

REPORT TO: Licensing Sub-Committee

MEETING DATE: 10 November 2022

BY: Head of Corporate Support

SUBJECT: Introduction of one and two year Public Entertainment Licence

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1 PURPOSE

- 1.1 To advise the Licensing Sub-Committee of a proposal to introduce shorter term licences for Public Entertainment activities, for a period of one and two years, at a proportionate fee level based on the current fee for the standard three year licence.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee -
- (i) Approves the introduction of a standard Public Entertainment Licence for a period of one and two years.
 - (ii) Provisionally sets the fee for these new duration licences at £200 for a one year licence and £400 for a two year licence, on the understanding that final approval of these proposed fees will be made by Cabinet at the meeting to be held in January 2023.

3 BACKGROUND

- 3.1 Under the Civic Government (Scotland) Act 1982, the default duration of a licence is three years, or such shorter period as the licensing authority may decide.
- 3.2 As an example, taxi driver licences are routinely granted for a period of one year. Most other licence types, including Public Entertainment, are currently granted for a period of three years. The present fee for a three year public entertainment licence is £600. This does not include the larger scale, multi-activity type licences which fall into a separate

category based on numbers attending, and are not affected by the proposals in this report.

- 3.3 It has been noted that for some categories of public entertainment activities, an initial outlay of £600 can be potentially prohibitive, and that in some cases having a licence for a duration of three years may be considered unnecessary or less flexible than might be desired.
- 3.4 While there will in due course be a review of licensing fee levels, and a review of the scope of the current Resolution on Public Entertainment Licensing, these are not imminent, and so the proposed change in the duration of Public Entertainment Licences is seen as a useful measure which can be implemented now.
- 3.5 There would be no net change to the licence fee, with the figures proposed being a mathematical proportion of the current fee for a three year licence. It is felt, however, that providing the option of a licence for a shorter period for a correspondingly lesser fee will assist in lessening the upfront financial burden in applying for such a licence, especially for smaller or new businesses who may not wish, or be able to easily afford, to apply for a full three years at the outset.
- 3.6 The intention would be, going forward, that applicants would have the option of all three durations of licence, as best suits their individual business model and funding arrangements.

4 POLICY IMPLICATIONS

- 4.1 None.

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 – None.
- 6.2 Personnel – None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

None.

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DATE	1.11.22

From: [Harling, Karen \(Licensing\)](#)
To: [Forrest, Ian](#); [Crichton, Rebecca](#); [Licensing](#)
Subject: FW: UPDATE - East Lothian Licensing - Boot Camp - Public Entertainment Licence Requirement
Date: 03 November 2022 08:06:16

Hi All,

Would it be possible to have the below email from Lyndsay Henderson who is a bootcamp operator included in the papers for the sub-committee next Thursday as information for the board. I spoke with Ian about it yesterday and it was agreed it could be submitted.

Kind regards,

Karen

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Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

From: Lyndsay Henderson <lyndsayhenderson.pt@gmail.com>
Sent: 03 November 2022 08:03
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: UPDATE - East Lothian Licensing - Boot Camp - Public Entertainment Licence Requirement

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Thank you Karen for continuing to follow up on this.

With the limited time, I have kept my response fairly brief but I have been in touch with others in the industry who have a similar view.

In terms of my concerns over the price of the licence, many of the bootcamp/fitness class providers earn a relatively low income from classes, sessions tend to be priced at the low end of fitness class pricing (mine range from £6.50 - £8 per class, a yoga class can be £10-12) and class numbers can be 4 - 8 people per session

on average. We are able to set our pricing lower because in some cases we don't have venue costs in outdoor settings. This means classes are more accessible price wise. Outdoor classes are an important part of fitness, there are huge benefits from exercising outdoor in a group/community and at a time when some feel unable to return to the gym after covid, I feel it is important for the Council to support this. The benefits of exercise can include a healthier lifestyle and prevention of co-morbidities. Further, my own classes start from 6am and are at a time when there are no other classes running in the area.

An additional cost of £200 per year is significant to our earnings and would have to be factored into pricing of classes so I would ask that the Council look at the cost of this Licence for lower income businesses. For context, my insurance cost is c.£100 per annum, i.e. half of this. I do appreciate all the work that the Council do in providing outdoor spaces and I don't dispute that Council Tax and funds from the Licence should be used for the upkeep of these facilities as they are important for all to enjoy for the benefit of their physical and mental health.

Thanks again for your support
Lyndsay

Sent from my iPhone

NHS Coronavirus Information

