

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 10 AUGUST 2017

PUBLIC ENTERTAINMENT LICENCES – MAJOR SPORTING EVENTS

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to advise the Committee of the outcome of the statutory consultation in respect of the decision of the Committee, at its meeting on 23 February 2017, to seek to remove the requirement that required a Public Entertainment Licence for the use of premises for a major sporting event, but only in respect of a major sporting event taking place in a sports ground as defined.

1. RECOMMENDATIONS

The Committee is asked to:-

- (i) note that, in accordance with the decision of this Committee at its meeting on 23 February 2017 and the provisions of Section 9 of the Civic Government (Scotland) Act 1982, a notice was published in a newspaper circulating in the locality of this area of the proposed resolution of the Council to remove the requirement that required a Public Entertainment Licence for the use of premises for a major sporting event, but only in respect of a major sporting event taking place in a sports ground as defined;
- (ii) note that the notice advised that representations about the resolution may be made in writing to the authority within 28 days of the first publication of the notice;
- (iii) note that no representations were received; and
- (iv) recommend to the Council that it adopt the resolution contained in **APPENDIX 1** to this report and with effect from the day after the resolution is made.

2. BACKGROUND

2.1 This Committee, at its meeting on 23 February 2017, considered a report by the Head of Legal and Democratic Services, in respect of Public Entertainment Licences (Report 94/17 refers). Following consideration of that report the Committee, amongst others:-

“agreed to remove the requirement that required a Public Entertainment Licence for the use of premises for a major sporting event, but only in respect of a major sporting event taking place in a sports ground (“sports ground” being defined as “any place where sports or other competitive activities take place in the open air and where accommodation had been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose”).

2.2 Section 9 of the Civic Government (Scotland) Act 1982 (“the Act”) sets out the process by which a local authority can vary or rescind a resolution made by it in respect of the licensing of activities under the Act. This can be summarised as follows:-

- (i) the Council must publish in a newspaper circulating in their area the terms of the proposed resolution together with a notice stating that they intend to make the resolution and that representations about the resolution may be made in writing to the authority within 28 days of the first publication of the notice;
- (ii) the Council must consider any representation made to the authority prior to making any resolution;
- (iii) the Council, before proceeding to make a resolution under this section, may make such modifications to the proposed resolution as they think fit in the light of

representations made to them about it provided such modifications do not extend its scope; and

(iv) The Council, as soon as they have made a resolution publish in a newspaper circulating in their area the terms of the resolution so made.

2.4 A resolution to reduce the scope of activities licensed shall take effect from the date as may be specified in the resolution.

2.5 In accordance with the above procedure, the terms of the proposed resolution was published in the Courier newspaper on 13 March 2017. No representations were received. Accordingly, the Committee is invited to recommend to the Council that it adopt the resolution contained in **Appendix 1** to this report and with effect from the day after the resolution is made.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

NOTE: No background papers, as defined 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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List of Appendices:

Appendix 1 – Proposed Resolution of Angus Council

ANGUS COUNCIL

PUBLIC ENTERTAINMENT LICENSING

RESOLUTION

Angus Council has, in accordance with the provisions of the Civic Government (Scotland) Act 1982, varied its resolution to license premises or land being used for the purposes of public entertainment. This resolution will mean that from [], a licence to be known as a Public Entertainment Licence shall be required for the use of premises or land within Angus where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation of the following kinds:

- Billiard, snooker and pool halls;
- Circuses;
- Concert Halls;
- Theatres;
- Dance halls and Discotheques that do not have a liquor licence;
- Firework displays or bonfires;
- Premises used as suntan centres;
- Fairgrounds;
- Public Exhibitions;
- Health and fitness premises (e.g. gymnasia, saunas, massage parlours etc);
- Laser displays and games;
- Exhibition of persons or performing animals;
- Pop concerts and other live band performances;
- Variety or musical shows;
- Video machine arcades;
- Paintball games;
- On or off road vehicle events (including all vehicles and bikes) racing, rallying, motorbike and vehicle stunt shows etc.;
- Indoor or open air music events;
- Go karting, quad biking etc.;
- Funfairs;
- Fetes;
- Carnivals, Galas and other outdoor events such as countryside festivals and seafest events etc.
- Major sporting events excluding major sporting events taking place in a sports ground ("sports ground" being defined as any place where sports or other competitive activities take place in

the open air and where accommodation had been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose)

- Christmas Light Events and other Christmas, Hogmanay and New Year Celebrations
- Music Festivals;
- Public Halls;
- Boxing, wrestling, cage fighting or similar presentations;
- Mechanical rides or simulators;
- Activities including inflatable structures; and
- Adult entertainment.

Please note that following a change of legislation, the events which fall within one or more of the above categories will require to be licensed unless one of the listed exemptions applies.

The legislation provides for a number of statutory exemptions as follows:-

- An athletic or sports ground while being used as such;
- Premises in respect of which an Indoor Sports Entertainment Licence under Section 41A of the Civic Government (Scotland) Act 1982 is required while such premises are being used for the purposes mentioned in that section;
- An educational establishment while being used as such;
- Premises belonging to or occupied by any religious body while being used wholly or mainly for the purposes connected with that body;
- Premises licensed under the Theatres Act 1968, the Cinemas Act 1985 or the Gambling Act 2005;
- Licensed Premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during licensed hours within the meaning of that Act
- Premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

The Council has also agreed that the following free-to-enter public events can proceed without a licence or a fee, provided that the event has a capacity of 200 or less:-

- Functions held by charitable, religious, youth, sporting, community, political or similar organisations
- Exhibitions of art work
- Performance of live music incidental to the main purpose of the premises or land (e.g. occasional musical performances in shop premises etc.)
- Oral recitals including poetry reading and story telling

Licences will normally be granted for the duration of the event but where premises are to be used on more than one occasion, licences can be granted for up to one year. A reduced fee for a licence is payable in respect of a Scottish registered charity.