

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 14 NOVEMBER 2013

LICENSING OF PLACES OF PUBLIC ENTERTAINMENT

REPORT BY THE STRATEGIC DIRECTOR - RESOURCES

ABSTRACT

The purpose of this Report is to ask the Committee to formally recommend to the Council that a new resolution be adopted to the effect that certain further activities listed in the Appendix to this Report will require to be licensed.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) notes that no further comments were received following the statutory advertisement of the Committee's earlier proposal to amend the list of activities that require to be licensed as public entertainments; and
- (ii) agrees to recommend to Council that the resolution appearing in Appendix 1 to this Report should now be adopted by Council.

2. BACKGROUND

- 2.1 The Civic Licensing Committee held on 15 August 2013 agreed to note the terms of a public consultation exercise which had been undertaken by the Council in relation to proposed amendments to the Public Entertainment Licensing regime operated by the Council and agreed that the Committee was 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.
- 2.2 In accordance with statutory requirements, the Council's proposed resolution was advertised in the local press on 27 September 2013. No comments were received to the statutory advertisement.

3. CURRENT POSITION

- 3.1 The Committee is now asked to agree its earlier, in principle, decision that the Council should 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.
- 3.2 Following agreement to this proposed resolution, the matter will be referred to Council in order that the resolution can be adopted.

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 recommend to Council that the resolution contained in the Appendix to the Report be approved.

**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 15 August 2013

ANGUS COUNCIL

PUBLIC ENTERTAINMENT LICENSING

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 1 December 2014, a licence to be known as a Public Entertainment Licence shall be 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.