

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 12 October 2017

**BY:** Depute Chief Executive (Resources & People Services)

**SUBJECT:** Proposed Amendment of Resolution on Public Entertainment Licensing regime

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## **1 PURPOSE**

- 1.1 To advise the Sub-Committee of the outcome of the consultation process on the proposal to amend the present Resolution to licence Public Entertainment Activities.

## **2 RECOMMENDATIONS**

- 2.1 That the Sub-Committee-
- (i) note the outcome of the consultation as outlined at paragraph 3.3 below.
  - (ii) Formally adopt the terms of the amended resolution, the text of which is attached as Appendix 2 hereto.
  - (iii) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate to advertise the adoption of the amended resolution in the local press.

## **3 BACKGROUND**

- 3.1 The Sub-Committee accepted the recommendations contained in a report to the meeting on 14 June 2017, which proposed amendments to the current Resolution on the licensing of Public Entertainment licensing. A copy of the present resolution is attached as Appendix 1 hereto.

- 3.2 Following that meeting, the proposed alterations to the resolution were advertised in the “East Lothian Courier” on 20 July 2017. Members of the public had a period of 28 days following the publication of that report to submit any comments or objections to the proposed amendment.
- 3.3 The Sub-committee agreed to consider a further report following the consultation period providing details of any objections received. I would advise that no objections or comments of any kind were received from any member of the public or interested organisation during the consultation period.
- 3.4 In terms of Section 9 of the 1982 Act, a resolution relative to discretionary licences requires to be advertised in the local press for public comment, which process was duly completed on 17 August 2017. Formal adoption of the resolution is then made following the consultation period and taking account of any representations made. The decision to formally adopt the amended wording shall also require to be advertised. Thereafter there is a nine-month lead-in period before the amendment come into legal effect. Assuming that adoption of the amended working is agreed at this meeting, this would mean that the amended resolution would come into effect on 12 July 2018.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Council has the statutory power to resolve to require a licence for public entertainment and had made such a resolution. The Council equally has the statutory power to amend and extend the terms of such resolution.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - The potential widening of the activities qualifying as “public entertainment” and thus needing to be licensed in terms of the legislation as amended may lead to a potential increase in fee income relative to this type of licence
- 6.2 Personnel - none
- 6.3 Other - None

## **7 BACKGROUND PAPERS**

7.1 Civic Government (Scotland) Act 1982

7.2 Report to Licensing Sub-Committee dated 14.6.17

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<b>DATE</b>	2 October 2017

## RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING:

East Lothian Council, as Licensing Authority for East Lothian, in terms of Section 9 of the Civic Government (Scotland) Act 1982, has decided that the present resolution regarding public entertainment licensing in East Lothian shall, from 11 June 2016 be replaced by the following resolution wording:

- 1) Section 41 of the Act relating to public entertainment licences shall continue to have effect throughout the local government area of East Lothian.
- 2) Subject to the terms of Section 41 and Schedule 1 of the said Act, a Public Entertainment licence shall be required for the use of premises as places of public entertainment for the classes of activity specified in Clause 4 hereof as from 11 June 2016.
- 3) A Public Entertainment Licence shall not be required for the classes of activity listed in Clause 5.
- 4) A Public Entertainment licence shall be required in respect of any of the following types of activity-
  - Dancing establishments
  - Billiards, snooker or pool halls
  - Any exhibition to which the Hypnotism Act 1952 applies
  - Exhibitions of objects such as paintings, sculptures, drawings or historical artefacts
  - Exhibitions of persons, including but not limited to boxing, wrestling, cage fighting or martial arts
  - Saunas, massage parlours, tanning salons, nail bars, health clubs or gymnasia
  - Circuses
  - Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, mechanical riding, driving or boating apparatus or anything similar to any of the foregoing
  - Any activities involving shooting, including but not limited to archery, clay pigeon shooting, or paintball
  - Laser or war gaming
  - Motor cycle scrambling
  - Go-carting
  - Indoor or open air festivals or variety concerts, shows or performances
  - Amusement arcades with automatic or other machines, including but not limited to video gaming machines, intended for entertainment or amusement which are not licensed in terms of the Gambling Act 2005
  - Bouncy castles or similar structures, or trampoline venues
  - Internal or external children's play areas including soft play areas

- Indoor bowling alleys including ten pin bowling alleys
- Bungee jumping or catapulting
- Outdoor adventure or activity parks or anything similar to the foregoing
- Water sports activities including raft races
- Fireworks or bonfire displays
- Agricultural, equestrian or livestock shows
- Indoor skate parks
- Major Sporting events such as Golf Opens
- Highland Games

5) The following public events/activities DO NOT require a licence under the said Section 41:-

- All non-profit functions held by charitable, religious, youth, sporting, community, political or similar organisations
- Small scale exhibitions of art work
- Small scale performance of live music which is incidental to the main purpose of the premises where the performance takes place
- Small scale oral recitals including poetry reading and story telling
- All community non-profit festivals, fetes, treasure hunts, duck derbys and galas

In respect of the foregoing, “small scale” is understood to mean less than 150 persons at any one time.

In respect of the foregoing, “non-profit” is understood to mean a non-commercial event held solely for the purpose of raising funds for the organisation holding the function and NOT for the purposes of making a profit or deriving any other form of financial benefit by any person or organisation, and where ALL surplus funds raised by the event are utilised to further the aims and activities of the organisation holding the event.”

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  - Dancing establishments
  - Billiards, snooker or pool halls
  - Any exhibition to which the Hypnotism Act 1952 applies
  - Exhibitions of objects such as paintings, sculptures, drawings or historical artefacts
  - Exhibitions of persons, including but not limited to boxing, wrestling, cage fighting or martial arts
  - Saunas, massage parlours, tanning salons, nail bars, health clubs or gymnasia
  - Circuses
  - Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, mechanical riding, driving or boating apparatus or anything similar to any of the foregoing
  - Any activities involving shooting, including but not limited to archery, clay pigeon shooting, or paintball
  - Laser or war gaming
  - Motor cycle scrambling
  - Quad-bike scrambling
  - Track racing
  - Go-carting
  - Indoor or open air festivals or variety concerts, shows or performances
  - Amusement arcades with automatic or other machines, including but not limited to video gaming machines, intended for entertainment or amusement which are not licensed in terms of the Gambling Act 2005

- Bouncy castles or similar structures, or trampoline venues
- Internal or external children’s play areas including soft play areas
- Indoor bowling alleys including ten pin bowling alleys
- Bungee jumping or catapulting
- Outdoor adventure or activity parks or anything similar to the foregoing
- Water sports activities including raft races
- Fireworks or bonfire displays
- Torchlight processions
- Agricultural, equestrian or livestock shows
- Indoor skate parks
- Major Sporting events such as Golf Opens
- Highland Games
- “Boot camp” type fitness activities

5) The following public events/activities DO NOT require a licence under the said Section 41:-

- Small scale exhibitions of art work
- Small scale performance of live music which is incidental to the main purpose of the premises where the performance takes place
- Small scale oral recitals including poetry reading and story telling
- Small scale community non-profit festivals, fetes, treasure hunts, duck derbys and galas

In respect of the foregoing, “small scale” is understood to mean less than 150 persons at any one time.

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