

EAST RENFREWSHIRE COUNCILLICENSING COMMITTEE11 September 2018Report by Chief Officer – Legal & ProcurementCIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 9 RESOLUTION UPDATE –
PUBLIC ENTERTAINMENT LICENCES**PURPOSE OF REPORT**

1. For the Committee to review the categories of types of activities on premises which require public entertainment licences.

RECOMMENDATION

2. It is recommended that the Licensing Committee considers the options in Annex 1 and decides which activities on premises or types of premises shall be included in the requirement for a public entertainment licence; considers exemptions in line with Glasgow; and authorises the Chief Officer – Legal & Procurement to carry out the necessary administrative procedures including further statutory consultation.

FINANCIAL IMPLICATIONS

3. There are no direct financial implications for the Council. In terms of the 1982 Act, the application fee for licences should cover the cost of the Council's administration.

BACKGROUND

4. In terms of Civic Government (Scotland) Act 1982 ("the Act") there are a variety of licences which are optional. One of those optional licences is the public entertainment licence.

5. A public entertainment licence in terms of Section 41 of the Act is a licence required for the use of premises as a place of public entertainment which means any place where members of the public are admitted or may use any of the facilities for the purpose of entertainment or recreation but does not include certain premises listed in the Act.

6. Section 9 of the Act was drafted to give Licensing Authorities the greatest possible discretion in regulating on licensing matters. It makes public entertainment licences an optional licence and it is for the local authority to decide what activities on premises should be licenced.

7. The present categories of premises requiring a public entertainment licence, as inherited from the predecessor authorities are:-

- a. Open air concerts;
- b. Circuses;
- c. Fairgrounds for which an admission charge is made;
- d. Large tented accommodation for the public;
- e. Snooker, billiard or pool halls which do not have a liquor licence

8. In addition in 2002 the Council passed a resolution including sunbed parlours/tanning centres to the list.

9. Any class of entertainment activity which does not fall within the above categories does not require a licence. Whereas these were traditional types of entertainment within Council areas in the past, the variety and type of entertainment events have now changed such that it is now desirable that the Council reconsiders the classes of premises or activities which require a licence.

10. The Council carried out a public consultation earlier this year but received no responses. Police Scotland have indicated that they would prefer that larger events are licensed which then allows them to comment on the event during the consultation process.

11. In addition to the above traditional entertainment, the types of events which are now typical within East Renfrewshire include: –

- Christmas lights switch on events
- food and drink festivals
- classic car shows
- Halloween events
- sporting events
- cultural events

12. Some of these may be organised by the Council, some by Business Improvement Districts and some may be commercial operations.

13. Many other local authorities, including our neighbours at Renfrewshire and Glasgow City have expanded the range of premises/events which require public entertainment licensing. In the absence of any public suggestions, the committee is asked to consider adopting a similar approach to our neighbouring authorities with regard to this type of licensing.

14. As entertainment is constantly evolving, it is suggested to the committee that they may wish to adopt a requirement for licensing which is based on capacity. For example, all events which will attract an audience/spectators/participants of more than 500 people at any one time will require a licence. A similar approach is in place with Glasgow City Council but not Renfrewshire.

15. Annex 1 to this report contains a list of possible premises/events which could require public entertainment licences and the committee is asked to consider the options and choose which premises/events should form the basis of a new section 9 resolution on public entertainment licences.

16. Certain premises/activities are exempt from the requirement to have a public entertainment licence in terms of the 1982 Act. An additional exemption based on capacity in line with Glasgow City Council is suggested. This would provide an exemption to all activities otherwise licenced provided organisers take certain steps.

CONSULTATIONS

17. A public consultation exercise was conducted but received no replies. Police Scotland have indicated support for an updated resolution and the Council's Environment Department was also consulted.

RECOMMENDATION

18. It is recommended that the Licensing Committee considers the options in Annex 1 and decides which activities on premises or types of premises shall be included in the requirement for a public entertainment licence; considers exemptions in line with Glasgow; and authorises the Chief Officer – Legal & Procurement to carry out the necessary administrative procedures including further statutory consultation.

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KEY WORDS

Civic Government (Scotland) Act 1982, Public Entertainment Licence, Section 9 Resolution.

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APPENDIX 1

Suggested Resolution in terms of Section 9 of the Civic Government (Scotland) Act 1982 for East Renfrewshire Council to determine what activities on premises will require those premises to obtain a Public Entertainment Licence.

- (a) Open air music concerts or musical shows;
- (b) Circuses;
- (c) Fairgrounds or theme parks;
- (d) large fetes with tented accommodation for the public;
- (e) Tanning salons;
- (f) Gaming machine arcades which are not otherwise licensed;
- (g) Concert or theatre halls not otherwise licenced;
- (h) Firework and public bonfire displays where the fireworks are the main attraction;
- (i) Paintball games;
- (j) Bungee jumping/bungee running;
- (k) Motor shows or motor cycle or motor stunt shows;
- (l) Go-kart and quad biking provided for public entertainment;
- (m) Christmas light “switch on” events or other seasonal celebration events for public entertainment;
- (n) Highland games events;
- (o) Agricultural shows including equestrian events and sheepdog trials;
- (p) Any public entertainment activity involving inflatable structures such as “bouncy castles”;
- (q) Any public entertainment activity involving shooting or archery;
- (r) Wrestling, boxing, cage fighting, martial arts or other similar events for public entertainment (not otherwise licenced or exempt);
- (s) Other sporting events (not otherwise licenced or exempt and except school sports day events organised by the education authority);
- (t) Any premises holding any other type of events for the purposes of public entertainment which will attract more than 500 participants or spectators.

EXEMPTIONS

Those provided for in terms of the Civic Government (Scotland) Act 1982 and in addition:-

A public entertainment licence is not required for premises where:-

- (a) The event is provided to an audience of less than 500 persons at any one time and the organiser of the event takes appropriate steps to monitor and control capacity during the event;

- (b) In planning and delivering the event organiser takes appropriate health and safety advice; and
- (c) The organiser carries out a risk assessment of the proposed event and determines that no aspect of the event presents a high risk to the safety of spectators.

In these circumstances, a licence is not required.