



WEST LOTHIAN COUNCIL

Cinema's Act, 1985

Application for Licence – New/Renewal/Amendment* Application

<p>APPLICATION for a licence for use of Premises for film exhibitions, i.e. any exhibition of moving pictures which is produced otherwise by the simultaneous reception and exhibition of:-</p> <p>A) Television Programmes broadcast by the British Broadcasting Corporation or by the Independent Broadcasting Authority</p> <p>B) Programmes included in a cable programme service which is, or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984:-</p> <p>Information supplied on this form will be held on computer and applicants are advised that in processing this application background checks will be made which may include reference to personal data held on computer.</p>	For Official Use Only			
	Date of Application		Receipt No.	
	Date to Police		Deadline for Initial Decision	
	Firemaster		Deadline for Final Decision	
	Environmental Health		Date to Committee	
	Building Control		Decision	
	Planning		Date Application Determined	
	Fee Paid			

Question 1 Applicants details (Note: A licence will not be issued to a Company but only to an Individual or Individuals, preferably to the Manager of the premises to be used for film exhibitions)

Surname		Forename		Middle name(s)	
Maiden name		Age		Date of birth	Place of birth
Home address				Previous home address	
Post code					
Time resident at address		Telephone or contact number			
Title e.g. Mr/Mrs/Miss/Ms					
Question 2 State whether Owner, Lessee or Manager of premises		If Manager state for whom			
Full address of premises				Names and address of Occupier or Tenant, and their factor or agent if not the applicant	
Post code					
Period for which licence is desired (Note: Not to exceed 12 months)					
Is it proposed to hold entertainment other than that of film exhibitions on the premises?					Yes / No
If answer to above is yes – What type of entertainment					

* **DELETE AS APPROPRIATE**

THIS APPLICATION MUST BE SUBMITTED BY THE APPLICAN IN PERSON WITH THE APPROPRIATE FEE AND SIGHT OF A DVLA PHOTOCARD OR PASSPORT & PROOF OF CURRENT ADDRESS I.E. RECENT UTILITY BILL

Question 3 Is it intended to use Cinematography Apparatus		Yes /No	
If not please describe the apparatus to be used			
Are the premises permanent	Yes / No	Are the premises moveable	Yes / No
<i>Note: In either case, a detailed plan of the premises , in duplicate, must be lodged with this application</i>			
Are the internal arrangements of exits, seating, projection room, rewind room, main switchrooms, lighting (general and safety), electrical installation, and fire fighting equipment in accordance with the relevant requirements contained in the Cinematography (Safety) (Scotland) Regulations, 1955?			Yes / No
Opening Hours			
Signature of Applicant:			
Signed on behalf of			
By		Date:	

NOTES

- This application form when completed must be submitted by the applicant in person to West Lothian Connected, Unit 16A, Almondvale Centre, Livingston along with the appropriate fee and either the applicant's passport or photocard driving licence & proof of current address i.e. recent utility bill. West Lothian Connected will copy the evidence of identity and immediately return the documentation. If the applicant is a business the application must be submitted by the day-to-day manager of the business and that person must present his passport or photocard driving licence along with the application. Details of the current licensing fees can be found on the Council's website – www.westlothian.gov.uk. In the event of an application being refused or withdrawn after being processed no refund of the fee will be made.
- The fees for this licence are as follows:-
 - Cinema (One Year) - £354.00
 - Cinema (One Month) - £117.00
 - Cinema (Transfer) - £139.00

NOTE OF GUIDANCE FOR APPLICANTS FOR A CINEMA LICENCE

In terms of Section 1 of the Cinemas Act 1985, a licence is required where premises are to be used for a film exhibition.

A film exhibition is defined as "any exhibition of moving pictures which is produced otherwise than by simultaneous reception and exhibition of: -

- (a) Television Programmes broadcast by the British Broadcasting Corporation or by the Independent Broadcasting Authority, or
- (b) Programmes included in a Cable Programme service which is, or does not require to be, licensed under Section 4 of the Cable and Broadcasting Act 1984".

An applicant for a Cinema Licence must give the Licensing Authority not less than 28 days notice of his/her intention to apply for a grant, renewal or transfer, as appropriate, of a licence.

It is the Duty of a Licensing Authority, in granting a Cinema Licence in respect of premises: -

- (a) to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of works designated, by the Authority or by such other body as may be specified in the licence, as works unsuitable for children; and
- (b) to consider what (if any) conditions or restrictions would be imposed as to the admission of children to other film exhibitions involving the showing of works designated, by the Authority or by such other body as may be specified in the licence, as works of such other description as may be specified.

Unless revoked, a licence shall remain in force for one year or for such shorter period as the Licensing Authority, on the grant of the licence, may determine.

A cinema licence is **not** required for any film exhibition which: -

- (a) is given in a private dwelling-house,
- (b) is one to which the public are not admitted, and
- (c) is not promoted for private gain, or the sole or main purpose of the exhibition is to demonstrate any product, to advertise any goods or services or to provide information, education or institution.

Where a licence is already in force in respect of the premises, and they are to be used for a purpose for which it is exempt from the requirement to be licensed, no condition or restriction on or subject to which the licence was granted shall apply to the exhibition.

There are further exemptions from the need to obtain a licence which extend to the exhibitions to which the public are not admitted or are admitted free of charge or which are given by an exempted organisation holding a certificate granted by the Secretary of State. An exempted organisation is a society, institution, committee or other organisation with respect to which there is in force at the time of the exhibition in question a certificate given by the Secretary of State certifying that he is satisfied that the organisation is not conducted or established for profit.

These further exemptions do not apply: -

- (1) where the pictures are produced by means involving risks specified by the Secretary of State or
- (2) to exhibitions organised solely or mainly for children who are members of a club, society or association, apart from those given in private dwelling house or in connection with an educational or religious institution.

Where it is proposed to give a film exhibition in any building or structure of a moveable character, it shall not be necessary to obtain a licence from the local authority in whose area the exhibition is to be given if: -

- (a) the owner of the building or structure has been granted a licence in respect of the building or structure by the local authority in whose area he/she ordinarily resides,
- (b) he/she has given to the local authority, the Lothian and Borders Fire Brigade and the Lothian and Borders Police not less than two days notice in writing of his/her intention to give the exhibition, and
- (c) he/she complies with the appropriate regulations and any conditions imposed by the Licensing Authority and notified it to him/her in writing.

Any person aggrieved: -

- (a) by the refusal or revocation of a licence or
- (b) by the terms, conditions or restrictions on or subject to which a licence is granted, or
- (c) by the refusal of a renewal or transfer of a licence may appeal to the Sheriff.

A licence is deemed to remain in force until any such appeal is determined or has been abandoned.

The following regulations have been amended by Statutory Instrument – Cinematography Acts – The Cinemagraph (Safety) (Amendment) Regulations 2003

These amend the 1955 Regulations to lower the age from 21 to 18 of –

1. a licensee or a person nominated by the licensee to be responsible for cinema premises when the public are on the premises (regulation 4 and 38(1));

2. a person who is responsible for ensuring the ensuring the electrical installations and equipment in the projection room are kept in good order (regulation 26); and
3. a person in charge of and present in the projection room whenever inflammable film is being projected (regulation 31(7)(a)).

These amended regulations can be viewed at <http://www.opsi.gov.uk/>

