



GUIDANCE NOTES for CINEMA LICENCES

Civic Government (Scotland) Act 1982

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with cinemas introduced by the Civic Government (Scotland) Act 1982. While every effort has been made to ensure accuracy, these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/guidance notes issued by the Council.

THE APPLICATION FORM

The application is split into 7 sections

- A. Personal Details
- B. Business Details
- C. Licence Details
- D. Premises / Film Exhibitions Details
- E. Insurance Details
- F. Criminal Convictions
- G. Residence Outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A. PERSONAL DETAILS

It is essential that your full details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be progressed as quickly as possible.

B. BUSINESS DETAILS

You require to complete this section if you are employed by a company. Please include the details of any Partners, Directors responsible for the management of the business.

C. LICENCE DETAILS

A cinema licence generally lasts for a maximum of one year although the Licensing Authority has the discretion to grant it for a shorter period. Once it expires you can apply to renew it for a further one year.

- **Grant of a Licence (1 year)** if you have never held a cinema licence before or you do not currently have such a licence you need to apply for the grant of a licence
- **Renewal of Full Licence (1 year)** If you currently hold a cinema licence which has not expired but is due to expire then you need to apply for a renewal of the licence

D. FILM EXHIBITIONS DETAILS

It is essential that full details are supplied about the premises or site where the film exhibitions are to be held in order that its suitability can be assessed.

You are also required to give full details as to the days and hours of operation of the film exhibitions.

You are required to state the maximum number of persons to be admitted to the film exhibitions at any one time

You are required to state whether the premises to be used for film exhibitions are permanent or moveable.

The application also requires you to state whether children are to be admitted to film exhibitions at the place/site/premises.

E. INSURANCE DETAILS

Under this section you are asked to provide details of your public liability insurance policy. You are also asked to produce a certificate or other proof of insurance cover when you lodge the application.

Moray Council requires applicants for the grant or renewal of Cinema licenses to have in force during the period of their licence a policy of public liability insurance with a reputable insurance company for not less than £5 million in respect of the premises / location to be licensed.

F. CRIMINAL CONVICTIONS

This section asks whether you or anyone named in the application, have ever been convicted of any crime or offence. Please note that this includes any fixed penalties or driving convictions.

Although you are not required to disclose any convictions which are “spent” in terms of the Rehabilitation of Offenders Act 1974, the Police may raise an objection on the basis of any spent convictions you may have and the licensing authority may thereafter decide to consider these if they are determined to be relevant to your application.

If you think a conviction is spent you should seek independent legal advice. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the Procurator Fiscal with a view to prosecution.

G. RESIDENCE OUTSIDE THE UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born outwith the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of twelve months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as

possible. In this way the convictions evidence will be a check rather than a validation. Applicants should still note, however, that the licence cannot be granted without the evidence being produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

GENERAL INFORMATION

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

Once you have completed the application form please submit it to:

Head of Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

Your application will be copied to Police Scotland, the Scottish Fire and Rescue Service, the Council's Chief Environmental Protection Officer, the Chief Building Control Officer and the Planning Enforcement Officer for them to review. If no objection or representation is made in relation to your application within 28 days, the Council will then proceed to issue your licence as soon as possible.

If a representation or objection is received, however, your application will be referred to the Council's Licensing Committee where elected Members will consider the matter. You will be given an opportunity to attend this meeting and put forward your case in support of your application. Please note that the Licensing Committee meets once every two months.

Changes/Variations

If granted, your licence will state the premises or site at which you are entitled to hold the film exhibitions and on what days and at what times. If you later want to change the venue or date and times you will require to obtain permission. A change of venue

will require a new application for the grant of a new or temporary licence as it where the film exhibition which is being licenced. However a change of dates/times can be done by way of a variation. An application for variation of your licence is done on a separate form.

Transfer of Licence

Application may be made to transfer a licence, once granted, to a new licence holder. Application should be made by the business/organisation who intend to be the new licence holders. An application to transfer is made on a separate form and will be subject to a separate fee.

Planning Permissions etc.

Please note that the site/premises where the film exhibition(s) is to be held may require to have planning consent and/or building warrant granted before the film exhibition(s) can take place. If you are unsure whether you require permission please contact Development Services, Environmental Services Department, Moray Council, High Street Elgin, IV30 1BX.

Schedule of Conditions

Your attention is drawn to the standard schedule of conditions which will be attached to a cinema licence if your application is successful. A copy is enclosed.

Fees

Please refer to the Moray Council web site for a list of the current fees.

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563027.

CONDITIONS APPLICABLE TO CINEMA LICENCES

1. The licensee or the responsible manager, his deputy for the time being or occupier of the premises shall immediately communicate to the Firemaster of the local Fire Authority any outbreak of fire, however slight.
2. All attendants on duty to assist persons entering or leaving the auditorium shall wear a distinguishing uniform, armband or badge.
3. No film shall be exhibited unless -
 - (a) it has received a "U", "PG", "12", "12A", "15" or "18" certificate of the British Board of Film Censors or the British Board of Film Classification; or
 - (b) it is a current newsreel which has not been submitted to the British Board of Film Censors or the British Board of Film Classification.
4. No person apparently under the age of 18 years shall be admitted to any exhibition at which there is to be shown any film which has received an "18" certificate from the British Board of Film Censors or the British Board of Film Classification.
5. No person apparently under the age of 15 years shall be admitted to any exhibition at which there is to be shown any film which has received a "15" certificate from the British Board of Film Censors or the British Board of Film Classification.
6. No person apparently under the age of 12 years shall be admitted to any exhibition at which there is to be shown any film which has received a "12" or "12A" certificate from the British Board of Film Censors or the British Board of Film Classification.
7. A representation or written statement of the terms of any certificate given by the British Board of Film Censors or the British Board of Film Classification immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.
9. There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicated in tabular form and in clear bold letters and figures -
 - (a) the title of each film to be shown on that date, other than trailers and films of less than 5 minutes duration;
 - (b) the approximate times of commencement of each such film;

(c) whether each such film has received a "U", "PG", "12", "12A", "15" or "18" certificate from the British Board of Film Censors or the British Board of Film Classification;

(d) the effect of such "U", "PG", "12", "12A", "15" or "18" certificates in relation to the admission of persons under the age of 18 years.

10. The nature of any certificate received in respect of a film from the British Board of Film Censors or the British Board of Film Classification shall be clearly indicated by the letter "U", "PG", "12", "12A", "15" or "18" in any advertisement of the film displayed at the premises.

11. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.

12. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the consent in writing of the licensing authority.

13. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the consent in writing of the licensing authority.