

AGENDA ITEM NO 3

REPORT NO 236/17

ANGUS COUNCIL

SPECIAL MEETING OF CIVIC LICENSING COMMITTEE – 18 JULY 2017

TEMPORARY PUBLIC ENTERTAINMENT LICENCE

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

The purpose of this report is to present an application for a Temporary Public Entertainment Licence which requires to be determined by the Committee.

1. RECOMMENDATIONS

It is recommended that the Committee consider and determine the application for a Temporary Public Entertainment Licence in terms of one of the following options:-

- (i) to grant the licence;
- (ii) to grant the licence subject to standard and/or additional conditions;
- (iii) to defer the application for a period not exceeding 6 months from the date of the application being made; or
- (iv) to refuse to grant the licence.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

2.1 This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are prosperous and fair
- Our communities are safe and strong

3. BACKGROUND

3.1 An application for a Temporary Public Entertainment Licence has been received by the licensing authority from The Guide Association Scotland.

3.2 The event, "Rise to the Challenge", is due to take place on 26 August 2017 between 11am and 4pm within the event fields at Glamis Castle, Angus. The maximum number attending the event is 2500. Activities include five zones during the day and a "Festival Square" where those attending will be able to watch demonstrations and performances. The five activity zones will be: Nature, Creating, Survival Skills, Construction and Engineering and Baking. There will be a Marquee, a 9m climbing wall supplied and run by a qualified provider and a PA system and DJ at the event between 11am and 3pm. An ice-cream van will attend the event and there will be a workshop by Tesco involving a muesli making activity. Risk assessments have been undertaken by the Applicant. Crowd control will be managed by Activity Marshalls. First Aid will be provided by St Andrews Ambulance Service between 10am and 5.30pm. Additionally, one Leader in every group attending will have a first response qualification and will bring a small first aid kit to deal with minor incidents.

A certificate of Public Liability Insurance has been provided by the Applicant. An event plan has been provided by the Applicant.

In terms of car parking facilities, the Applicant states within the application that “there will be a known number of buses/cars expected prior to the event and there will be staggered arrival/departure times for buses. Buses will be instructed to park off-site in Forfar once attendees have been dropped off at the event. There will be dedicated traffic marshalls on the gate and drive of the event site to direct traffic. Buses will be moved onto the drive of the premises as soon as possible to reduce any congestion in the local village. Cars will be directed to a dedicated parking area as agreed with Glamis Castle. Signs will be provided by Girlguiding Scotland and Glamis Castle.”

4. SUBMISSIONS, OBJECTIONS AND REPRESENTATIONS

One letter of objection has been received from a member of the public. It will be circulated separately for the consideration by Members.

5. LEGAL IMPLICATIONS

5.1 Angus Council, as licensing authority for the Angus Local Government Area, has resolved, in terms of the Civic Government (Scotland) Act 1982 (“the 1982 Act”), that a licence, to be known as a Public Entertainment Licence, shall be required for the use of premises as a place of public entertainment. “Place of Public Entertainment” is defined as meaning “any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation”. The 1982 Act contains a number of exclusions to the requirement for a Public Entertainment Licence. In addition, the licensing authority has determined that certain events do not require a Public Entertainment Licence. The proposed event does not fall within these categories of events that do not require a Public Entertainment Licence. A Public Entertainment Licence is, therefore, required for the proposed event.

5.2 Schedule 1 of the 1982 Act contains further provisions in respect of the processing and determining of applications for licences under the 1982 Act.

5.3 In particular, Paragraph 5 of Schedule 1 to the 1982 Act provides that where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with that paragraph-

- (a) grant or renew the licence; or;
- (b) refuse to grant or renew the licence.

5.4 In granting or renewing a licence, a licensing authority may (either or both)-

- (a) disapply or vary any standard conditions so far as applicable to the licence,
- (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.

With limited exception, the conditions referred to in sub-paragraph above shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence.

5.5 The licensing authority has developed Standard Conditions which it has applied to grant of Public Entertainment Licences.

- 5.6 A licensing authority shall refuse an application to grant or renew a licence if, in their opinion-
- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either-
 - (i) for the time being disqualified under section 7(6) of the 1982 Act ; or
 - (j) not a fit and proper person to be the holder of the licence;
 - (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or refusal of such a licence if he made the application himself;
 - (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to-
 - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - (ii) the nature and extend of the proposed activity;
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; or
 - (v) public order or public safety; or
 - (d) there is other good reason for refusing the application;
- and otherwise shall grant the application.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising as a result of this report.

7. HUMAN RIGHTS IMPLICATIONS

In dealing with the application, the Committee will have regard to any human rights issues in relation to the applicants and objectors.

8. NOTIFICATION

The Applicant and Objector have been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

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