom, responsibility for authorising the exhibition of films ultimately rests with local licensing authorities. Licensing authorities may apply their own classification to films that have not been classified by the BBFC and may, in exceptional circumstances, depart from a BBFC classification.
- 10.** Section 182 Guidance issued under the Licensing Act 2003 advises licensing authorities not to duplicate the work of the BBFC wherever possible, although authorities retain discretion to classify films locally where necessary.
- 11.** Local classifications are most commonly requested where:
 - A film has not been submitted to the BBFC
 - A film is being shown as part of a film festival
 - A locally produced film is to be exhibited
 - An organiser seeks a different classification to that awarded by BBFC
- 12.** This Council does not presently have a dedicated film classification policy and until recently no requests were made.
- 13.** A film classification process should be formal, transparent, and based on BBFC principles.
- 14.** The proposed process would be that the film should be submitted to this licensing authority within a reasonable time (suggested 28 days), whereupon it will be viewed following the most up-to-date BBFC guidance. The film would then be assessed against the BBFC categories of:
 - U – Universal, suitable for all ages
 - PG – Parental Guidance, and parents should decide if it is appropriate

- 12 – Children under 12 may watch if accompanied by an adult
- 12A – Suitable for age 12 and over
- 15 – Suitable for people aged 15 or over
- 18 - Suitable for adults only
- R18 – Restricted to licensed sex shops and licensed cinemas

15. A written determination of the decision and the rationale will be made, along with any restrictions or conditions placed upon it. This promotes consistency with national standards and would help defend any decision if challenged

16. The category determined will only apply if shown within this licensing authority's area.

Options for Classifying

Option 1 – continue to rely on BBFC Classifications without viewing

17. Whilst this is an easy option, it would restrict all films to an 18 category as they will not be assessed against the licensing objective of protecting children from harm. There would be limited flexibility for local events, and it could be open to challenge since a licensing authority must consider each application on its own merits. Adopting a blanket policy that all unclassified films will automatically receive an 18 rating could be seen as an unlawful fettering of discretion, as the film would not be genuinely assessed.

There is also a risk that restricted 18(R) films may be inadvertently exhibited.

Option 2 – adopt a Film Classification Panel / Licensing Act Sub Committee

18. This would provide greater democratic oversight, and decision-making will be transparent to the public; however, it would be resource intensive and may cause delays for applicants.

Option 3 – Delegate routine determination to officers

19. Officers would have delegated authority to classify films by applying the BBFC guidelines, and any contentious applications would be referred to a Film Classification Panel / Licensing Act Sub Committee. The chair of the Licensing Committee will be informed of all applications and decisions made by officers. This will provide a balanced approach with oversight, enabling the Council to fulfil its statutory responsibilities while avoiding unnecessary duplication of the BBFC's work.

Fees

Although Licensing Act fees are set by the government, there is no nationally prescribed fee for local authority film classification under the Licensing Act 2003. Councils that provide this service generally set a locally determined fee based on officer time, administration costs, and the cost of viewing the film/making the assessment.

It is suggested that film length viewing time be based on incremental 30-minute segments and, along with officer time/administration costs, the proposed fee would be in the table below:

Film Length	Proposed Fee
Up to 30 mins	£50
31-60 mins	£100
61-90 mins	£150
91-120 mins	£200
Over 120 mins	£250

This will provide clarity for applicants, allow cost recovery, and is significantly less than the fees charged by the BBFC, which are currently £775+VAT (flat rate).

Fees will be reviewed by the Licensing Committee annually through the fees and charges process.