



East Suffolk House, Riduna Park, Station Road,  
Melton, Woodbridge, Suffolk, IP12 1RT

# Licensing Sub-Committee

## Members:

Councillor John Fisher  
Councillor Mark Newton  
Councillor Rachel Smith-Lyte  
Councillor Colin Hedgley (Reserve)

Members are invited to a **Meeting of the Licensing Sub-Committee** to be held in the Deben Conference Room, East Suffolk House, Melton on **Thursday, 23 March 2023 at 10.00am**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/VQ3ob2UYgxw?feature=share>

An Agenda is set out below.

## Part One – Open to the Public

## Pages

- 
- 1 Election of a Chairman**  
To elect a Chairman for the Licensing Committee.
  - 2 Apologies for Absence**  
To receive apologies for absence, if any.

- |          |  |               |
|----------|--|---------------|
| <b>3</b> | <b>Declarations of Interest</b><br>Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. |               |
| <b>4</b> | <b>Declarations of Lobbying and Responses to Lobbying</b><br>To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.  |               |
| <b>5</b> | <b>New Premises Licence - The Little Wine Bar, 288 High Street, Felixstowe IP11 9EB ES/1513</b><br>Report of the Senior Licensing Officer  | <b>1 - 8</b>  |
| <b>6</b> | <b>Film Classification - Films to be screened at Snape Maltings 1 - 23 April as part of an Exhibition ES/1514</b><br>Report of the Senior Licensing Officer  | <b>9 - 32</b> |

## Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

**Close**



Chris Bally, Chief Executive

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## LICENSING SUB-COMMITTEE

Thursday 23 March 2023

### APPLICATION DETAILS

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Deborah McGlynn-Hale and Stuart Hale
<b>Address of Applicant(s):</b>	8 Cavendish Road, Felixstowe IP11 2AX
<b>Type of applicant (Premises Only):</b>	Individual
<b>Name of Premises:</b>	The Little Wine Bar
<b>Address of premises:</b>	288 High Street, Felixstowe IP11 9EB
<b>Description of Premises:</b>	Bar serving food

### EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence
- The application seeks to permit the sale of alcohol for on and off sales

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Western Felixstowe
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Teresa Bailey Senior Licensing Officer 01394 444364 <a href="mailto:Teresa.bailey@eastsoffolk.gov.uk">Teresa.bailey@eastsoffolk.gov.uk</a>

## **1. PROPOSED LICENSABLE ACTIVITIES**

### **Sale of alcohol – on and off sales**

Monday to Sunday                      11:00 to 23:00

## **2. PROPOSED OPENING HOURS**

Monday to Sunday                      11:00 to 23:00

## **3. OPERATING SCHEDULE**

- 3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

### **General**

Abiding by the licensing objective

Stopping the sale of alcohol at a stipulated time ½ hour before closing & closing at stipulated time

Promoting safe drinking measures with vigilance & public information

Limitations on children to be allowed on premises

Availability of non alcoholic options

Proof of age (21) for purchase of alcohol

Security cameras

Fire prevention materials - detectors & extinguishers

First Aid box & accident book

Staff training in respect of licensing objectives & measures to be taken to meet them

### **Prevention of crime and disorder**

No sale of alcohol to minors

No sale of alcohol to visibly drunk patrons

Security cameras

Staff training in licensing objectives

### **Public safety**

Security cameras

Heat/smoke detectors

Fire extinguishers appropriate in relation to scale of premises

Fire exit posters

No smoking posters

Know your limit posters

Staff training in safe & legal sales of alcohol

### **Prevention of public nuisance**

Security cameras installed in premises

No alcohol served after 10:30pm - all patrons exited by 11pm

Patrons advised to be respectful of neighbours when leaving premises - posters

Alcohol to be sold responsibly - know your limits posters

### **Protection of children from harm**

Children will not be allowed in the premises unless accompanied by an adult  
Provision of alcohol free drinks will be made  
Proof of age (21) to be supplied when purchasing alcohol

The plan of the premises is attached as **Appendix A**.

#### **4. REASON FOR HEARING**

4.1 One representation against the application has been received from a Responsible Authority.

4.2 The applicant has been provided with a copy of the representation and it is attached as **Appendix B**.

4.3 Summary of grounds for representation:

Given the planning history at these premises, and proximity to a residential dwelling, it may be challenging for the applicant to achieve the appropriate planning consent. You will understand therefore that I have some concerns about the licensing authority granting a premises licence at this time.

My opinion is that a drinking type establishment in such close proximity to an existing residential dwelling brings a risk of unreasonable noise disturbance to the neighbouring dwelling and perhaps beyond. The front of 288 High Street is in extremely close proximity to the front door and living room window of 290 High Street. The proposed use of the outdoor dining deck is not compatible with the residential use a few feet away, and the living room windows. At first floor I suspect is a bedroom window that would also overlook the front of 288 High Street.

The use of the garden room to the rear of 288 High Street could also lead to complaints of noise disturbance from neighbouring residents.

#### **5. POINTS FOR CONSIDERATION**

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
  - Guidance Issued under Section 182 of the Licensing Act 2003.
  - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and the Responsible Authority and they have until 16 March 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

## **6. CONCLUSION**

- 6.1 The applicant has been advised of the representation that has been made and there may be mediation between the applicant and the Responsible Authority before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

- 6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal

to the Magistrates Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

<b>APPENDICES</b>	
<b>Appendix A</b>	Plan of the premises
<b>Appendix B</b>	Representation

<b>BACKGROUND PAPERS</b>	
None	



1911 9EB

## Agenda Item 5

Key

Two Toilet.

HW	Sink. - Hot Water
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**E** Fire exit Sign inc  
emergency lighting



Date Received: 31.01.2023  
Our ref: 23/00909/LICCON

Responded: 27.02.2023

**ORDK**

Your Ref:

RE: 288 High Street, Walton, Felixstowe, Suffolk, IP11 9EB  
Please find attached an application for new premises licence.

The Little Wine Bar  
288 High Street  
Walton  
Felixstowe  
IP11 9EB

The consultation period ends 27.02.23

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Thank you for your consultation regarding the above application. The Environmental Protection Team's comments are given below.

Thank you for your consultation on this new premises licence application.

I have some concerns that this application may be premature in that these premises may not have the relevant planning consent for the proposed wine bar/bistro type use. The lawful planning use of the premises takes precedent over other regimes in terms of what activity can take place.

I have had some discussion with the local planning authority but at this stage it isn't clear within which planning use class the proposed business could fall within.

My understanding is that the current planning use of 288 High Street is for a retail shop only which would presumably have operated on approximately an 08:00 to 18:00 hours basis. Previous attempts to change that use to a hot food takeaway premises were refused permission by the local planning authority. Further, a planning appeal was dismissed by the planning inspectorate on the grounds of significant adverse impacts on the neighbouring dwelling of 290 High Street from noise and disturbance.

Given the planning history at these premises, and proximity to a residential dwelling, it may be challenging for the applicant to achieve the appropriate planning consent. You will understand therefore that I have some concerns about the licensing authority granting a premises licence at this time.

I have reviewed the key details of this premises licence application, and I have also had some initial communications with the applicant to gain additional description of the type of premises proposed and how they will address concerns with respect to the 'Prevention of Public Nuisance'.

The licence seeks the supply of alcohol on and off the premises between 11:00 and 23:00 hours 7 days per week. If a licence were granted I understand the premises would then be able to have regulated entertainments for these same times. The applicant has advised us that music is most likely to be ancillary to the use and provide background music only (which is technically not licensable anyway).

The licensed area includes the building, but also a garden room in the rear garden, and an 'outdoor dining deck' to the front of the premises.

My opinion is that a drinking type establishment in such close proximity to an existing residential dwelling brings a risk of unreasonable noise disturbance to the neighbouring dwelling and perhaps beyond. The front of 288 High Street is in extremely close proximity to the front door and living room window of 290 High Street. The proposed use of the outdoor dining deck is not compatible with the residential use a few feet away, and the living room windows. At first floor I suspect is a bedroom window that would also overlook the front of 288 High Street. I am advised by the applicant that they would limit the use of this area to 9pm each day, and provide screens between the area and the neighbour. In my experience though, customers will naturally want to relax and enjoy themselves using this area and this will come with speech, raised voices and laughter. In spring and summer this could lead to conflict with the nearby residential neighbours. As an example, I have dealt with noise concerns raised from the use of a similar wine bar/bistro type premises in Woodbridge and their external terrace area. In that case the restricted outdoor hours at that premises have had to be enforced by planning to ensure the ongoing protection of residential amenity.

The use of the garden room to the rear of 288 High Street could also lead to complaints of noise disturbance from neighbouring residents. I am led to believe from the applicant that the rear area would be for customers wishing smoke rather than a social area so this would reduce my concerns in that area.

I would like to acknowledge that the applicant runs 'The Little Wine Bar' premises in a slightly more commercial part of the High Street. These premises are small, with no outside areas, and I note that the Environmental Protection Team have received no noise complaints in the year that these premises have operated to date.

At this time, I do not consider that the premises of 288 High Street are entirely suitable for the proposed wine bar/bistro use as described in the application, and therefore I wish to object to this application.

I note that the applicant would seek to install air-conditioning to serve the premises (which would need to be subject to a planning application and noise assessment). Assuming noise impacts were low from this equipment, this would allow the premises to keep external doors and windows closed, customers and staff to keep cool, and therefore manage noise within the building.

I would therefore be prepared to consider accepting a licence on the basis of no external dining/drinking/entertainment areas in order to protect the residential neighbours which are very close by.

The hours of 11:00 to 23:00 represent a significant change to existing operational hours of the current/former shop, particularly on a Sunday. I consider that were the licensing authority minded to grant a premises licence then I would recommend a condition to ensure that all customers have left the premises by 23:00 to limit/prevent any disturbance to neighbours in the more sensitive night-time period. Shorter licensing hours may be appropriate on a Sunday to provide neighbours some respite from associated activity.

To conclude, I anticipate some further communications with the applicant, but wish to make an objection at this time and therefore make a representation at a licensing hearing with respect to this new premises licence application.

Regards,  
Environmental Health Officer



## LICENSING SUB-COMMITTEE

**Committee Date:** Thursday 23 March 2023

**FILM CLASSIFICATION – FILMS TO BE SCREENED AT THE STABLE BLOCK, SNAPE MALTINGS 1 TO 23 APRIL 2023 AS PART OF AN EXHIBITION**

### EXECUTIVE SUMMARY:

1. An application requesting the classification of film has been received.
2. Arrangements were made for members of the Licensing Sub-Committee to view the film prior to the Licensing Sub-committee meeting.
3. The Sub-Committee is asked to determine the appropriate admission criteria for the films.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Rendlesham and Orford
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<b>Cabinet Member:</b>	Cllr. Mary Rudd - Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Teresa Bailey Senior Licensing Officer 01394 444364 <a href="mailto:Teresa.bailey@eastsuffolk.gov.uk">Teresa.bailey@eastsuffolk.gov.uk</a>

## 1. BACKGROUND

- 1.1. Cinema proprietors licensed by the Council are obliged by the mandatory conditions attached to their premises licences to comply with the admission criteria awarded by the British Board of Film Classification (BBFC).
- 1.2. The same admission criteria should be used for any films presented to a Local Authority for classification which are to be shown to a public audience.

## 2. APPLICATION

- 2.1. The Licensing Team has received a request to arrange for the classification of a film to enable it to be screened at The Stable Block, Snape Maltings from 1 – 23 April 2023. The request is attached at **Appendix A**.
- 2.2. The film has not been shown to the public before within the East Suffolk district and it is therefore necessary for this Authority to give it a suitable classification.

## 3. THE FILM

- 3.1 The film will be available to the panel of Members to view prior to the hearing.

## 4. CONCLUSION

- 4.1 Having viewed the film, the Sub-Committee is asked to determine the appropriate admission criteria for the film.

The policies used by the BBFC when deciding classification for a film are attached as **Appendix B**.

APPENDICES	
<b>Appendix A</b>	Request for the classification of films.
<b>Appendix B</b>	British Board of Film Classification guidance.

Teresa Bailey

ES/1514

**From:** emily richardson [REDACTED]  
**Sent:** 25 February 2023 10:14  
**To:** Licensing  
**Cc:** Harry Young  
**Subject:** Artists film for licensing

To the licensing team,

I am submitting details of and a link to a short artists film which will be screened at The Stable Block, Snape Maltings from 1-23rd April as part of an exhibition. The film is a landscape piece suitable for all ages but I understand it need to be classified for exhibition.

- name of the film maker: Emily Richardson
- a brief synopsis of the film:
- Artist Emily Richardson documents the fragile landscape of Sizewell, with sound by Chris Watson and LOOM.

Immaterial Terrain is a new film made by artist filmmaker Emily Richardson along a seven-mile stretch of the Suffolk coast between Sizewell nuclear power station and the mythic drowned city of Dunwich. The film will be installed alongside three podcasts, featuring interviews with people who live and work in and around Sizewell.

Camera in hand, over the duration of a year Emily Richardson repeatedly walked this coastline. These walks – pilgrimages and acts of protest – structure a film that documents a singular and fragile landscape at an uncertain moment. Plans to expand the nuclear power station at Sizewell would have a lasting impact on the environment.

Resolving to look at the locale more carefully and with more appreciative eyes, Immaterial Terrain engages with ideas about energy, transformation, erosion, loss, erasure, memory and forgetting.

The film's evocative soundtrack sees Richardson working once again with long-time collaborator Chris Watson whose sound recordings have been collaged with music composed in direct response to this unique coastal landscape by Suffolk-born producer LOOM.

- running time of the film: 7 min
- any recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film: Suitable for all ages
- information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film: None
- language spoken in the film and whether there are subtitles in English: None
- details of how any age restrictions will be enforced: N/A

[REDACTED]

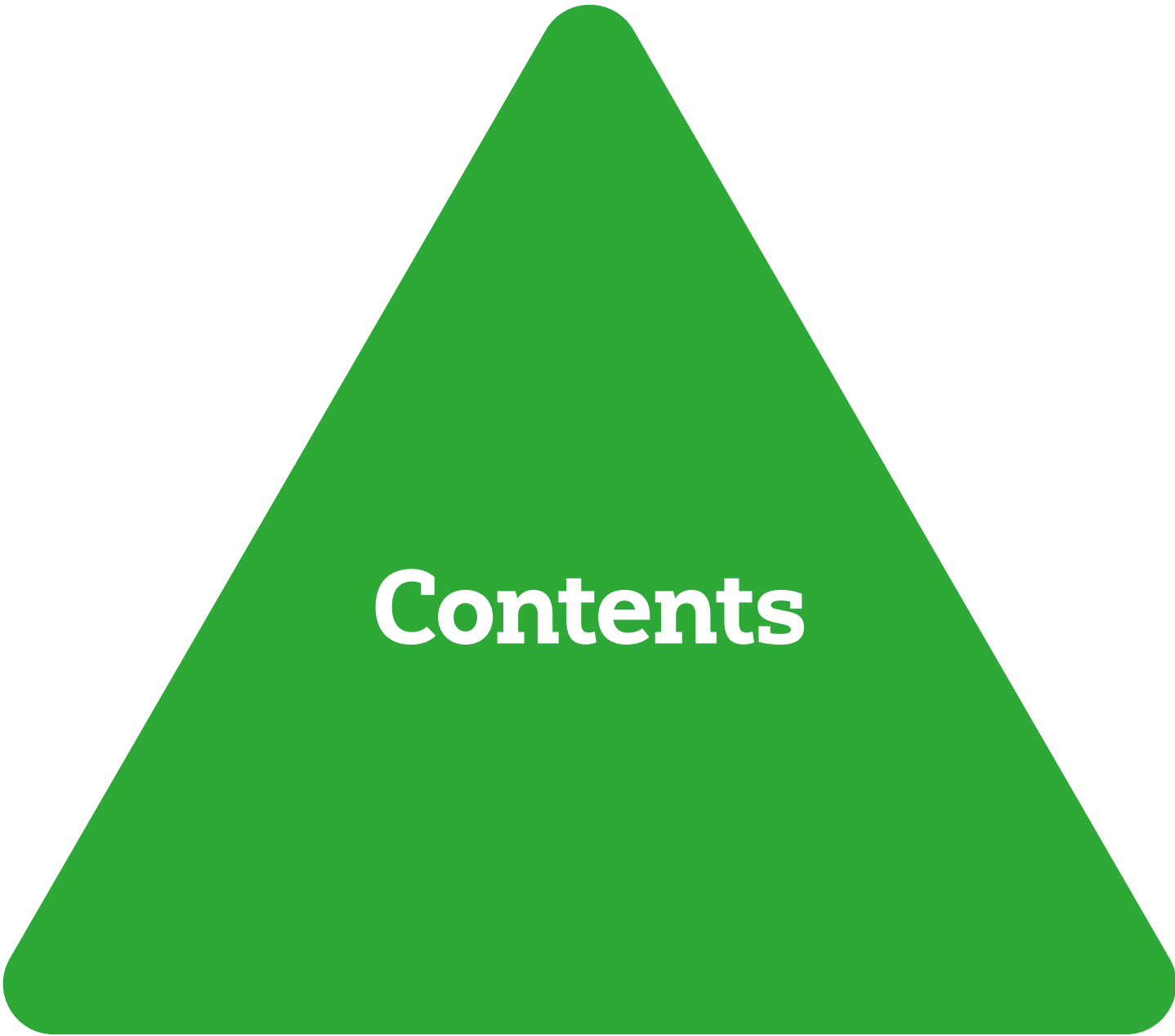
Many thanks,

Emily Richardson

emily richardson



## **Classification Guidelines**



# Contents

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



**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

<p><b>Sex</b></p> <p>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.</p> <p>Sex works (works whose primary purpose is sexual arousal or stimulation) will only be passed at 18 or R18.</p> <p>We will apply these Guidelines in relation to sex to the same standard regardless of sexual orientation of the activity portrayed.</p> <p><b>Sexual violence and sexual threat</b></p> <p>Depictions of the stronger forms of sexual violence, including rape, are not permitted at the junior categories.</p> <p>When considering scenes of sexual violence, aggravating factors include:</p> <ul style="list-style-type: none"><li>• the presence of a gang dynamic (e.g. a ‘gang rape’ scene)</li><li>• a focus on the victim being overpowered or powerless</li><li>• prolonged, detailed or gratuitous depiction</li><li>• an emphasis on nudity</li><li>• an emphasis on the pleasure of the attacker</li></ul>	<ul style="list-style-type: none"><li>• a strong emphasis on the distress and fear of the victim</li><li>• a credible ‘real world’ setting</li><li>• a protracted build-up of sexual threat</li></ul> <p>Mitigating factors include:</p> <ul style="list-style-type: none"><li>• brevity and lack of detail</li><li>• a clear educational message aimed at young people</li><li>• a strong narrative justification</li></ul> <p>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.</p> <p>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.</p> <p>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.</p>
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<p><b>Threat and horror</b></p> <p>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.</p> <p>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.</p> <p><b>Violence</b></p> <p>Classification decisions will take account of the degree and nature of violence in a work.</p> <p>Works which feature the following are likely to receive a more restrictive classification:</p> <ul style="list-style-type: none"><li>• portrayal of violence as a normal solution to problems</li><li>• heroes who inflict pain and injury</li><li>• callousness towards victims</li><li>• the encouragement of aggressive attitudes</li><li>• characters taking pleasure in pain or humiliation</li><li>• the glorification or glamorisation of violence</li><li>• gratuitous violence</li><li>• violence presented in a credible and realistic context (e.g. gang violence, domestic violence)</li></ul>	<p>Works which feature the following are likely to be treated less restrictively:</p> <ul style="list-style-type: none"><li>• violence in a historical context</li><li>• violence in an action or fantasy context</li><li>• violence that lacks detail</li><li>• violence that looks unreal, fake or overly staged</li><li>• comic violence</li><li>• violence that is challenged or punished</li><li>• violence in a context where it is likely to be expected by the intended audience</li></ul> <p>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.</p>
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# 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

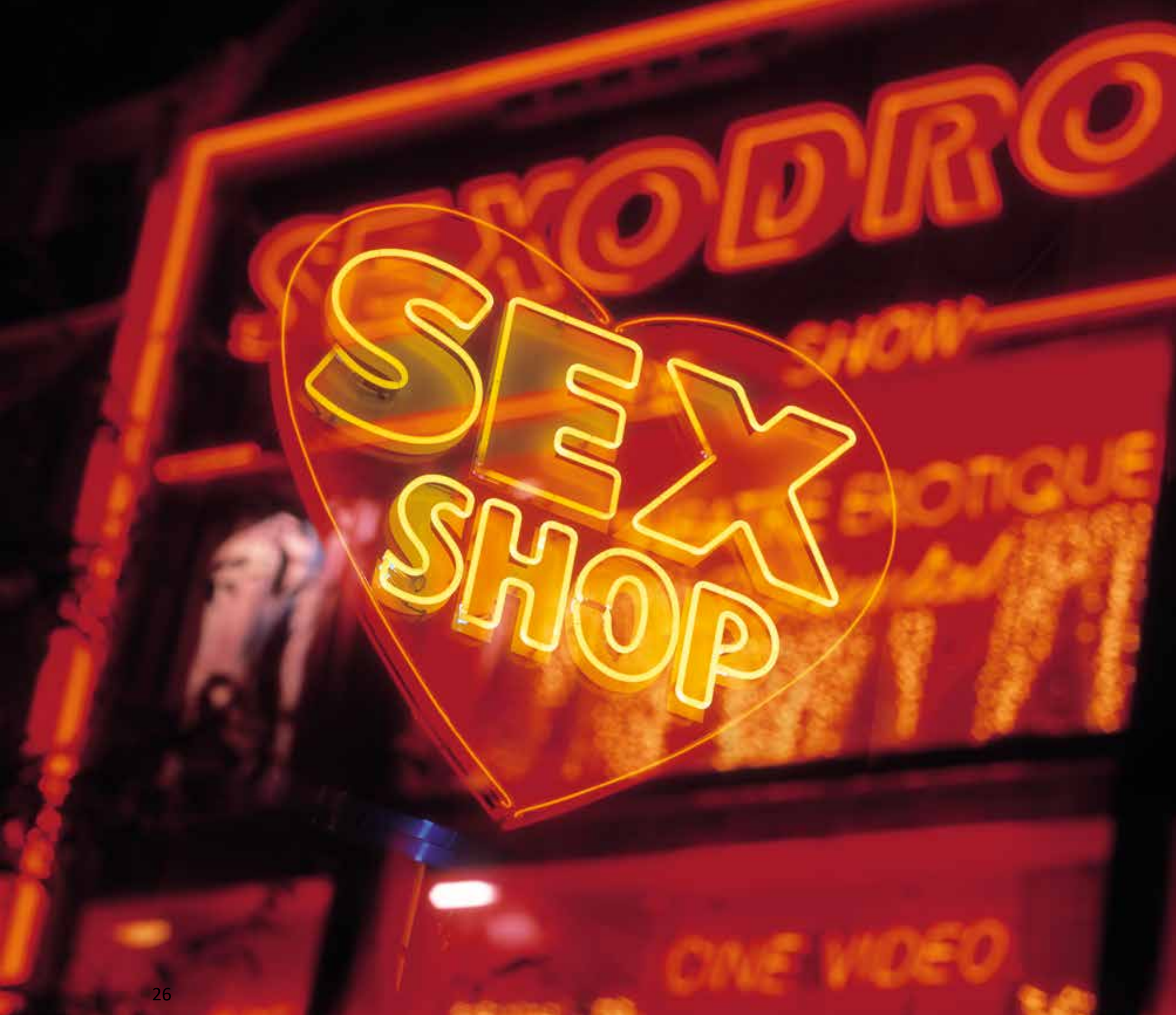
To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only



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:



**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.

**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.

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