

REPORT TO: Licensing Sub-Committee

MEETING DATE: 11 October 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Review of Temporary Public Entertainment Licensing

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1 PURPOSE

- 1.1 To make the Sub-Committee aware of-
- (i) The legal position regarding temporary Public Entertainment licences;
 - (ii) The key practical differences between full and temporary licences; and
 - (iii) The arguments for and against making any change to the current system.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee considers the issues surrounding the use of temporary Public Entertainment Licences and decides whether there is any merit in changing the current system so as to withdraw the temporary licence as an option available to applicants.
- 2.2 That the Sub-Committee considers whether to initiate a public consultation exercise should a change in the current system be seen as the preferred approach.

3 BACKGROUND

- 3.1 In terms of Section 7 of Schedule 1 of the Local Government Etc (Scotland) Act 1982, a Licensing Authority may grant a temporary licence, which licence will be valid for a period of up to six weeks. The resulting licence is broadly similar to a full licence, but there are some significant differences, which, in the case of Public Entertainment, and in particular regarding funfairs, has caused some perceived problems and public complaint in the past.

3.2 In particular, in the case of a temporary licence, the statutory provisions which require an application to be advertised, and allow for members of the public to submit objections, are disapplied. This has caused some issues in the past, particularly regarding applications for funfairs, with neighbouring residents in particular being unhappy at having no opportunity to object to an application or indeed even be advised of an application before a licence is granted. The reasoning behind the statutory difference is that, as a temporary licence will only last for a maximum of 6 weeks, it is considered unnecessary to go through the same level of advertising and examination as would be required for a full licence lasting for up to three years. The public has no right to object.

3.3 There is a difference in the licensing fee levels between full and temporary licences also. Current fees are as undernoted.

Temporary- up to 500 persons- £185

Temporary- 500-2000 persons- £370

Temporary- 2000- 5000 persons- £555

Temporary- over 5000 persons- £740

Full three year licence- £525

Full three year multi-activity indoor and outdoor- £1,500

3.4 Factors in favour of ceasing to use temporary licences include-

3.4.1 Simplification of procedures - all applications would pay the same fee, irrespective of numbers attending.

3.4.2 All applications would be subject to advertising and the public would have the opportunity to submit objections to the Sub-committee, opportunities which are currently unavailable.

3.5 Factors in favour of retaining the current position include-

3.5.1 Proportionality - applicants would require to apply for a licence which is valid for 3 years for an event which may only have a duration of 2 or 3 days. A solution might be that the fee could apply to a one year licence as opposed to lasting for a full three years.

3.5.2 Practicality - it would be less clear how and when to grant permission to occupy a site to applicant B in a case where applicant A already has a three year licence and may or may not wish to utilise that at the same time- with a temporary licence, the timeframe is manifestly clear from the outset.

3.5.3 Financial - obviously applicants would in many cases experience an increase in the fees they currently have to pay if temporary licences were withdrawn- although the opposite could apply in the case of larger attendee numbers.

4 POLICY IMPLICATIONS

- 4.1 The Act allows a Licensing Authority to grant a temporary licence but does not require this. There are therefore no policy implications in either retaining the use of temporary licences or ceasing to use them.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – If temporary licenses are abolished, applicants will be obliged to obtain full licences, which will result in an increase in fee income due to the higher level of fees for full licences.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

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