

## Guidance Notes - Cinema Licence

### Cinema Licences - Licensing Requirements

#### The Application Form

The application form is split into five different parts:-

- A Business/Partnership/Organisation Details
- B Personal Details
- C Licence Details
- D Details of Film Exhibitions
- E Insurance Details
- F Criminal Convictions

**You must answer all of the questions and supply details where relevant otherwise your application will be returned to you. Your application cannot be processed until all the information is included on the form.**

#### **A & B Business/Partnership/Organisation/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 processed as quickly as possible. If you are a Business/Partnership/Organisation complete Section A. If you are an Individual complete Section B. Do **not** complete both sections.

#### **C Licence Details**

A Cinema Licence generally lasts for a maximum of 1 year although the Licensing Authority have the discretion to grant it for a shorter period. Once it expires you can apply to renew it for a further 1 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. The fee for a grant is **£158**.
- Renewal of 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. The fee for a renewal is **£158**. The old licence remains in force until the renewal is granted, but only if application is made before the expiry date.

If you are applying for the grant of a licence you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note it is very important that you complete these questions fully.

In the event that your application does not result in the grant or renewal of a licence for any reason you will be entitled to a refund of one-third of the fee you have paid.

#### **D Details of Film Exhibitions**

It is also essential that full details are supplied as to the **premises or site** where the film exhibition is to be held, in order that it can be assessed as to its suitability.

You are also required to give full details as to the **days and hours of operation** of the film exhibition(s) or premises.

You are required to state the **maximum number of persons** to be admitted to the film exhibition(s) at any one time.

You are required to state whether the premises to be used for film exhibition(s) are **permanent or moveable**

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

#### **E Insurance Details**

Under this section applicants are asked to provide details of their public liability insurance policy.

You are also asked to produce a certificate or other proof of insurance cover when you lodge the application.

The Moray Council requires applicants for the grant, full or temporary, or renewal of cinema licences 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 £2 million in respect of the premises/location to be licensed.

#### **F Criminal Convictions**

This section asks whether you have ever been convicted of any crime or offence. **Please note that this includes any fixed penalties.**

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 spent convictions and the licensing authority may decide to consider these if they are thought relevant to your application. The Rehabilitation of Offenders Act 1974 states what is to be considered as a "spent" conviction. It depends not just on how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. If you think a conviction is "spent" you should seek independent legal advice.

## General Information

### Application Procedure

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 imprisoned for up to 2 years, fined or imprisoned and fined.

Once you have completed the application form, you should submit it to:

The Chief Legal Officer  
Legal and Committee Services  
The Moray Council  
High Street  
Elgin  
IV30 1BX

along with the appropriate fee and certificate or other proof of Public Liability Insurance cover.

Your application will be copied to Grampian Police, Grampian Fire Brigade, the Chief Environmental Protection Officer, the Chief Building Control Officer and the Planning Enforcement Officer, the Moray Council for their observations. If no objection or observation is made on your application by them within 28 days, the Council will proceed to issue your licence. If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where elected members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

### Changes/Variations

If granted, your licence will state the premises or site at which you are entitled to hold the film exhibition(s) and on which days, and at what time. If you later want to change the venue or date and time, you will require to obtain permission. A change of venue will require a new application for the grant of a licence or temporary licence as it is where the film exhibition is to take place which is being licensed. However a change of dates/times can be done by way of a variation. An application for variation of your licence is made 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 for transfer is made on a separate form and will be subject to a separate fee.

### **Planning Permission 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, The Moray Council, High Street, Elgin Tel. 543451.

### **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 with these Guidance Notes.

### **Queries**

If you have any queries please telephone Lorna Carmichael on 01343 563027.