

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 15 AUGUST 2013**

**LICENSING OF PLACES OF PUBLIC ENTERTAINMENT**

**REPORT BY THE STRATEGIC DIRECTOR - RESOURCES**

**ABSTRACT**

The purpose of this Report is to provide information to Committee on the outcome of the public consultation exercise which was undertaken by the Council in relation to proposed amendments on the Public Entertainment Licensing regime operated by the Council. The Report invites the Committee to indicate that it intends to make a proposed resolution on the activities which will require a Public Entertainment Licence.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) notes the terms of the public consultation exercise which was undertaken by the council in relation to proposed amendments on the Public Entertainment Licensing regime operated by the Council; and
- (ii) agrees that the Committee is mindful to pass a resolution to the effect that the activities listed in the Appendix to this Report will require to be licensed, subject to the exemptions also listed in the Appendix.

**2. BACKGROUND**

- 2.1 The Civic Licensing Committee held on 16 August 2012 noted that certain terms of the Criminal Justice and Licensing (Scotland) Act 2010 had now been introduced. These terms amended the Civic Government (Scotland) Act 1982 to the extent that the Council could now require that a Public Entertainment Licence would be required for the use of premises as a place of public entertainment when there is no payment of money or monies worth for admission. The Committee also agreed that a public consultation exercise should be carried out in respect of firstly admission to public entertainment premises when there is no payment for admission, and secondly the activities which should require to obtain a Public Entertainment Licence.
- 2.2 A relatively simple consultation was undertaken with a number of organisations, community bodies etc. The consultation was also publicised on Survey Monkey. Five responses to the consultation exercise were received.
- 2.3 The respondents to the consultation were generally supportive of a licensing regime but felt that there should be some exemptions for small free-to-enter public events such as art shows, charitable events, church organised activities etc.

**3. CURRENT POSITION**

- 3.1 The consultation responses have been analysed and the approach undertaken by other local authorities has been compared with the approach undertaken in Angus. A list of events which require a licence in Angus was compiled many years ago and the events which should be licensed have not been updated. The events which should now be licenced are listed in the Appendix to this report. It is however recognised that some exemptions to the licensing provisions are appropriate. There are already statutory exemptions for athletic grounds, indoor sports entertainment premises, educational establishments, use of premises by a religious body, theatres, cinemas, premises with a permit under the Lotteries and Amusements Act 1976, liquor licensed premises and premises in which machines for entertainment or amusement are provided incidentally to the main use of the premises.

3.2 The Appendix suggests further exemptions to the licensing regime and these exemptions are felt to strike a proper balance between ensuring that public events are properly licensed and regulated, whilst not imposing unduly onerous licensing obligations on charitable and other non-profit making organisations.

#### **4. RISKS**

This report does not require any specific risk issues to be addressed.

#### **5. FINANCIAL IMPLICATIONS**

There will only be minimal financial implications associated with this report. The income received from licensing fees under the new proposals will be broadly similar to the income received currently and any changes in proposed licensing fees will be the subject of a further report to Committee.

#### **6. HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications associated with this report.

#### **7. EQUALITIES IMPLICATIONS**

The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

#### **8. CONSULTATION**

The Chief Executive, the Head of Legal and Democratic Services, the Head of Corporate Procurement and Finance, and Police Scotland have all been consulted on the contents of this Report.

#### **9. CONCLUSION**

The Committee is asked to indicate that it is minded to approve the resolution which is included within the Appendix to this report. Given the terms of the Statute, assuming the Committee approves the Recommendations, the proposals will require to be advertised in the local Press before a final Resolution is passed. The matter will however be brought back to Committee for final approval and adoption of the requisite Resolution following the necessary statutory advertisement and consultation.

**MARK ARMSTRONG**  
**STRATEGIC DIRECTOR - RESOURCES**

**NOTE:** The background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above Report are:-

Civic Government (Scotland) Act 1982  
Criminal Justice and Licensing (Scotland) Act 2010  
Report to Civic Licensing Committee on 16 August 2012

## ANGUS COUNCIL

### PUBLIC ENTERTAINMENT LICENSING

A Public Entertainment Licence is required for the use of premises or land within Angus where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation of the following kinds:-

- Billiard, snooker and pool halls;
- Circuses;
- Concert Halls;
- Theatres;
- Dance halls and Discotheques that do not have a liquor licence;
- Firework displays or bonfires;
- Premises used as suntan centres;
- Fairgrounds;
- Public Exhibitions;
- Health and fitness premises (e.g. gymnasia, saunas, massage parlours etc);
- Laser displays and games;
- Exhibition of persons or performing animals;
- Pop concerts and other live band performances;
- Variety or musical shows;
- Video machine arcades;
- Paintball games;
- On or off road vehicle events (including all vehicles and bikes) racing, rallying, motorbike and vehicle stunt shows etc.;
- Indoor or open air music events;
- Go karting, quad biking etc.;
- Funfairs;
- Fetes;
- Carnivals, Galas and other outdoor events such as major sporting events, countryside festivals, seafest events etc.
- Christmas Light Events and other Christmas, Hogmanay and New Year Celebrations
- Music Festivals;
- Public Halls;
- Boxing, wrestling, cage fighting or similar presentations;
- Mechanical rides or simulators;

- Activities including inflatable structures; and
- Adult entertainment.

Please note that following a change of legislation, the events which fall within one or more of the above categories will require to be licensed unless one of the listed exemptions applies.

The legislation provides for a number of statutory exemptions as follows:-

- An athletic or sports ground while being used as such;
- Premises in respect of which an Indoor Sports Entertainment Licence under Section 41A of the Civic Government (Scotland) Act 1982 is required while such premises are being used for the purposes mentioned in that section;
- An educational establishment while being used as such;
- Premises belonging to or occupied by any religious body while being used wholly or mainly for the purposes connected with that body;
- Premises licensed under the Theatres Act 1968, the Cinemas Act 1985 or the Gambling Act 2005;
- Licensed Premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during licensed hours within the meaning of that Act
- Premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

The Council has also agreed that the following free-to-enter public events can proceed without a licence or a fee, provided that the event has a capacity of 200 or less:-

- Functions held by charitable, religious, youth, sporting, community, political or similar organisations
- Exhibitions of art work
- Performance of live music incidental to the main purpose of the premises or land (e.g. occasional musical performances in shop premises etc.)
- Oral recitals including poetry reading and story telling

Licences will normally be granted for the duration of the event but where premises are to be used on more than one occasion, licences can be granted for up to one year. A reduced fee for a licence is payable in respect of a Scottish registered charity.

## **PROPOSED RESOLUTION**

Angus Council has, in accordance with the provisions of the Civic Government (Scotland) Act 1982, varied its resolution to license premises or land being used for the purposes of public entertainment. This resolution will mean that from xxx 2014, a licence to be known as a Public Entertainment Licence shall be required for the use of premises or land for the following activities. (The resolution will then include the list of activities hereinbefore listed in this Appendix).