

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 29 APRIL 2016

**“FESTIVAL OF HOUSE” - PANMURE ESTATE, NR PITLIVIE FARM, ANGUS
APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE**

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

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

1. RECOMMENDATIONS

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

- (i) to grant the licence; or
- (ii) 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 safe, secure and vibrant.

3. BACKGROUND

3.1 An application for a Public Entertainment Licence has been received by the licensing authority from Jigsaw Events and Management Ltd in respect of a proposed event entitled “Festival of House” intended to take place at Panmure Estate, Nr Pitlivie Farm, Angus.

3.2 The event is due to take place between the following times on the following days:-

Thursday 9 June 2016 – 17.00 to 23.00;
Friday 10 June 2016 – 12.00 to 23.00; and
Saturday 11 June 2016 – 12.00 to 23.00

3.3 The maximum numbers attending the event have been stated as 15,000 ticket holders each day. The age group specified is 18+.

3.4 The type of event has been stated as:-

Outdoor
Concert
Festival

3.5 The Details/Activities have been stated as (using the following headings):-

<u>Stalls/Facilities</u>	<u>Entertainment</u>	<u>Temporary Structures</u>
Alcohol	Band	Stage
Food	Orchestra	Marquee
Stands	Dance Show	Tent
Traders	DJ Music	Fairground
Merchandise		Toilets

4. SUBMISSIONS, OBJECTIONS AND REPRESENTATIONS

- 4.1 Plans of the site have been submitted to the licensing authority by the Applicants and these form **Appendix 2** hereto.
- 4.2 Submissions have been submitted to the licensing authority by the Applicants and these form **Appendix 3** hereto. In addition, the licensing authority has received from the Applicants 429 signed postcards. A copy of a blank postcard is included in the Applicant's submissions. The Committee is asked to note that of the 429 postcards:-
- Postcards submitted with no option highlighted – 161
Postcards submitted with Option 1 highlighted – 10
Postcards submitted with Option 2 highlighted – 14
Postcards submitted with Option 3 highlighted – 179
Postcards submitted with Options 1 and 2 highlighted – 3
Postcards submitted with Option 1 and 3 highlighted – 4
Postcards submitted with Options 2 and 3 highlighted – 9
Postcards submitted with Options 1, 2 and 3 highlighted - 49
- 4.3 Objections and representations have been received by the licensing authority and these form **Appendix 4** hereto.
- 4.4 Submissions have been received by the licensing authority from Angus Council and Safe Events Management Group these form **Appendix 5** hereto.
- 4.5 Late objections/representations have been received. The Committee may be required to determine whether to entertain these objections/representations if satisfied that there is sufficient reason why they were not made in the time required.

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.

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.

The licensing authority has developed Standard Conditions which it has applied to grants of Public Entertainment Licences. A copy of these Standard Conditions is attached as **Appendix 1** hereto.

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 by a Court from holding a licence under the 1982 Act; or
 - (ii) 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 renewal 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 extent 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

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

7. HUMAN RIGHTS IMPLICATIONS

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

8. NOTIFICATION

- 8.1 The applicant and objectors 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 a material extent in preparing the above report.

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ANGUS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT LICENCE – NON-PREMISES

1. The premises at ***** are licensed for the purposes of temporary public entertainment (N.B. in these conditions “premises” means any building, venue or land on which the licensed event is being held).
2. The licenceholder shall comply with any order or instruction given by any police officer for the prevention of annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance (including an order or instruction to close the premises for a limited period) or on any occasion when such police officer in his discretion may consider it necessary in the public interest to give such order or instruction.
3. The licenceholder shall not in any way alter, erase or deface the licence.
4. The licenceholder shall comply with or ensure compliance with such recommendations as may be made by the Scottish Fire and Rescue Service, Police Scotland and any officer of the Council.
5. The licenceholder, or some responsible person (not under 21 years of age) nominated for the purpose by him shall ensure that a risk assessment is carried out to identify what risks are present in a situation or situations and identify ways of removing or reducing these risks in order to comply with regulations and to protect the health and safety of those of the public and staff.
6. The licenceholder must contact the Council’s Communities Directorate for permission for any road closures required or requested, and approval of proposed diversion routes and appropriate signing.
7. The Licenceholder must indemnify the Council against any damage to the road carriageway, footway or associated street furniture; and indemnify the Council against any claim arising as a result of their activities on the road carriageway or footpath.
8. The licenceholder must hold a minimum of £5 million Public Liability Insurance and shall exhibit a current certificate to the local authority on an annual basis and at such other times as may be requested by any officer of the local authority.
9. The licenceholder shall ensure that :-
 - (a) all exit routes are kept free from obstruction and that exit doors are not locked or fastened to prevent them being easily and immediately opened by persons leaving the premises; and
 - (b) all equipment installed as a precaution against fire shall be maintained in efficient working order.
10. Access & Egress should be maintained at all times for Emergency Vehicles.
11. The licenceholder shall ensure that there are sufficient staff to supervise the running of the entertainment.

12. The licenceholder, or some responsible person (not under 21 years of age) nominated for the purpose by him shall be present and in charge during the whole period of time that the public are on the premises.
13. The licenceholder shall ensure that such measures as may be necessary are taken to prevent noise nuisance to residents and occupiers of premises in the vicinity.
14. Noise levels, including music, must at all times be kept at a reasonable level and no music will be played outdoors after 10 p.m. on Monday to Saturday and after 8 p.m. on Sunday. At all times music and vocals must be controlled to the satisfaction of the Council's Environmental Health Officers.
15. The premises must be kept and left in a clean and tidy condition. You will not cause or permit to be caused any nuisance or annoyance to neighbouring proprietors or members of the public.
16. The event must conform to the requirements of one of the following guides published by Her Majesty's Stationery Office as appropriate to the event itself:

“The Event Safety Guide”; or

“The Guide to Safety at Sports Grounds”; or

“The Guide to Safety at Fairs”.

Guidance on the appropriate one to use can be obtained from the Council's Resilience Manager.

17. Suitable toilet facilities must be provided for members of the public attending the event to the satisfaction of the appropriate Environmental Health Officer.
 18. The licenceholder shall ensure that there is no giving of live prizes at the event.
 19. No displays/stalls involving live birds to be permitted. No involvement of birds, fish or animals without prior approval of the appropriate officer of the Council's Environment and Consumer Protection department.
 20. The licence holder shall ensure that such measures, as may be necessary, are taken to prohibit the intentional release of airborne launched lanterns, latex balloons and similar free-floating devices containing a naked flame, fuel cell, helium gas or similar elevation mechanism – whether the device is specified as bio-degradable or otherwise in respect of which this licence is granted. Such lanterns or devices are commonly known as Chinese Lanterns, Sky Lanterns, Flying Lanterns, Glowing Lanterns, Night Sky Lanterns, kongming Lanterns and similar.
For the avoidance of any doubt, static, fixed, hanging or waterborne ornamental or decorative lanterns, balloons or similar devices are not prohibited.
- If the event relates to or involves a circus performance the following additional conditions shall also apply:
21. The licenceholder will deliver to the Council, at least fourteen days before the circus arrives, a list of all species of animals travelling with the circus.
 22. Adequate exercising areas for the animals be provided to the satisfaction of the appropriate officer(s) from the Council's Environmental Health service in accordance with the BVA/national guidelines.
 23. The animals to be inspected by a veterinary surgeon after each move to a different location within Angus.

24. The applicant will require to bear the cost of any veterinary inspections carried out.
25. Access to be given to relevant officers of the Council at their request to inspect the animals, their accommodation, exercising areas, vehicles used for transportation and the location of where they perform.
26. All printed advertising, of whatever description, placed on or affixed to any structure (whether in a public place or otherwise) by, or on behalf of, the licence holder in respect of the event(s) to which this licence relates shall be removed by the licence holder, at his/her own cost, within 24 hours of the conclusion of the event or, if the event(s) take place in different locations, within 24 hours of the date when the location of the event(s) changes.

Date

These are the conditions referred to in the Temporary Public Entertainment Licence issued to ***** on behalf of ***** for ***** to be held at *****

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Authorised Signatory