



City of Westminster

# Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 1st December, 2021**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Matthew Green (Chairman)	Jim Glen (Vice Chair)
Heather Acton	Louise Hyams
Barbara Arzymanow	Tim Mitchell
Susie Burbridge	Karen Scarborough
Rita Begum	Jacqui Wilkinson
Maggie Carman	Aziz Toki
Aicha Less	Richard Elcho
Murad Gassanly	

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Senior Committee and Councillor Liaison Officer.**

**Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

**3. MINUTES**

To sign the minutes of the previous meeting held on Wednesday 7 July 2021.

**(Pages 3 - 6)**

**4. LICENSING SERVICE FEE REVIEW 2021-22**

To receive an update from the Head of Licensing and Regulatory Services.

**(Pages 7 - 14)**

**5. INTRODUCING CHARGING FOR CLASSIFICATION OF FILMS**

To receive an update from the Head of Licensing and Regulatory Services.

**(Pages 15 - 58)**

**6. LICENSING APPEALS UPDATE**

To receive a report from the Principal Solicitor and Manager (Legal Services).

**(Pages 59 - 64)**

**Stuart Love  
Chief Executive  
26 November 2021**



CITY OF WESTMINSTER

## MINUTES

### Licensing Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held at **10:00am** on **Wednesday 7 July 2021**.

**Members Present:** Councillor Matthew Green (Chair), Jim Glen (Vice Chair), Heather Acton, Barbara Arzymanow, Rita Begum, Susie Burbridge, Murad Gassanly, Louise Hyams, Tim Mitchell, Karen Scarborough, Aziz Toki and Jacqui Wilkinson.

#### **1 MEMBERSHIP**

- 1.1 Apologies for absence were received from Councillors Maggie Carman, Richard Elcho and Aicha Less.

#### **2 DECLARATIONS OF INTEREST**

- 2.1 There were no declarations of interest.

#### **3 MINUTES**

- 3.1 **RESOLVED:** That the minutes of the Licensing Committee on 24 March 2021 were approved as a correct record of proceedings.

#### **4 PROPOSED REVISION TO THE COUNCIL'S STATEMENT OF LICENSING POLICY – DELIVERIES OF LICENSABLE PRODUCTS AND SHOPS**

- 4.1 Kerry Simpkin, Head of Licensing, Place and Investment Policy, introduced a report setting out proposed revisions to the Council's Statement of Licensing Policy (SLP). The reasons set out for these proposed revisions centred on the growing concern about the increase in delivery services that provided licensable products, such as alcohol or late-night refreshment. Residents had raised issues around public nuisance that was caused by these services.

Therefore, to ensure that the Council's approach to determining applications for delivery services was established a new policy would be required for both ancillary delivery services and for delivery centres.

- 4.2 It has also been identified that the current SLP did not provide a policy approach to shops who wanted to provide licensable activities other than the off sales of alcohol. Due to the increase in applications for licensable activities in shops a new policy approach for shops could possibly be required. As such it was proposed that the Council revised its SLP to include policies that would address these types of applications. Consultation on these proposals had commenced on the 14 June 2021 and would end on the 25 July 2021.
- 4.3 The Committee noted the proposed revisions and stressed the importance of ensuring the SLP was updated to ensure it was appropriate to address current developments within the industry. In particular, concerns had been raised over retail premises offering alcohol and the potential for them to operate as more of an alcohol-led establishment. It was confirmed that the intention of the revisions was to ensure that these retail premises did not slowly transition into bar type operations. The proposals in the policy set out that the provision of licensable activities needed to be ancillary to the main function of the property and if there was any indication the premises wanted to supply a significant amount of alcohol, or other regulated activities, these would be considered as part of the application. The wording within the proposals would be carefully assessed however to provide assurance that there would be no relaxation of the shops provision in order to prevent them becoming significant alcohol-led establishments and ensuring licensable activities continued to be ancillary to that of its main function.
- 4.4 In response to further questions the Committee was informed that consultation had taken place with the Council's neighbouring London Boroughs regarding the proposals. Currently no detailed discussions had taken place but once the outcome of the consultation was finalised detailed engagement with them would take place to ascertain their intentions regarding the areas of concern identified. It was noted that under the requirement of the Licensing Act 2003 each local authority set their own policy, but discussions would take place to address any potential cross-border issues.
- 4.5 The Committee expressed its thanks for the update and requested that the points raised during the discussion be noted when revising the policy.

## **5 RUPERT STREET MARKET LAYOUT – STANDARDISATION, DEMARCATION AND NUMERATION OF PITCHES**

- 5.1 Catherine Brice, Programme Director - Market Development Team, introduced a report setting out the proposed standardisation, demarcation and numeration of pitches for Rupert Street Market. It was noted that the rationale for amending the layout and reducing the overall number of pitches of the current market was to ensure the market thrived and prospered alongside fulfilling the Council's vision for the area, as set out in the Markets Strategy.

- 5.2 The Committee was interested to learn that the number of pitches were being reduced from 31 to 15 in order to standardise the pitch sizes which would maximise visibility and result in an increase in pitch size for traders. The aim of which was to create a modern destination market, where vendors could trade safely, and visitors navigate more easily.
- 5.3 Members were informed that one representation had been submitted in response to the formal consultation and this had been included as an appendix to the report for their information. Applicants would be invited to apply for temporary 6-month licences that were renewable bi-annually. It was proposed that applicants would only be permitted to apply for single pitches.
- 5.4 The Committee welcomed the standardisation of pitches at Rupert Street Market in line with those at other Westminster markets and in line with the Westminster Market Strategy. The 1 metre distance between pitches would assist in reducing any issues arising, particularly with regard to fire related issues as many of the pitches at Rupert Street Market served hot food.

**RESOLVED:**

That

- 1) The proposal for the standardisation of the market pitches to 3m x 3m be approved; and
- 2) The reduction in the number of pitches from 31 to 15 be approved.

**6 OVERVIEW OF THE WORK UNDERTAKEN BY THE LICENSING SERVICE DURING THE COVID-19 PANDEMIC**

- 6.1 The Director of Public Protection the Licensing and the Head of Licensing & Regulatory Services provided an update on the work the Licensing Service had undertaken during the Covid-19 pandemic.
- 6.2 Updates on the following major pieces of work were provided:
- Virtual Licensing Committees – the team had worked closely with Committee Services to set up and implement Virtual Licensing Committees and had held over 120 meetings.
  - Fee Reviews due to Government Restrictions – officers had worked with Members to support street traders by waiving Licence Fees for April and May 2020 and delaying the agreed fee increase from April to July 2020. This was ratified by the Licensing Committee in June. A further waiver was implemented following the second and thirds lockdowns in November 2020 and January to April 2021.

- Fast Track Licences – Due to the time gap between the reopening of hospitality sector, 4 July, and the implementation of the new Pavement Licence scheme the service set up a new Fast Track Licence scheme for Tables and Chairs to support businesses. The Service received 405 applications and issued 315.
- Pavement Licences – In July, the new Pavement Licence scheme was implemented. This was an entirely new online application process for Tables and Chairs. To date the service had processed over 1700 pavement licence applications and there are currently over 750 valid licences across the city.
- Licensing Advice Line - In May the service began working closely with Highways on the reopening of the hospitality sector. This involved setting up a Licensing Advice Line for businesses.

6.3 In response to questions from the Committee it was confirmed the Service was prepared for the full reopening of the hospitality sector on 19 July 2021. It was expected that there would be an increase in Temporary Event Notices shortly, but arrangements were in place in anticipation of this. The Service was always looking to improve and develop and therefore new methods of working were being assessed including the development of a new software system for administering licences which would allow them to be processed in an even timelier manner.

6.4 The Committee noted the work undertaken by the Licensing Service and expressed its thanks for all its hard work and effort over the previous 18 months in extremely challenging circumstances. In particular thanks were provided for the work undertaken in developing Westminster’s own pavement licence scheme which had implemented before the Business and Planning Act 2020 was introduced by the Government. This ran successfully until October 2020 enabling valuable support to be provided to local businesses to allow al fresco dining which helped protect and even create jobs within Westminster. Thanks and recognition were also expressed for the swift and seamless switch to virtual Licensing Sub-Committee meetings during this period enabling applications to continue to be heard during the pandemic and ensuring local businesses continued to be supported.

The meeting ended at 10:38am.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_



## Licensing Committee Report

<b>Date</b>	1 December 2021
<b>Classification</b>	For general release
<b>Title or report</b>	Licensing Service Fee Review 2021-2022
<b>Report of</b>	Director of Public Protection and Licensing
<b>Decision maker</b>	Licensing Committee
<b>Wards involved</b>	All
<b>Financial summary</b>	This report sets out the fee strategy for the licensing regimes where the authority can set a fee to attempt to recover its own costs. The proposed fees will enable the authority to recover its own costs in administering and ensuring compliance within those licensing regimes.
<b>Report author</b>	Andrew Ralph, Head of Service for Licensing & Regulatory Services

### 1. Executive Summary

- 1.1 This report sets out the fee review that has been undertaken by the Licensing Service for all licensing regimes where the council can set a fee. It is proposed that the amended fees set out in Appendix one of this report will take effect from the **2 December 2021**.
- 1.2 In August 2021 the annual inflation rate in the United Kingdom increased to 3.2 percent. This was the rate of Consumer Price Inflation (CPI) and since CPI relates to consumer goods it is the most appropriate measure of inflation to apply in this circumstance whilst maintaining a cost recovery process when reviewing fees.
- 1.3 This report is written in line with the corporate timeframe for setting the council's fees and charges, which is carried out each year. By aligning the fee review with the corporate approach to setting fees and charges it enables a standardised approach across the council.

### 2. Recommendations

- 2.1 The Committee is requested to:

Approve the proposed fees attached to this report as set out Appendix one hereof so that they commence on the **2 December 2021**.

### **3 Reasons for Decision**

- 3.1 The proposed fees, as attached at Appendix one, will enable the Council to recover its reasonable costs for administering and enforcing the council's licensing regimes.

### **4 Background**

- 4.1 Fees set by the Licensing Service were last approved in September 2020 and came into effect from the 1 November 2020. However, street trading licensing fees were not included as they had previously been agreed by the Licensing Committee and only fully came into force in July 2020.
- 4.2 The Licensing Service undertakes a review annually on the fees which it has the power to set.
- 4.3 The fees for processing each type of application are estimated by assessing the time it takes for each step in the process from receipt of application to determination. This includes the time taken by internal consultees, such as the Environmental Health Consultation Team and Registrars.
- 4.4 In the last annual fee review the Licensing Service estimated the cost for the compliance and enforcement function carried out by the council's City Inspectors. The time was assigned to different roles and the costs based on hourly rates. There was also a proportion attributed to these fees for management time, which included the costs associated with running the department and services involved with delivering a function associated with one or more licensing regimes. The fees were then established by calculating the cost associated with each of the licensing functions.
- 4.5 Although the Council does not receive any applications or issue any licences for some regimes it still must set a fee to recover the costs of carrying out that function. In this instance the costs are estimated based on similar types of application processes and licences.
- 4.6 In August 2021 the annual inflation rate in the United Kingdom increased to 3.1%, the proposed increase is in accordance with the rate of inflation.

### **5 Fee review and financial implications**

- 5.1 The proposed fees have been calculated on a full cost basis which considers both the direct and indirect costs associated with processing, monitoring and enforcing the licences plus a 3.1% inflation increase.
- 5.2 When setting fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to recover the actual costs incurred by the Council in running the regime but not to make a profit.

5.3 The table setting out the current fee and proposed fee are shown within Appendix one to this report.

#### **Licensing costs associated with Premises**

5.4 Premises licensing fees for regimes including massage and special treatment premises, marriage venues and sex establishments are set in two parts. The splitting of the fees into two parts has been established following the ruling by the Supreme Court for the Hemming case. This approach is in compliance with the Provisions of Services Regulations 2009.

5.5 Fees have to be charged in two parts. Part A is payable with the application and is a non-refundable administration fee for processing the application and carrying out any consultation and determining whether the licence should or should not be granted. If the application is successful, a second fee is payable (called a Part B fee) which covers the costs of monitoring and enforcing the licensing regime.

5.5 The fee for Part B covers 12 months of enforcement cost and would be refunded on a monthly pro rata basis if the licence is surrendered.

5.7 The 3.1% inflation increase has been added to both Part A and B of the premises licensing fees.

#### **6 Street Trading Licensing**

6.1 Street trading fees are set under the provisions of the City of Westminster Act 1999. There are two types of fees for street trading, the application fee for processing and grant of a licence and a daily fee for each day the licence is given which is full cost recovery for costs associated with cleansing, administration and enforcement.

6.2 Any variation to the street trading charge is governed by Section 22 of the Act. Any proposed fee must be subject to a 28-day consultation period with existing licence holders and those that represent licence holders. During the consultation period any questions must be fully addressed and whilst answers are being provided the 28-day time period is extended.

6.3 The different types of street trading licences include market pitches, isolated pitches, casual traders, exhibition sites and tables and chairs.

6.4 Street trading fees for markets were reviewed and approved by Committee in November 2018 where a 2-year phased increase was agreed. Phase 1 came into effect on 01 April 2019. Phase 2 was due to take effect on 01 April 2020 but was suspended due to Covid-19 until 01 July 2020.

6.5 Casual trading fees were reviewed with the market fees in November 2018. The application fee for registration was increased to take effect from April 2019 but no change was made to the daily pitch charge.

6.6 Isolated pitch fees and Exhibition charges were last reviewed in June 2006 when the fees were increased to recover the costs of the Council as well as to recover an accumulative deficit on the street trading account.

- 6.7 A full review of the charges relating to street trading licensing will be conducted in 2022. Therefore the only consideration in this report for street trading will be the proposed 3.1% increase for tables and chairs licences.

## **7 Legal implications**

- 7.1 The Council can set its own fees for the regimes listed in Appendix one of this report.
- 7.2 All of the licensing regimes (excluding Licensing Act and Gambling Act) are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that any licensing fees charged in relation to “authorisations” must be reasonable and proportionate to the costs of processing applications. As stated above, the Hemmings case confirmed that when setting licence fees, authorities can recover the costs of processing the application and where applications are successful, the costs of monitoring and enforcing the licensing regime as a whole, provided such costs are charged in two parts (part A and part B). The proposed fees must not be used to make a profit.
- 7.3 If the proposed fee structure results in a surplus or loss for the financial year there will be an appropriate reduction or increase in fees as the case may be for the following financial year.

## **8. Equalities Implications**

- 8.1 The council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 8.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 The council believes that these proposals do not adversely impact or unlawfully discriminate against any protected characteristics.

9. **Financial Implications**

- 9.1 Should Members agree the proposed inflation increase to the Licensing Fees, the proposed fees are attached at Appendix one

Appendices

Appendix one – Proposed Fees December 2021 – November 2022

**If you have any queries about this report or wish to inspect any of the background papers, please contact:**

Mr Andrew Ralph, Head of Service for Licensing & Regulatory Services.

Background Papers

Licensing Fee Review Excel Spreadsheet

This page is intentionally left blank

**Type 3 Regime Fees**

3.1%

	CURRENT			PROPOSED INCREASE		
	Part A	Part B	Total	Part A	Part B	Total
<b>Boarding cats, boarding and home boarding dogs</b>						
New	£1,180	£115	£1,295	£1,217	£119	£1,335
Renewal	£483	£115	£598	£498	£119	£617
Duplicate	£26	£0	£26	£27	£0.00	£27
<b>Breeding dogs</b>						
New	£1,112	£102	£1,214	£1,146	£105	£1,252
Renewal	£479	£102	£581	£494	£105	£599
Duplicate	£26	£0	£26	£27	£0	£27
<b>Doggy day care</b>						
New	£1,055	£218	£1,273	£1,088	£225	£1,312
Renewal	£479	£102	£581	£494	£105	£599
Duplicate	£26	£0	£26	£27	£0	£27
<b>Selling animals as pets</b>						
New	£1,209	£102	£1,311	£1,246	£105	£1,352
Renewal	£551	£102	£653	£568	£105	£673
Duplicate	£26	£0	£26	£27	£0	£27
<b>Hiring Out Horses</b>						
New	£1,404	£0	£1,404	£1,448	£0	£1,448
Renewal	£903	£102	£1,005	£931	£105	£1,036
Duplicate	£26	£0	£26	£27	£0	£27
<b>Animals Exhibits</b>						
New	£678	£102	£780	£699	£105	£804
Variation	£383	£0	£383	£395	£0	£395
Inspection of Register	£306	£0	£306	£315	£0	£315
Copy of Register	£7	£0	£7	£7	£0	£7
Duplicate	£26	£0	£26	£27	£0	£27
<b>Kennels and Catteries</b>						
New	£1,112	£102	£1,214	£1,146	£105	£1,252
Renewal	£479	£102	£581	£494	£105	£599
Duplicate	£26	£0	£26	£27	£0	£27
<b>Auction premises</b>						
New	£690	£100	£790	£711	£103	£814
Duplicate	£25.50	£0	£26	£26	£0	£26
<b>Dangerous Wild Animals</b>						
New	£933	£102	£1,035	£962	£105	£1,067
Renewal	£245	£102	£347	£253	£105	£358
Duplicate	£25.50	£25.50	£51	£26	£26	£53
<b>Exhibitions (Prescribed Venues)</b>						
New	£791	£102	£893	£816	£105	£921
Renewal	£186	£233	£419	£192	£240	£432
Duplicate	£26	£0	£26	£27	£0	£27
<b>Hypnotism</b>						
New	£449	£102	£551	£463	£105	£568
Renewal	£112	£102	£214	£115	£105	£221
Duplicate	£26	£0	£26	£27	£0	£27
<b>Marriage Venues</b>						
New	£670	£676	£1,346	£691	£697	£1,388
Renewal	£762	£0	£762	£786	£0	£786
Change of responsible person	£87	£0	£87	£90	£0	£90
Amend application	£209	£0	£209	£215	£0	£215
Change of details	£140	£0	£140	£144	£0	£144
Duplicate	£26	£0	£26	£27	£0	£27
<b>Scrap Metal Dealers - Site Licence</b>						
New	£439	£102	£541	£453	£105	£558
Renewal	£184	£102	£286	£190	£105	£295
Variation	£337	£0	£337	£347	£0	£347
Duplicate	£26	£0	£26	£27	£0	£27
<b>Scrap Metal Dealers - Collector's Licence</b>						
New	£525	£102	£627	£541	£105	£646
Renewal	£184	£102	£286	£190	£105	£295
Variation	£250	£0	£250	£258	£0	£258
Duplicate	£26	£0	£26	£27	£0	£27
<b>Sex Establishments - Sex Shops, Sex Cinemas and Hostess Bars</b>						
New	£1,395	£3,162	£4,557	£1,438	£3,260	£4,698
Renewal	£1,168	£2,262	£3,430	£1,204	£2,332	£3,536

Variation	£1,040	£0	£1,040	£1,072	£0	£1,072
Transfer	£349	£0	£349	£360	£0	£360
Paragraph 7 Waiver	£755	£0	£755	£778	£0	£778
Duplicate	£26	£0	£26	£27	£0	£27
<b>Sex Establishments - Sexual Entertainment Venues</b>						
New	£1,860	£2,307	£4,167	£1,918	£2,379	£4,296
Renewal	£1,063	£2,307	£3,370	£1,096	£2,379	£3,474
Variation	£1,122	£0	£1,122	£1,157	£0	£1,157
Transfer	£316	£0	£316	£326	£0	£326
Paragraph 7 Waiver	£740	£0	£740	£763	£0	£763
Duplicate	£26	£0	£26	£27	£0	£27
<b>Special Treatment Premises Licence - High Risk</b>						
New	£1,209	£1,302	£2,511	£1,246	£1,342	£2,589
Renewal	£558	£1,302	£1,860	£575	£1,342	£1,918
Variation	£651	£0	£651	£671	£0	£671
Transfer	£233	£0	£233	£240	£0	£240
Removal of Treatment	£194	£0	£194	£200	£0	£200
Renewal of provisional licence	£194	£0	£194	£200	£0	£200
Confirmation of provisional licence	£207	£1,114	£1,321	£213	£1,149	£1,362
Change of details	£140	£0	£140	£144	£0	£144
Duplicate	£26	£0	£26	£27	£0	£27
<b>Special Treatment Premises Licence - Low Risk</b>						
New	£1,319	£1,114	£2,433	£1,360	£1,149	£2,508
Renewal	£737	£1,114	£1,851	£760	£1,149	£1,908
Variation	£651	£0	£651	£671	£0	£671
Transfer	£233	£0	£233	£240	£0	£240
Removal of Treatment	£194	£0	£194	£200	£0	£200
Renewal of provisional licence	£194	£0	£194	£200	£0	£200
Confirmation of provisional licence	£207	£1,114	£1,321	£213	£1,149	£1,362
Change of details	£140	£0	£140	£144	£0	£144
Duplicate	£26	£0	£26	£27	£0	£27
<b>Sports Ground</b>						
New	£9,149	£0	£9,149	£9,433	£0	£9,433
Replacement	£8,911	£0	£8,911	£9,187	£0	£9,187
Transfer	£235	£0	£235	£242	£0	£242
Duplicate	£22	£0	£22	£23	£0	£23
<b>Zoos</b>						
New	£28,586	£0	£28,586	£29,472	£0	£29,472
Renewal	£37,475	£0	£37,475	£38,637	£0	£38,637
Exemption Request	£2,229	£0	£2,229	£2,298	£0	£2,298
Alteration	£2,305	£0	£2,305	£2,376	£0	£2,376
Transfer	£199	£0	£199	£205	£0	£205
Duplicate	£26	£0	£26	£27	£0	£27



City of Westminster

## Licensing Committee Report

<b>Date:</b>	1 December 2021
<b>Classification:</b>	For information only
<b>Title:</b>	Film Classification
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	To formalise the Film Classification Procedure and Implement a fee structure.
<b>Financial Summary:</b>	Fees to be set
<b>Report of:</b>	Director of Public Protection and Licensing

### 1.0 Executive Summary

1.1 Westminster City Council is the Licensing Authority under the provisions of the Licensing Act 2003 (the Act). A function of the Licensing Authority under the Act is to receive, consider and determine applications for Premises Licences or Club Premises Certificates. The Act regulates various activities (known as licensable activities or in the case of a private club operating pursuant to a Club Premises Certificate, qualifying club activities). Those activities include the provision of regulated entertainment.

1.2 The Act seeks to promote 4 licensing objectives. These are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

1.3 Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment. The description of entertainment activities licensable under the Act include the exhibition of film. To be licensable, an activity needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or

- Where that activity takes place in private, be the subject of a charge made with a view to profit.
- 1.4 All premises licences that permit regulated entertainment in the form of the exhibition of films have a mandatory condition attached to it relating to the admission of children to that premises. Children under the Licensing Act 2003 are defined as anyone under the age of 18. The mandatory condition is a requirement under Section 20 of the Licensing Act 2003. The mandatory condition reads as follows:
- “Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.”*
- 1.5 When considering any film which has been put forward for a classification, the Licensing Authority will consider it in terms of how the exhibition of this film will impact on the licensing objectives, namely the protection of children from harm. This will apply to any films that have been put forward for a classification that will allow children to watch it. There are seven classification tiers (U, PG, 12, 12A, 15, 18 & R18) relating to what age a child may be permitted to watch the film on their own or whether there should be any parental or adult supervision.
- 1.6 The Licensing Authority nominates the British Board of Film Classification (BBFC) as its standard classification body for films. However, the Licensing Authority is ultimately responsible for film classifications relating to the exhibition of films within Westminster and has the power to classify films. When classifying any film, the Licensing Authority will have regard to the BBFC Guidelines which can be found at Appendix 1.
- 1.7 There are specific factors that may influence a classification decision such as:
- Discrimination
  - Drugs
  - Imitable behaviour
  - Language
  - Nudity
  - Sex
  - Threat
  - Violence
- 1.8 The impact of these factors in regard to each classification is detailed within the BBFC guidelines attached at Appendix 1.
- 1.9 In an average year before the pandemic, the Licensing Authority would receive over 20 feature length film classification requests. A feature-length film is a film with a running time of over 20 minutes long. Some of these requests received by the licensing authority can be over 3 hours long.
- 1.10 Westminster also hosts over 20 film festivals per year. Film festivals are made up of multiple films, both feature and short in length. These festivals can contain well over 150 films to be shown during the festival, some of which can be spread out over a range of dates and venues. The majority of the films for exhibition at these film festivals have not

been classified by the BBFC classification process and require classification by the Licensing Authority.

- 1.11 As a result, the Licensing Authority already operates its own film classification process. However, there is currently no fee charged for providing a film classification.
- 1.12 The Licensing Authority proposes to introduce a fee scheme run on a cost recovery basis and as a result is not intended to impact upon community-run events. The fees charged will cover the costs associated with the film classification process. A full break down of costs can be found at Appendix 3. It is anticipated that nearly £25,000 could be generated through this fee scheme. This is something which many other local authorities already do.
- 1.13 It is also proposed to introduce appropriate deadlines when applying for a film classification. The Licensing Authority proposes that film classifications are received to it at least 4 weeks (28 days) before the date of a film screening for individual film classification requests, and at least 6 weeks before the date of any film festival. Any late submissions will be considered on a case-by-case basis. However, it is likely that requests will be refused based upon the impact it will cause on the workload of the Licensing Service.

## **2.0 Background**

- 2.1 The current process requires all classification requests to be submitted to the Licensing Authority with suggested age classifications from the film maker. All requests are dealt with by a Senior Licensing Officer who assesses the film based on the synopsis provided by the applicant, their own research into the film and by viewing the film.
- 2.2 The processing officer will follow the guidelines set out by the BBFC which are explained in more detail in section 1 of this report. The officer's aim is to always protect children and vulnerable adults from potentially harmful or unsuitable content.
- 2.3 A minimum of a 4 weeks' notice period is required by the Licensing Authority to consider a film for classification. However, as this is not a formal process advertised by the Licensing Authority, acceptance of late classification requests is decided upon by the Licensing Team Manager on a case-by-case basis, subject to the availability of the team.
- 2.4 Numerous hours of officer time is spent classifying these films and it is an application process that the Licensing Authority does not currently recover the costs for. Since April 2019, over 260 hours of officer time has been dedicated to the classification of films. This is the equivalent of around £25,000 of officer time spent to support this free classification service.

## **3.0 Financial Implications**

- 3.1 The statutory authority for charging reasonable costs falls within section 93 of the Local Government Act 2003. Details on the act can be found at Appendix 5.

3.2 By introducing a fee for the classification of films, the Licensing Service is proposing to recover for officer time and other associated costs. It is estimated the level of income earned will be approximately £25,000 per annum.

#### **4.0 Legal Implications**

4.1 Whilst the actual classification of films under Section 20 of the Licensing Act 2003 is a Council side function, the fee setting element under Section 93 of the Local Government Act 2003 is an Executive side function. The Council therefore has a discretionary power to charge for such film classifications as outlined above.

4.2 Regard has been had to the Council's Public Sector Equality Duty contained in Section 149 of the Equality Act 2010.

#### **5.0 Equalities Implications**

5.1 The council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

5.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.3 The council believes that these proposals do not adversely impact or unlawfully discriminate against any protected characteristics.

#### **6.0 Decision**

6.1 The Cabinet Member for Business, Licensing and Planning has agreed to adopt the film classification process outlined and has agreed the reasonable costs to cover the classification process.

6.2 The fee charged to the applicant will be based on the following criteria as shown in appendix 3:

- The length of the film submitted is based on a Band 3.5 officer minute rate.
- The application fee is based on a Band 3.5 officer hourly rate.
- The appeal classification, where the applicant is requesting the film to be re-classified will be referred to the Team Manager and will be charged based on band 4.4 (Team Manger minute rate).

## 7.0 Appendices

<b>Appendix 1</b>	BBFC Guidelines
<b>Appendix 2</b>	Application form
<b>Appendix 3</b>	Proposed Fees
<b>Appendix 4</b>	Proposed Process
<b>Appendix 5</b>	Section 93 of the Local Government Act 2003.

<b>Report author:</b>	Daisy Gadd Senior Practitioner for Licensing
<b>Contact:</b>	Telephone: 0207 641 6500 Email: dgadd@westminster.gov.uk

For completion by the **Cabinet Member** for *(add portfolio title)*

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: \_\_\_\_\_

State nature of interest if any .....

.....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled

.....and reject any alternative options which are referred to but not recommended.

Signed .....

Cabinet Member for *(add portfolio title)*

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.





# Classification Guidelines

# Contents

# Contents

<b>4</b>	<b>Introduction</b>	<b>24</b>	<b>● 15</b>
<b>7</b>	<b>Guiding principles</b>	<b>26</b>	<b>● 18</b>
<b>8</b>	<b>General classification considerations</b>	<b>28</b>	<b>■ R18</b>
<b>10</b>	<b>Specific classification considerations</b>	<b>31</b>	<b>Intervention</b>
<b>14</b>	<b>Other matters</b>	<b>32</b>	<b>Engagement with the public</b>
<b>16</b>	<b>The classification categories</b>	<b>34</b>	<b>Appeals, advice viewings and feedback</b>
<b>18</b>	<b>▲ U</b>	<b>36</b>	<b>Annexe – legal considerations</b>
<b>20</b>	<b>▲ PG</b>		
<b>22</b>	<b>● 12A/12</b>		

**The British Board of Film Classification (BBFC) is an independent, non-governmental, not-for-profit, co-regulatory body. Our classification function is funded through fees charged to those who submit films and video works for classification.**

We classify:

- films, trailers and advertisements on behalf of local authorities who license cinemas under the Licensing Act 2003<sup>1</sup>
- video works distributed on physical media under the Video Recordings Act 1984
- video works which are distributed over the internet under a voluntary, self-regulatory service
- commercial and internet content distributed via mobile networks under a voluntary, self-regulatory service

Our Classification Guidelines follow an extensive public consultation to which more than 10,000 people contribute across the UK, as well as other research, expert advice and our accumulated experience over many years. The Guidelines, and our practice in applying them, pay particular attention to changes in public taste, attitudes and concerns, and changes in the law. They also take account of new evidence from research and expert sources. The Guidelines are reviewed every four to five years, and how we apply them is reviewed when necessary.

We take responsibility for the Guidelines and for their interpretation. This responsibility is subject to the normal considerations of fairness and reasonableness.

Here, and throughout the Guidelines, video works are taken to include films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

The Guidelines cannot be a comprehensive account of everything that may at any time be of concern. If issues arise which are not specifically covered here, they will be dealt with by us on their merits and in line with the standards expressed and implied in these Guidelines. The Guidelines are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter.

We will provide guidance on the interpretation of these Guidelines on request and their application to particular films.

## Shaped by you.

Every 4-5 years, we speak to over 10,000 people across the UK to ensure that the BBFC Classification Guidelines reflect what viewers want and expect.

<sup>1</sup>Since 31 March 2016 the BBFC has sub-contracted the assessment of cinema advertisements for commercial goods and services to the Cinema Advertising Association, while retaining responsibility for classifying all feature films, trailers, public information films and charity campaigns.



# Guiding principles

## Our guiding principles are:

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions

We fulfil these roles chiefly by providing age classifications and publishing advice (known as ratings info) for individual films and videos. Ratings info gives a detailed breakdown of the issues that result in a particular classification, as well as other issues likely to be of relevance to viewers.

Our extensive research into public opinion guides us as we seek to ensure that classification decisions generally reflect public sensibilities and expectations as these change over time. We seek to ensure that films and videos reach the widest audience that is appropriate for their theme and treatment.

While media effects research and expert opinion can provide valuable insights, it can be inconclusive or contradictory on issues of suitability and harm. In such cases we must rely on our own experience and expertise to make a judgement as to the suitability of a work for classification at a particular age category, taking into consideration whether the availability of the material, to the age group concerned, is clearly unacceptable to broad public opinion.

We do this without infringing the right of adults to choose what they view provided that it remains within the law and is not potentially harmful.

In relation to harm, we will consider whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any moral or societal harm that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include impairing social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion.

We will not classify material which is in conflict with the criminal law, and we will have regard to whether the material has arisen from the commission of an unlawful act.

We act as a regulator across the United Kingdom. However, the UK does not have a single legal system, and so we take account of the different legal systems that coexist in the UK. Further details about the applicable legislation can be found in the Annexe – legal considerations.

# General classification considerations

**There are general factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two age categories.**

## Context

We consider the context in which an issue (such as sex, language or violence) is presented within a film or video. In doing this we take account of factors such as the setting of a work (historical, fantasy, realistic, contemporary); the manner of presentation (for example, an aggressive and directed use of bad or discriminatory language may result in a higher classification than a light-hearted and self-referential use of the same term); the apparent intention of the film; the original production date of the work (for example, outdated attitudes might be considered less offensive, and consequently classified at a lower category, in an old, obviously dated, work); the expectations of the likely audience; and any special merits of the work.

## Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. The most challenging themes (for example, sexual violence, paedophilia and suicide) are unlikely to be appropriate at the lowest levels of classification (U or PG). However, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allows classification at 18 or even, where suitable, at lower levels. Classification decisions are likely to be less restrictive where difficult themes are handled in a reassuring and age appropriate manner, or where there is a positive outcome. Classification decisions are likely to be more restrictive where difficult themes are handled in a manner likely to create or reinforce anxiety.

## Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, a work with a dark or unsettling tone may receive a higher classification. Other tonal considerations which might have an influence on classification include the extent to which the work presents a despairing view of the world, or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

We take into account the impact of a work (i.e. how it makes the audience feel), for example the presentation of credible real world scenarios about which viewers, especially younger viewers, are likely to be anxious (e.g. terrorism, abduction, suicide, self-harm). We also take account of audience expectations regarding genre, for example in relation to horror films where threat may be more significant than the level of violence, or in the case of action films, where viewers are likely to have certain expectations regarding the type of highly choreographed and unrealistic violence they are likely to contain.

Where multiple classification issues are present in the same work, this may produce a cumulative impact that makes a higher classification more appropriate.



# Specific classification considerations

**This section of the Guidelines identifies concerns which apply, to a greater or a lesser degree, at all classification levels, and sets out the general approach that we take. The concerns are listed in alphabetical order.**

**Pages 18 to 28 of the Guidelines provide specific guidance for U through to R18 with regard to such concerns. This should be read together with the General classification considerations.**

## **Dangerous behaviour**

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a higher classification. Works which, taken as a whole, actively promote illegal behaviour may be cut or refused a classification.

Portrayals of potentially dangerous behaviour (especially relating to suicide, self-harm and asphyxiation) which children and young people may potentially copy, will be cut if a higher classification is not appropriate. The relative ease and likelihood of imitation are also considered.

Classification decisions may be less restrictive where the risks of any dangerous behaviour are likely to be obvious to the intended audience, or where material is intended to educate younger viewers about dangers. Classification decisions will be more restrictive where novel information is presented (for example, about specific suicide techniques), where harmful behaviour is glamorised, or where risks are not made clear.

## **Discrimination**

Potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work has a historical setting within which outdated attitudes or outmoded expressions would be expected; or the work is obviously dated, with little or no appeal to children; or the work seeks to challenge discriminatory attitudes and assumptions. Works with such content may receive a higher category where discriminatory language and behaviour is accompanied by threat or violence; or where there is a clear power imbalance; or where such behaviour is left unchallenged; or where discriminatory attitudes and assumptions are normalised. Where discriminatory language or behaviour occurs, this will normally be indicated in ratings info.

## **Drugs**

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote the activity may be cut. Works which normalise or glamorise drug misuse are likely to receive a higher classification than works which show drug misuse while emphasising the dangers.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in ratings info. Classification decisions will also take into account any promotion or glamorisation of such activities.

## **Language**

Language which people may find offensive includes the use of expletives with a sexual, religious or racial association, derogatory language about minority groups and commonly understood rude gestures. The extent of offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

## **Nudity**

Nudity with no sexual context is in principle acceptable at all classification levels, but will not generally occur more than occasionally at U.

Nudity with a sexual context will receive a higher classification. Where the principal purpose of depicting nudity is to sexually arouse it will usually only be passed at the adult categories (18 or R18).



## Specific classification considerations continued

### Sex

The portrayal of sexual activity can range from kissing to detail of unsimulated sex. The normalisation of overtly sexualised behaviour is a concern at the junior categories (U, PG and 12A/12). The classification system allows progressively stronger portrayals of sexual behaviour as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) will only be passed at 18 or R18.

We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.

### Sexual violence and sexual threat

Depictions of the stronger forms of sexual violence, including rape, are not permitted at the junior categories.

When considering scenes of sexual violence, aggravating factors include:

- the presence of a gang dynamic (e.g. a 'gang rape' scene)
- a focus on the victim being overpowered or powerless
- prolonged, detailed or gratuitous depiction
- an emphasis on nudity
- an emphasis on the pleasure of the attacker

- a strong emphasis on the distress and fear of the victim

- a credible 'real world' setting

- a protracted build-up of sexual threat

Mitigating factors include:

- brevity and lack of detail

- a clear educational message aimed at young people

- a strong narrative justification

We may refuse to classify content which makes rape or other non-consensual sexually violent behaviour look appealing or acceptable, reinforces the suggestion that victims enjoy such behaviour, or invites viewer complicity in such behaviour.

References to sexual violence are likely to be treated less restrictively than depictions of sexual violence, although any references at the junior categories will generally be oblique or undetailed.

Sexual threat and abusive behaviour are not permitted at the lowest levels of classification and will only be permitted at 12A/12 if brief and negatively presented.

### Threat and horror

Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.

The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes. Fantasy settings or the inclusion of humour may be mitigating factors. The presentation of 'real world' issues and fears may be an aggravating factor.

### Violence

Classification decisions will take account of the degree and nature of violence in a work.

Works which feature the following are likely to receive a more restrictive classification:

- portrayal of violence as a normal solution to problems
- heroes who inflict pain and injury
- callousness towards victims
- the encouragement of aggressive attitudes
- characters taking pleasure in pain or humiliation
- the glorification or glamorisation of violence
- gratuitous violence
- violence presented in a credible and realistic context (e.g. gang violence, domestic violence)

Works which feature the following are likely to be treated less restrictively:

- violence in a historical context
- violence in an action or fantasy context
- violence that lacks detail
- violence that looks unreal, fake or overly staged
- comic violence
- violence that is challenged or punished
- violence in a context where it is likely to be expected by the intended audience

We are unlikely to classify content which is so demeaning or degrading to human dignity (for example, it consists of strong abuse, torture or death without any significant mitigating factors) that it may pose a harm risk.

# Other matters

## Education videos

When classifying an education video, including a sex education video, for use in schools, we will take account of the educational purpose of the video and the context in which it is to be viewed (for example in the classroom mediated by a teacher).

## Music videos

In addition to the usual issues, the classification of a music video will take account of any elements which are of particular concern to parents, including glamorisation of behaviour which they consider inappropriate such as drug misuse or sexualised behaviour. Where music videos are short and self-contained, material may be less likely to be justified by context.

## Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. Some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in which such issues arise and to ensure that, when required, appropriate warnings are given to viewers. However, if it is obvious during viewing that the work contains strong examples of such imagery

or sounds, we will advise the distributor of the need to ensure that appropriate warnings are in place. Where necessary, we may require assurances regarding the display of appropriate warnings as a condition of classification.

## Release format

Classification decisions may be stricter on video works than on film. This is because of the increased possibility of under-age viewing as recognised in the Video Recordings Act (see Annexe), as well as the increased possibility of works being replayed or sections viewed out of context. Accordingly, a video work (either packaged or online) may occasionally receive a higher classification than on film, or require new or different cuts. (Video works may also receive a higher classification because they contain additional content.)

The screen format or visual presentation of a submission may also alter a classification, for example, if the image has been processed in the 3D format, or is shown with an altered aspect ratio such as on an IMAX screen, or if the work is experienced as a piece of immersive linear VR (virtual reality).

## Titles

We will require changes as a condition of classification if the title of a work incites racial or religious hatred, or other criminal behaviour, or encourages an interest in abusive or illegal sexual activity.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, we will advise the distributor to consider carefully the places in which it is likely to be seen and to take appropriate action, for example, by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to video works classified R18 as such works may only be supplied or offered for supply in a licensed sex shop.)

## Trailers and advertisements

Audiences may choose to see a full-length feature based on expectations of the particular genre at the given classification and on the published ratings info. In contrast, audiences have no choice, and often no expectation, about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature. Strong language will not be allowed in trailers at the U, PG and 12A/12 categories. Strong language may be permitted in trailers at 15, unless significantly aggravated by other factors. Infrequent very strong language may be permitted in trailers at 15 but usually only where there are mitigating factors such as a comic context.

The more restrictive approach set out above may be relaxed where an advertisement is part of a public information campaign or has a charitable purpose.

Cinemas are responsible for the exhibition of cinema trailers and advertisements, and we have no involvement in deciding which films they precede. Questions or complaints about the exhibition of trailers or advertisements should be directed to the cinema management in the first instance.

## Video games

With a few limited exceptions we do not classify video games. We consider for classification those video games contained on discs which feature primarily linear video content and any pornographic video games.

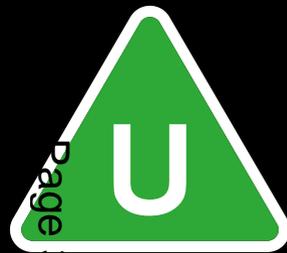
We also advise the video games authority on the classification of linear video footage contained in games which is not integral to the game. This includes, for example, rewards and video content in games which is designed to be viewed in its own right, without taking forward the narrative drive of the game.

## Virtual reality

The BBFC is responsible for classifying linear VR (virtual reality) content whereas the video games authority is responsible for classifying non-linear VR content.

# The classification categories

We endeavour to classify submitted works in one of the following categories:



The following pages set out guidance on how the specific classification considerations (for example, sex and violence) are applied from U through to R18. The criteria should be read in combination with the general approach set out earlier under 'Guiding principles', 'General classification considerations' and 'Specific classification considerations'.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.

# Universal

Suitable for all



**A U film should be suitable for audiences aged four years and over, although it is impossible to predict what might upset any particular child. U films should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or horror.**

## Dangerous behaviour

Potentially dangerous or anti-social behaviour which young children may copy must be clearly disapproved of or be presented unrealistically. No emphasis on realistic or easily accessible weapons.

## Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of.

## Drugs

References to illegal drugs or drug misuse must be infrequent and innocuous, or have a clear educational purpose or anti-drug message suitable for young children.

## Language

Infrequent use only of very mild bad language.

## Nudity

Occasional nudity, with no sexual context.

## Sex

Only very mild sexual behaviour (for example, kissing) and references to such behaviour.

## Threat and horror

Scary or potentially unsettling sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

## Violence

Violence will generally be very mild. Mild violence may be acceptable if it is justified by context (for example, comedic, animated, wholly unrealistic).



# Parental Guidance

General viewing, but some scenes may be unsuitable for young children



**A PG film should not unsettle a child aged around eight or older. Unaccompanied children of any age may watch, but parents are advised to consider whether the content may upset younger or more sensitive children.**

## Dangerous behaviour

No detail of potentially dangerous behaviour which young children are likely to copy, if that behaviour is presented as safe or fun. No glamorisation of realistic or easily accessible weapons such as knives. No focus on anti-social behaviour which young children are likely to copy.

## Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of, or in an educational or historical context, or in a particularly dated work with no likely appeal to children. Discrimination by a character with whom children can readily identify is unlikely to be acceptable.

## Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

## Language

Mild bad language only. Aggressive or very frequent use of mild bad language may result in a work being passed at a higher category.

## Nudity

There may be nudity with no sexual context.

## Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

## Threat and horror

Frightening sequences or situations where characters are in danger should not be prolonged or intense. Fantasy settings and comedy may be mitigating factors.

## Violence

Violence will usually be mild. However, there may be moderate violence, without detail, if justified by its context (for example, history, comedy or fantasy).



# 12A/12

Suitable for 12 years and over



**Films classified 12A and video works classified 12 contain material that is not generally suitable for children aged under 12.**

**No one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Adults planning to take a child under 12 to view a 12A film should consider whether the film is suitable for that child. To help them decide, we recommend that they check the ratings info for that film in advance.**

**No one younger than 12 may rent or buy a 12 rated video work.**

## **Dangerous behaviour**

No promotion of potentially dangerous behaviour which children are likely to copy. No glamorisation of realistic or easily accessible weapons such as knives. No endorsement of anti-social behaviour.

## **Discrimination**

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

## **Drugs**

Misuse of drugs must be infrequent and should not be glamorised or give detailed instruction.

## **Language**

There may be moderate bad language. Strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

## **Nudity**

There may be nudity, but in a sexual context it must be brief and discreet.

## **Sex**

Sexual activity may be briefly and discreetly portrayed. Moderate sex references are permitted, but frequent crude references are unlikely to be acceptable.

## **Sexual violence and sexual threat**

There may be verbal references to sexual violence provided they are not graphic. The stronger forms of sexual violence, including rape, may only be implied and any sexual threat or abusive behaviour must be brief and negatively presented.

## **Threat and horror**

There may be moderate physical and psychological threat and horror sequences. Although some scenes may be disturbing, the overall tone should not be. Horror sequences should not be frequent or sustained.

## **Violence**

There may be moderate violence but it should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.



# 15

Suitable only for 15 years and over



**No one younger than 15 may see a 15 film in a cinema.  
No one younger than 15 may rent or buy a 15 rated video work.**

### **Dangerous behaviour**

Dangerous behaviour (for example, suicide, self-harming and asphyxiation) should not dwell on detail which could be copied. Whether the depiction of easily accessible weapons is acceptable will depend on factors such as realism, context and setting.

### **Discrimination**

The work as a whole must not endorse discriminatory language or behaviour, although there may be racist, homophobic or other discriminatory themes and language.

### **Drugs**

Drug taking may be shown but the work as a whole must not promote or encourage drug misuse (for example, through detailed instruction). The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

### **Language**

There may be strong language. Very strong language may be permitted, depending on the manner in which it is used, who is using the language, its frequency within the work as a whole and any special contextual justification.

### **Nudity**

There are no constraints on nudity in a non-sexual or educational context. Sexual nudity may be permitted but strong detail is likely to be brief or presented in a comic context.

### **Sex**

Sexual activity may be portrayed, but usually without strong detail. There may be strong verbal references to sexual behaviour. Repeated very strong references, particularly those using pornographic language, are unlikely to be acceptable. Works whose primary purpose is sexual arousal are unacceptable.

### **Sexual violence and sexual threat**

There may be strong verbal references to sexual violence but any depiction of the stronger forms of sexual violence, including rape, must not be detailed or prolonged. A strong and sustained focus on sexual threat is unacceptable.

### **Threat and horror**

There may be strong threat and horror. A sustained focus on sadistic threat is unlikely to be acceptable.

### **Violence**

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic violence is also unlikely to be acceptable.



# 18

Suitable only for adults



**No one younger than 18 may see an 18 film in a cinema.**

**No one younger than 18 may rent or buy an 18 rated video work.**

Adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to us to risk harm to individuals or, through their behaviour, to society. For example, the detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sadistic violence, rape or other non-consensual sexually violent behaviour which make this violence look appealing; reinforce the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour; or which invite viewer complicity in rape, other non-consensual sexually violent behaviour or other harmful violent activities
- where there are more explicit images of sexual activity in the context of a sex work (see right)

In the case of video works, which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

#### **Sex works at 18**

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed 18. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the R18 category. Material which is unacceptable in a sex work at R18 is also unacceptable in a sex work at 18.



# R18

To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only



**The R18 category is a special and legally-restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. R18 video works may not be supplied by mail order.**

The following content is not acceptable:

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 (see Annexe – legal considerations)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which are likely to cause serious physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for non-abusive, consensual activity
- penetration by any object likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game



# Intervention

**Where possible we will carry out our responsibilities through appropriate use of the classification categories, particularly in order to protect children from any potential harm.**

**If necessary, however, we may cut or even refuse to classify a film or video work.**

In some cases, we require assurances, cuts or other changes (for example, the addition of warning captions) as a condition of classification, or as a condition of classifying at a particular category. In some circumstances we may refuse to classify a work at any category. We publish details of all interventions on our website.

### **Cuts for category**

If the submitted work is suitable for classification, but only at a category higher than that requested by the customer, we will consider whether a lower category could be achieved through relatively minor or simple changes. If so, we may offer the customer a choice of accepting either the higher or lower category (the latter with defined changes as necessary).

Cuts for category are unlikely to be available if the required changes would be very extensive or complex, or would not address for example, a tonal or thematic issue running throughout the work.

### **Compulsory cuts**

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular age category, we may require cuts or other changes as a condition of classification. Such intervention is most likely when the submitted work contains:

- material which may promote criminal activity
- material which is obscene or otherwise illegal
- material created by means of the commission of a criminal offence
- portrayals of children in a sexualised or abusive context
- material which makes rape, other non-consensual sexually violent behaviour, or sadistic violence look appealing

- graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes
- material which reinforces the suggestion that victims enjoy rape or other non-consensual sexually violent behaviour
- material which invites viewer complicity in rape, other non-consensual sexually violent behaviour, or other harmful violent activities
- sex works which contain material listed as unacceptable at R18

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the customer will normally be given an opportunity to present evidence before a final decision is reached.

### **Refusal to classify**

As a last resort, the BBFC may refuse to classify a work, in line with the objective of preventing non-trivial harm risks to potential viewers and, through their behaviour, to society. We may do so, for example, where a central concept of the work is unacceptable, such as a sustained focus on rape, other non-consensual sexually violent behaviour or sadistic violence. Before refusing classification we will consider whether the problems could be adequately addressed through intervention such as cuts. In deciding whether to refuse to classify, we will keep in mind the inherent difficulty of using behavioural research to draw conclusions about real world risks, and will have regard to the full range of available evidence, including the views of the public and our own knowledge and experience.

# Engagement with the public

We publish detailed information about the content we classify, which we call ratings info. It's a helpful guide, particularly for parents, that gives a summary of how and why a film or video was given its age rating.

## Ratings info includes:

- a short description of the issues contained in a film or video, and this appears on the black card shown on the cinema screen before a film starts, for example:

15

strong violence, sex, language, drug misuse

- we publish a longer, fuller version on our website and app

All content classified since the early 2000s has a short line of ratings info, and content classified more recently also has a longer version, giving you a detailed idea of what issues – bad language, drugs, sex and violence, or the use of discriminatory language or behaviour, for instance – you're likely to find in the film. It also raises any other issues that may be of concern, such as divorce or bereavement.

We try to avoid giving away major plot points. When ratings info does contain plot spoilers we always post a warning. Occasionally, the longer version of ratings info describes full sequences in a film – for example, it might describe a specific fight scene to give you a flavour of the sort of violence in the film and how strong it looks and feels – so be aware of this.

We publish ratings info the moment a film or video is classified, but the longer version may not be available until 10 days before the film opens. Sometimes, we classify films many weeks or even months before they are due to open, which is why not all films listed on our website will have a link to the longer ratings info yet. We encourage viewers to check ratings info when they are choosing content for children and for themselves.

## bbfc.co.uk

Our website provides a comprehensive database of all the content we classify, including ratings info and information about cuts. You can read the Classification Guidelines, search through our press releases, research and Annual Reports. We also publish case studies on films, including many set film texts for Film Studies courses in the UK, a timeline of key events in our history and regular podcasts.

## cbbfc.co.uk

Content for younger children, including the chance to rate trailers for children's films and learn more about our work, can be found on CBBFC, our website for children. Parents can also find advice about choosing content for children on VoD platforms and information about our education programme.

## BBFC app

Our free app for iOS and Android devices lets you check the latest film classifications and ratings info, watch trailers and read our Guidelines.

## Twitter – @BBFC

We update our Twitter account, @BBFC, with all our news and latest film classification decisions. You can ask us quick questions there too. For more detailed questions, you can email us on [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk)

## Newsletters

We produce a regular newsletter about our latest classification decisions, podcasts and news. Our education team sends a newsletter to teachers once a term, focussing on our outreach programme, partnerships and resources, including case studies. For industry we send a regular update on our services, news and classification turnaround times each quarter. You can sign up to receive any of these newsletters on our website, [bbfc.co.uk](http://bbfc.co.uk)

## Podcasts

You can stream and download our regular short podcast on our website, Soundcloud and iTunes. Each episode focuses on a particular theme, film or TV series, and their age rating, highlighting key issues we took into account and any interesting facts about the classification process, for example any advice we gave, or reductions made by the film maker or distributor to secure a particular age rating.



# Appeals, advice viewings and feedback

## Appeals

We offer a formal reconsideration procedure which is open to any customer dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take fewer than 10 working days.

A customer may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, our reconsideration. In the case of films, the customer (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works a customer may appeal to the Video Appeals Committee. The VAC is independent of the BBFC and can be contacted by post as follows:

The Secretary  
The Video Appeals Committee  
3 Soho Square  
London  
W1D 3HD

Customers should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

## Advice viewings

A customer may submit works for advice at any stage of the production process. We will inform them of the likely classification a work will receive, and where appropriate any changes required to achieve the customer's preferred classification. However, advice given in such circumstances is not binding and we reserve the right to reach a different decision when the final version of the work is submitted formally for classification. If the final version of the work submitted for classification differs in any significant respect from that seen for advice, and if those changes appear to reflect advice we have given, then details of the changes will appear on our website.

## Feedback

If you want to send us any feedback about our age ratings or classification decisions, please don't hesitate to email us at [feedback@bbfc.co.uk](mailto:feedback@bbfc.co.uk) or write to us at:

Chief Executive's Office  
BBFC  
3 Soho Square  
London  
W1D 3HD



# Annexe – legal considerations

The following legislation is not listed according to chronology or importance. Instead, it reflects a useful way of explaining the structure of the legal framework that applies to our work.

---

## The Licensing Act 2003

England and Wales

## Cinemas (Northern Ireland) Order 1991

Northern Ireland

## Cinemas Act 1985

Scotland

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (anyone under 18) to any film to be restricted in accordance with our recommendations or those of the licensing authority. One of the key reasons for the licensing requirement is the protection of children, including from potentially harmful content in films.

---

## The Video Recordings Act 1984

Video works (including films, TV programmes and some video games) which are supplied on a disc, tape or any other device capable of storing data electronically must have a BBFC classification unless they fall within the definition of an exempted work.

When considering whether to award a certificate to a work, or whether a work is suitable at a particular category, we are required by the Act to have special regard to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- criminal behaviour
- illegal drugs
- violent behaviour or incidents

- horrific behaviour or incidents
- human sexual activity

In considering these issues we have in mind the possible effect not only on children but also on other vulnerable people.

---

## The Obscene Publications Acts 1959 & 1964

England and Wales

## The Civic Government (Scotland) Act 1982

Scotland

## The Obscene Publications Act 1857

Northern Ireland

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt a significant proportion of those likely to see it. Under the Obscene Publications Act 1959, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

In Scotland, case law implies a similar test would be applied. In Northern Ireland, while there is no express defence of “public good” it is likely that English law would be taken into consideration.

---

## Criminal Justice and Immigration Act 2008

England, Wales and Northern Ireland

## Criminal Justice and Licensing (Scotland) Act 2010/Civic Government (Scotland) Act 1982

Scotland

It is illegal to be in possession of an extreme pornographic image. Under the Criminal Justice and Immigration Act 2008 an extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which:

- threatens a person’s life
- results, or is likely to result, in serious injury to a person’s anus, breasts or genitals
- involves sexual interference with a human corpse
- involves intercourse or oral sex with an animal
- involves non-consensual penetration of a mouth, vagina or anus with a penis or non-consensual sexual penetration of a vagina or anus by anything

Under the Civic Government (Scotland) Act 1982 an extreme pornographic image is one which is pornographic and obscene, and which depicts in an explicit and realistic way, an act which:

- takes or threatens a person’s life
- results, or is likely to result, in a person’s severe injury
- involves rape or other non-consensual penetrative sexual activity

- involves sexual activity involving (directly or indirectly) a human corpse
- involves sexual activity between a person and an animal

Works we classify under the Video Recordings Act are excluded from the scope of the offence across the UK.

---

## The Protection of Children Act 1978

England and Wales

## Civic Government (Scotland) Act 1982

Scotland

## Protection of Children (Northern Ireland) Order 1978

Northern Ireland

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). Offences relating to the possession of such images are contained within the Criminal Justice Act 1988 (England, Wales and Scotland), and the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988. A child is defined as a person under the age of 18.

## Annexe – legal considerations continued

---

### **The Coroners and Justice Act 2009**

England, Wales and Northern Ireland

### **The Criminal Justice and Licensing Act 2010**

Scotland

It is illegal to be in possession of a prohibited image of a child. A prohibited image of a child is a non-photographic or non-pseudo-photographic image which is pornographic and grossly offensive, disgusting, or otherwise of an obscene character, and which focuses solely or principally on a child’s genitals or anal region, or which portrays specified sexual acts by, of, or in the presence of a child, including masturbation, oral sex or penetration, including sexual acts with animals. A child is defined as being under 18 and an image of a child or other person can include imaginary representations. Works we classify under the Video Recordings Act are excluded from the scope of the offence unless images have been extracted from such works for the purpose of sexual arousal.

---

### **The Sexual Offences Act 2003**

England and Wales

### **Sexual Offences (Scotland) Act 2009**

Scotland

### **The Sexual Offences (Northern Ireland) Order 2008**

Northern Ireland

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. It is also prohibited for a person to record the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

---

### **The Criminal Justice and Courts Act 2015**

England and Wales

### **Abusive Behaviour and Sexual Harm (Scotland) Act 2016**

Scotland

### **Justice Act (Northern Ireland) 2016**

Northern Ireland

It is an offence to disclose a private sexual photograph or film without the consent of any individual who appears in the photograph or film, if it is done with the intention of causing that individual distress (or causing them fear, alarm or distress in Scottish law).

---

### **The Public Order Act 1986**

England, Scotland and Wales

### **The Public Order (Northern Ireland) Order 1987**

Northern Ireland

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

In Northern Ireland the relevant group of persons may be defined not only by colour, race, nationality or ethnic or national origins, but also by “religious belief” or “sexual orientation” or “disability”.

---

### **The Cinematograph Films (Animals) Act 1937**

England, Scotland and Wales

It is illegal to show any scene “organised or directed” for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but we also apply the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as “animals”.

---

### **The Animal Welfare Act 2006**

England and Wales

### **The Welfare of Animals Act (Northern Ireland) 2011**

Northern Ireland

### **The Animal Health and Welfare (Scotland) Act 2006**

Scotland

It is illegal to supply, publish, show or possess with intent to supply a video recording of an “animal fight” that has taken place within the UK since 6 April 2007.

---

### **The Tobacco Advertising and Promotion Act 2002**

It is illegal, in the course of a business, to publish a tobacco advertisement.

---

### **Blasphemy**

In Scotland and Northern Ireland, the common law crime of blasphemy exists but has not been utilised for prosecution in modern times. The offences of blasphemy and blasphemous libel under the common law of England and Wales were abolished in The Criminal Justice and Immigration Act 2008.

---

### **Human Rights Act 1998**

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

---

### **Other unlawful material**

In carrying out its responsibilities the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

Get more info on our app

**[bbfc.co.uk/app](https://bbfc.co.uk/app)**

**British Board of Film Classification**

3 Soho Square,  
London,  
W1D 3HD

T 020 7440 1570

**[bbfc.co.uk/about-bbfc/contact-us](https://bbfc.co.uk/about-bbfc/contact-us)**

BBFC Classification Guidelines 2019



City of Westminster

LICENSING TEAM – 020 7641 6500 /

[licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

**APPLICATION FOR A FILM CLASSIFICATION**

I/We \_\_\_\_\_  
[Insert Applicant/Festival Name(s)]

Hereby apply to the licensing authority to classify a film to be shown within Westminster that is not currently classified; or to reclassify a film already classified by the BBFC.

<b>TYPE OF APPLICATION:</b>	
<i>Please tick one option and complete the correction sections</i>	
A single one off feature film certification <i>[please complete section A of the application form]</i>	<input type="checkbox"/>
A Film Festival certification <i>[please complete section B of the application form]</i>	<input type="checkbox"/>

**PART A – Single one off feature film**

<b>FILM-MAKER DETAILS: One off film</b>	
<b>NAME:</b>	
<b>ADDRESS:</b>	
<b>POST CODE:</b>	
<b>TEL:</b>	
<b>MOB:</b>	
<b>EMAIL:</b>	

<b>AGENT DETAILS:</b>	
<b>NAME:</b>	
<b>ADDRESS:</b>	
<b>POST CODE:</b>	
<b>TEL:</b>	
<b>MOB:</b>	
<b>EMAIL:</b>	

<b>FILM DETAILS: (use additional sheets if necessary)</b>			
<b>TITLE:</b>			
<b>LENGTH:</b>		<b>Hours</b>	<b>Minutes</b>



<b>SYNOPSIS:</b>	
<p><i>Provide a brief outline of the plot. Please do not concern yourself with “spoiling” the film and avoid using press release or media promotion language that seeks to “sell” it. It assists us to know the main protagonist and antagonist’s name(s), the nature of any conflict (the “dramatic question” the film seeks to resolve), the major turning points of the story, and the nature of and outcome of the climax the film.</i></p>	



City of Westminster

<b>FOREIGN LANGUAGE / SUBTITLE DECLARATION:</b>	
<i>Please <b>tick one</b> option and add the name of any additional languages spoken or signed in the film in the space provided.</i>	
The film is entirely in English.	<input type="checkbox"/>
The film contains a spoken / written [LANGUAGE OTHER THAN ENGLISH]. These sections are subtitled, and I confirm the subtitles are wholly accurate.	<input type="checkbox"/>
<i>Please note, we are unable to classify films that contain a language other than English which are not subtitled. Subtitles do not have to appear in the final public version of the film, but they are required for classification purposes.</i>	

<b>ADDITION INFORMATION:</b>	
<b>IS YOUR FILM CLASSIFIED BY THE BBFC?:</b> (If "Yes", what rating was it awarded?)	
<b>DATE(S) OF FILM EXHIBITION:</b>	
<b>PRIMARY ADDRESS(ES) OF FILM EXHIBITION:</b>	
<b>ANY ADDITIONAL ADDRESS(ES) OF FILM EXHIBITIONS WITHIN WESTMINSTER:</b>	
<b>CERTIFICATION SOUGHT:</b> ("U", "PG", "12A", "15", "18") <i>Please note that the Certification granted may differ.</i>	

Please complete part c.

**PART B – Film Festival**

<b>FILM FESTIVAL APPLICANT DETAILS:</b>	
<b>NAME:</b>	
<b>ADDRESS:</b>	
<b>POST CODE:</b>	
<b>TEL:</b>	
<b>MOB:</b>	
<b>EMAIL:</b>	

<b>FOREIGN LANGUAGE / SUBTITLE DECLARATION:</b>	
<i>Please <b>tick one</b> option and add the name of any additional languages spoken or signed in the film in the space provided.</i>	
Number of films to be certified	
Number of total minutes of all films to be certified	

ADDITION INFORMATION:	
DATE(S) OF FILM FESTIVAL EXHIBITION:	
PRIMARY ADDRESS(ES) OF FILM FESTIVAL EXHIBITION:	
ANY ADDITIONAL ADDRESS(ES) OF FILM EXHIBITIONS WITHIN WESTMINSTER:	
TOTAL NUMBER OF FILMS TO BE CERTIFIED	

*Please complete part c.*

**PART C**

DECLARATION (Please read carefully, tick to confirm and sign below)		
The information provided in this application form is accurate and correct to the best of my knowledge and belief:		<input type="checkbox"/>
I have made or enclosed payment of the fee:		<input type="checkbox"/>
I have enclosed a copy of the film that meets the technical standards cited below:		<input type="checkbox"/>
I have read and understood the guidance written at the end of this application form:		<input type="checkbox"/>
<b>SIGNED:</b>	(FILM-MAKER/FILM FESTIVAL)	(AGENT/APPLICANT)
<b>PRINT NAME(S):</b>	(FILM-MAKER/FILM FESTIVAL)	(AGENT/APPLICANT)
<b>DATED:</b>	(FILM-MAKER/FILM FESTIVAL)	(AGENT/APPLICANT)



### **Guidance Notes for Applicants:**

This procedure applies both where you would like us to reclassify a film already classified by the BBFC, and where you require us to classify a film that is not currently classified.

In order to be able to guarantee that we will be able to process your application and issue you with a classification certificate your completed application, relevant fee, and a copy of the film (that is retained by Westminster City Council) must be submitted to us at least 4 weeks (28 days) before the film is scheduled to be shown for a one off feature film or 6 weeks for a film festival. The Licensing Authority may agree to accept applications received outside this timeframe, at its absolute discretion.

#### **A) Classification & Reclassification Requests:**

All requests for classification and reclassification of films will be determined by a Senior Licensing Officer, who will view the entire film and assess the film against the BBFC guidelines.

Applicants should be aware that we classify films on an “as submitted” basis. We do not make recommendations as to cuts to the film that may result in a lower classification, though can provide the reasoning for the certification we provide upon further request, administration fee will be applicable. Applicants seeking a low classification are encouraged to be mindful of the BBFC guidelines themselves when editing their film prior to submission for classification.

Applicants should also be aware that individual scenes containing bad language, violence, drug-use, discrimination, or scenes of a sexual nature (etc), even where infrequent, are likely to warrant a higher classification overall. The BBFC guidelines are freely available online.

At the end of the process we will either supply you with an appropriate certification that may or may not restrict the age of the audience that can view the film, though in rare circumstances we may reject the film as being “unclassifiable”.

With regards to the latter, we will only do so in one of two scenarios:

- (1) If any of the Film Submission Technical Standards listed below are not met; and
- (2) If we consider that the film is not suitable for public viewing and would require “compulsory cuts” as described within the Intervention section of the BBFC guidance.

Where we reject a film, we will provide in writing the reasons for our decision.

#### **B) Film Submission Technical Standards:**

Your application must be accompanied by a secured website link of USB. If submitted with a USB then this will be retained by the Council, as a record of the film classified.

- Non-English sections must contain subtitles.

#### **Please note that:**

- Security markings such as a watermark are permitted but must be subtle and not obscure the centre or a large part of the screen, or distract from the viewing of the film. I.e. full-screen, scrolling security marks stating “COUNCIL COPY” or similar are likely to be returned as uncertifiable and applicants shall have to reapply.

**C) Fees:**

Your request must be accompanied by the appropriate fee. The total fee payable can be found below:

You will pay an application fee and a film viewing fee charged at £1.60 per minute.

Type of film	Application fee	Film viewing fee
<b>Standard film</b>	£96.00	£1.60 per minute
<b>Film festival (1-25 films)</b>	£120.00	£1.60 per minute
<b>Film festival (26-50 films)</b>	£144.00	£1.60 per minute
<b>Film festival (51+ films)</b>	£168.00	£1.60 per minute
<b>Foreign language feature film with subtitles</b>	£96.00	£1.60 per minute
<b>Administration fee Applicable to additional requests</b>	£10.50	N/A

Fees based on Officer Band 3.5 £96.00 per hour, at 1.60 per minute

**Reconsideration of the classification decision**

Type of film	Film viewing fee
<b>Standard film</b>	£1.85 per minute

Fees based on Team Manager Band 4.4 at £1.85 per minute

If you have any difficulty in calculating the correct fee yourself, please contact our team, where we will be able to confirm it for you. **Please note that all fees are non-refundable once the work they each relate to has been commenced.**

**D) Foreign Languages:**

To enable us to accurately classify films that contain a language that is not spoken or written English, all such films must contain a subtitle track for each of these occurrences (even if it is not intended for the subtitles to appear in the public release version of the film). The subtitles should provide a full, accurate and precise translation.

**E) Determination of your Film - Classification Certificates**

Approved films will be issued with a film classification certificate under one of the following categories:

	Universal. Suitable for All
	Parental Guidance. Films can be viewed by all ages, but some scenes may be unsuitable for young children.
	Rated 12A. Suitable for children aged 12 and over. However, people younger than 12 may see a 12A so long as they are accompanied by an adult.
	Rated 15. Suitable for children aged 15 and over. No one younger than 15 can go and see a 15 rated film.
	Rated 18. Suitable for adults only. No one younger than 18 can go and see an 18 rated film

We will provide a PDF copy of the certificate. This needs to be displayed at the commencement of each showing of the film.

**F) Contact Us:**

Licensing Team  
 Westminster City Council  
 15th Floor Westminster City Hall  
 64 Victoria Street  
 London  
 SW1E 6QP

Telephone                    **0207 641 6500**  
 Email:                         [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

**Fee List for the Classification of a Film**

You will pay an application fee and a film viewing fee charged at £1.60 per minute.

<b>Type of film</b>	<b>Application fee</b>	<b>Film viewing fee</b>
<b>Standard film</b>	£96.00	£1.60 per minute
<b>Film festival (1-25 films)</b>	£120.00	£1.60 per minute
<b>Film festival (26-50 films)</b>	£144.00	£1.60 per minute
<b>Film festival (51+ films)</b>	£168.00	£1.60 per minute
<b>Foreign language feature film with subtitles</b>	£96.00	£1.60 per minute
<b>Administration fee Applicable to additional requests</b>	£10.50	N/A

Fees based on Officer Band 3.5 £96.00 per hour, at 1.60 per minute

**Reconsideration of the classification decision**

<b>Type of film</b>	<b>Film viewing fee</b>
<b>Standard film</b>	£1.85 per minute

Fees based on Team Manager Band 4.4 at £1.85 per minute

**1. Westminster's Film Classification Process**

- 1.1 Westminster City Council has established a film classification process to ensure that films are considered effectively and that the classifications given for these films promote the licensing objectives. The application process is run on a cost recovery basis which will be reflected in the fees (Appendix 3).
- 1.2 Applicants can request a classification for a film which has not already been classified by the BBFC to be shown within Westminster only.

Films that already have a BBFC classification

- 1.3 The Licensing Authority has the right to consider any film already classified by the BBFC and whether the classification is correct in order to promote the protection of children licensing objective under the Act. The Licensing Authority will only use this power if it is felt necessary.
- 1.4 A request to re-classify a film which has already received a classification from the BBFC can be made by an applicant. In those circumstances they must set out the classification that they are seeking and the reasons why they feel the classification already provided by the BBFC is not appropriate.

**2. Making an application**

- 2.1 To apply for a classification of a film by the Licensing Authority, the applicant must complete the approved application form and provide a full copy of the film (with English subtitles if in a foreign language) together with a full synopsis and proposed age classification. Applications that have missing information will not be considered until the required information has been received.

Deadlines for submission

- 2.2 The application must be submitted to the Licensing Authority no later than 4 weeks (28 days) prior to the date in which the event will take place for individual films or 6 weeks for a film festival. Any late submissions will be considered on a case by case basis however it is likely that request will be refused based upon the impact it will cause on the workload of the Licensing Service.
- 2.3 The deadline for the submission of film classification applications is necessary to enable the Licensing Authority to properly consider the film and the classification sought.

Classification requested

- 2.4 The applicant, when making their application, must ensure that they provide, for each film they wish to be classified by the Licensing Authority, a full copy of the film (with English subtitles if in a foreign language) together with a full synopsis and their proposed age classification.

### Synopsis of the film

- 2.5 It is important that a synopsis of the film is provided as this assists the officers in assessing the film and the classification sought. The synopsis should be detailed enough to set out the main points of the film and its plot. It should be noted within the synopsis any relevant scenes or language used which may impact on the classification requested or be the reason for the requested classification. Applicants must have regard to the BBFC guidance associated with film classifications and consider this when providing the film synopsis.

### Providing a copy or access to the film

- 2.6 The applicant must provide to the Licensing Authority a suitable quality copy of the film to enable it to be considered for film classification. The Licensing Authority will only accept films submitted via USB or a secure streaming website.
- 2.7 If a film's dialogue is not in English then the version of the film provided as part of the classification process must have English subtitles.

### Agreement to exhibition rules

- 2.8 To exhibit films under the terms of this classification process, the applicant will confirm their agreement to the specific requirements relating to exhibiting the film and the information that will be provided to customers attending the film. These requirements are:
- 2.8.1 The film that is exhibited on a licensed premises will be the same as the version presented and classified by the Licensing Authority.
  - 2.8.2 The classification certificate will be displayed either on the screen prior to the film's exhibition or on the entrance to the room or premises where the film is being exhibited. If the certificate is displayed at the entrance to the room or premises then it must be on display prior to customers being permitted to enter and remain on display until the exhibition of the film has concluded.
  - 2.8.3 No one aged below the age classification will be permitted to watch the film.
  - 2.8.4 No one under the age of 12 will be permitted into a 12A film without an adult.

### Payment

- 2.9 The application must be accompanied by the relevant fee set out in the licensing fees document on the Council's website. The fee must be paid over the phone using a debit or credit card. Applicants can reach the Licensing Authority's payment line on 0207 641 6500.

### Returning films

- 2.10 The Licensing Authority will ensure that any films provided to the Licensing Authority on a USB are returned to the applicant when the classification decision has been made.
- 2.11 The Licensing Authority will not copy, reproduce or distribute the film in any way and the copy provided to the Licensing Authority will remain the property of the supplier/distributor.

### **3. Consideration of films for under 18 classification**

- 3.1 In considering the applications for film classification, the Licensing Authority will have regard to the BBFC guidelines. The Licensing Authority will make note of any specific points within the film that will meet certain requirements for specific classification tiers.
- 3.2 The officer considering the classification will have regard to the synopsis and any other relevant information provided in the application form. If the film has already been classified outside the United Kingdom, the Licensing Authority will either review the information about that classification from the relevant classifications bodies' website and may make contact with that classification body if there are any questions or queries.
- 3.3 Once the film has been assessed the Licensing Authority will set the classification for the film.
- 3.4 If the applicant is not satisfied with the decision, they can request that the decision is reviewed. This review will be completed by the Licensing Team Manager.
- 3.5 An applicant can request the reconsideration of the first classification decision. To request a reconsideration of a decision, the applicant must contact the Licensing Authority setting out the reasons they believe the classification should be reconsidered. A fee will be charged for this process and is set out in the licensing fees on the Council's website.
- 3.6 The reviewing Manager will make a decision to either uphold the original classification decision or amend the classification decision. The applicant will be informed of the reviewing Managers decision in writing.
- 3.7 An application for the reconsideration of the decision of the Licensing Authority can be made up to 4 weeks after the decision date. After that period, any requests to reconsider the Licensing Authority's decision will not be accepted.
- 3.8 Where the 4 week period has passed, the applicant will need to submit a new film classification request to the Licensing Authority for that film or apply to the BBFC for classification.
- 3.9 Once the classification has been provided the film can be shown subject to the classification requirements in Westminster.

### **4. Consulting the Police**

- 4.1 The Licensing Authority on rare occasions may also refer the film to Westminster's Metropolitan Police Licensing Unit if there are concerns associated with the content of the film and the impact on not only the protection of children from harm but also the prevention of crime and disorder.
- 4.2 The circumstances which may prompt the need for the Police to consider the films contents will be if the storyline may offend a minority group, religious group or other group within society and could give rise to violence or other forms of crime or disorder associated with the showing of that film. If the police have any concerns associated with

the film, they will contact the applicant directly and, if necessary, use their own statutory powers to prevent crime and disorder occurring as a result of the film.

## 5. Display of classification information

- 5.1 The applicant must display the classification certificate either on the screen prior to the exhibition of the film or at the entrance to the room or premises where the film is to be screened so that it can be easily read by any customer attending the film exhibition.
- 5.2 The Licensing Authority will issue the applicant with the film classification certificate which will show the film title, directors names, the date of classification and classification number.
- 5.3 The classification certificate and notices are provided to inform the public of the classification for the film that are about to watch. The classification notices will also provide customers with the contact information for the Licensing Authority if they wish to comment on the film's classification.

## 6. Publication of Licensing Authority film classifications

- 6.1 The Licensing Authority will maintain a register of the films that it classifies on its website. The classification certificate will also be made public via the website register.
- 6.2 The register and other information about the Licensing Authority's film classification scheme is available via the Council's website at [www.westminster.gov.uk/film-classifications](http://www.westminster.gov.uk/film-classifications).

## 7. Westminster City Council Film Classification Tiers

18	<p><b>Suitable only for adults</b></p> <p>No one under the age of 18 is permitted to see an 18 classified film within a licensed premises.</p>
15	<p><b>Suitable for 15 years and over</b></p> <p>No one under the age of 15 is permitted to see a 15 classified film within a licensed premises.</p>
12A	<p><b>Suitable for 12 years and over (anyone under the age of 12 must be accompanied by an adult)</b></p> <p>No one under the age of 12 is permitted to see a 12A classified film within a licensed premises unless they are accompanied by an adult.</p>
PG	<p><b>Parental Guidance</b></p> <p>The film is generally recommended as being suitable for general viewing, but some scenes may be unsuitable for children under 8 years of age.</p>

U	<b>Universal</b> The film is generally recommended as being suitable for children 4 years and over
---	---

Power to charge for discretionary services

- (1) Subject to the following provisions, a relevant authority may charge a person for providing a service to him if—
  - (a) the authority is authorised, but not required, by an enactment to provide the service to him, and
  - (b) he has agreed to its provision.
- (2) Subsection (1) does not apply if the authority—
  - (a) has power apart from this section to charge for the provision of the service, or
  - (b) is expressly prohibited from charging for the provision of the service.
- (3) The power under subsection (1) is subject to a duty to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the costs of provision.
- (4) The duty under subsection (3) shall apply separately in relation to each kind of service.
- (5) Within the framework set by subsections (3) and (4), a relevant authority may set charges as it thinks fit and may, in particular—
  - (a) charge only some persons for providing a service;
  - (b) charge different persons different amounts for the provision of a service.
- (6) In carrying out functions under this section, a relevant authority shall have regard to such guidance as the appropriate person may issue.
- (7) The following shall be disregarded for the purposes of subsection (2)(b)—
  - (a) section 111(3) of the Local Government Act 1972 (c. 70) (subsidiary powers of local authorities not to include power to raise money),
  - (b) section 34(2) of the Greater London Authority Act 1999 (c. 29) (corresponding provision for Greater London Authority),
  - (c) section 3(2) of the Local Government Act 2000 (well-being powers not to include power to raise money).
  - (d) section 100(2) of the Local Transport Act 2008 (well-being powers of Integrated Transport Authorities and combined authorities),
  - (e) section 102C(4) of that Act (Integrated Transport Authorities),
  - (f) section 10B(4) of the Transport Act 1968 (Passenger Transport Executives), and
  - (g) section 113B(4) of the Local Democracy, Economic Development and Construction Act 2009 (economic prosperity boards and combined authorities).
- (8) In subsection (1), “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).
- (9) In this section, “relevant authority” means—
  - (a) a best value authority;
    - (aa) a Welsh improvement authority;
    - (ab) the Passenger Transport Executive of an integrated transport area in England;
  - (b) a parish council;

- (c) a parish meeting of a parish which does not have a separate parish council; or
- (d) a community council.

<b>Background Documents</b>		
<b>1</b>	BBFC Guidance	2019
<b>2</b>	Section 93 of the Local Government Act 2003.	1 November 2019
<b>3</b>	Schedule 1 of the Licensing Act 2003	6 <sup>th</sup> April 2018



City of Westminster

## Licensing Committee

<b>Item No:</b>	
<b>Date:</b>	1 December 2021
<b>Classification:</b>	For General Release
<b>Title of Report:</b>	Licensing Appeals Update
<b>Report of:</b>	Bi-Borough Director of Law
<b>Wards involved:</b>	Not applicable
<b>Policy context:</b>	A business-like approach
<b>Financial summary:</b>	None
<b>Report Author:</b>	Heidi Titcombe Principal Solicitor for the Bi-Borough Director of Law
<b>Contact details</b>	Tel: 07739 314073 Email: <a href="mailto:heidi.titcombe@rbkc.gov.uk">heidi.titcombe@rbkc.gov.uk</a>

## 1. **Summary**

1.1 This report provides a summary of recent appeal results.

## 2. **Recommendations**

2.1 That the report be noted.

## 3. **Background**

3.1 Legal Services has been dealing with four appeals since March 2021, two of which have been withdrawn and two are pending determination as specified below.

### 3.2 **Scotch, 13 Mason's Yard, London SW1Y 6BU – Withdrawn**

3.3 Ground Support Equipment DMCC (“Applicant”) applied for the grant of a shadow licence in respect of the above Premises on the basis that the Applicant had an interest in the business.

3.4 The application was opposed by 21 residents on the grounds of the prevention of public nuisance. The Licensing Sub-Committee refused the application on 4 February 2021 on the grounds there was insufficient evidence in the operating plan to demonstrate how the Applicant would operate the business for the hours requested without undermining the licensing objectives. The Applicant appealed the Decision, but subsequently withdrew the appeal and agreed to pay the Council £18,391.20 in costs by the end of September 2021. Those costs have not been paid and will be pursued as a civil claim.

### 3.5 **56 Wardour Street, London, W1D 4JG - Withdrawn**

3.6 Wardour Street Trading Ltd applied for a new licence for a restaurant and bar for the above premises which is in the both the West End Ward and West End Cumulative Impact Zone. The application was opposed by Environmental Health, the Metropolitan Police, the Licensing Authority, Soho Estates Limited and the Soho Society on the grounds that public nuisance, crime and disorder would be caused because of the potential numbers of customers entering the cumulative impact area.

3.7 On 3 June 2021, the Licensing Sub-Committee refused the application on the grounds that the premises would not promote the licensing objectives. The Applicant appealed and the case was scheduled to be heard at Westminster Magistrates’ Court on 7 February 2022. However, the Appellant decided to withdraw the appeal in October 2021, and we are endeavouring to reach agreement on the legal costs to be paid to the Council.

### 3.8 **Bellaria Restaurant, Basement and Ground Floor, 71 Great Titchfield Street, London, W1W 6RB**

3.9 We have received two appeals in relation to the same premises, one from the applicant and the other from an objector.

- 3.10 On 18 March 2021 the Committee determined a variation application by Mr Nimet Oner to extend the hours until 1:30 hours in the morning. Environmental Health made representations opposing the application, as did a number of residents and its neighbour, the Langham Hotel which is adjacent to the restaurant. The representations mainly related to the prevention of public nuisance.
- 3.11 The Police had initially opposed the application, but they withdrew their representation when they were able to agree conditions with the applicant which included the requirement to have a minimum of one door supervisor on duty from 21.00 to 30 min after the closing time, on the assumption that the hours would be extended to 1:30 am hours on Thursday, Friday and Saturdays.
- 3.12 The Licensing Sub-Committee granted the application in part by limiting the extension of hours to 00:30 hours on Thursday, Friday, and Saturdays, whilst retaining the door supervisor condition as agreed with the Police. The Applicant appealed the decision on two grounds. Firstly, that the door supervisor condition was unnecessary because the hours had only been extended to 00:30 hours, and secondly, because there was an administrative error in the Decision, which referred to live music being permitted to 00.30, when it should have said midnight.
- 3.13 There was also an appeal from the objector and owners of the Langham Hotel. They contend in essence that the Committee failed to have regard to its own licensing policy statement in relation to core hours; failed to require an acoustic report and had no regard to the submissions of the objectors and in their view the hours should not have been extended at all. The Langham Hotel want the case to be remitted back to the Committee for further consideration and they object to the removal of the door supervisor condition.
- 3.14 The Case Management Hearing took place on the 2 November, where the two appeals were joined, directions agreed, and the appeals are listed for a full hearing on the 4, 5 and 6 April 2023 at City of London Magistrates' Court.

#### **4. JUDICIAL REVIEWS**

##### **4.1 Hemming and others v Westminster City Council**

- 4.2 Members will be aware that Hemming and a number of other proprietors of sex establishments in Soho have challenged the fees charged by Westminster for sex shop licences. They have alleged that the Council was only entitled to recover the administrative costs of processing the application when assessing the licence fee, and not the costs of monitoring and enforcing the whole licensing regime against unlicensed and licensed operators.
- 4.3 The High Court and the Court of Appeal both held that the European Directive prevented Westminster from recovering the fees for monitoring and enforcing the licensing regime, against licensed and unlicensed operators. Westminster was therefore ordered to repay this element of the fees which related to monitoring and enforcement costs.
- 4.4 Westminster appealed to the Supreme Court who decided after various hearings on 19 July 2017 that Westminster could recover a reasonable fee for

the monitoring and enforcement of the sex licensing regime in Westminster (including the costs of enforcement against unlicensed operators).

- 4.5 An application has been made to the Administrative Court to recover the costs payable to the Council for monitoring and enforcing the licensing regime, but this has been delayed pending the COVID-19 pandemic. The casework team at the Administrative Court have referred this case to a Casework Lawyer and we are hoping to receive an update on the case by the end of the November.

## **5. RECORD OF APPEALS**

- 5.1 To date, 481 appeals have been received since the Council took over the licensing functions from the Magistrates' Court in February 2005. 479 of these appeals have been heard / settled / withdrawn etc. as shown below:

- 2 pending
- 59 dismissed
- 16 allowed
- 13 allowed only in part
- 166 settled
- 225 withdrawn.

## **6. Legal implications**

- 6.1 There are no legal implications for the City Council arising directly from this report.

## **7. Staffing implications**

- 7.1 There are no staffing implications for the City Council arising directly from this report.

## **8. Equalities Implications**

- 8.1 The Council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

- 8.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 8.3 The Council believes there are no direct equalities implications arising from this report.

**9. Business plan implications**

9.1 There are no business plan implications arising from this report.

**10. Ward Member comments**

10.1. As this report covers all wards, comments were not sought.

**11. Carbon Impact**

11.1 It is believed there is no carbon impact as a result of this report as this relates to appeals which have been brought against the Council.

**12. Reason for decision**

12.1 The report is for noting.

If you have any queries about this report or wish to inspect any of the background papers please contact Heidi Titcombe,  
Principal Solicitor and Licensing and Highways Team Manager on 07739 314073  
email: [heidi.titcombe@rbkc.gov.uk](mailto:heidi.titcombe@rbkc.gov.uk)

This page is intentionally left blank