

## **AGENDA ITEM NO 3**

**REPORT NO 270/19**

### **ANGUS COUNCIL**

#### **SPECIAL CIVIC LICENSING COMMITTEE – 15 AUGUST 2019**

#### **TEMPORARY LICENCES FOR PUBLIC ENTERTAINMENTS**

#### **REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

### **ABSTRACT**

The purpose of this report is to present applications for temporary licences for Public Entertainments in terms of Paragraph 7 of Schedule 1 to the Civic Government (Scotland) Act 1982 which require to be determined by the Committee.

### **1. RECOMMENDATIONS**

It is recommended that the Committee consider and determine the two applications for a Temporary Public Entertainment Licence, in each case, 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. BACKGROUND**

2.1 Paragraph 5 of Schedule 1 to the Civic Government (Scotland) Act 1982 (“the Act”) provides that a licensing authority may grant a licence to have effect for such period not exceeding 6 weeks from its being granted as they may determine, and such a licence shall be known as a “temporary licence”. If the licensing authority determine to accept an application for a temporary licence under this paragraph then the normal requirements in relation to the provision of public notice for a period of 21 days, the consideration of objections and representations received within a period of 28 days, appeals and other procedural requirements do not apply. The Council is still required to consult the Chief Constable and, if appropriate, the Scottish Fire and Rescue Service and is permitted to grant the licence subject to conditions. The licensing authority are required to consider the matter within 3 months and determine it within 6 months.

2.2 On 31 July 2019, the Licensing Team were advised of the requirement for a Public Entertainment Licence in respect of large scale events due to take place at the East Links in Montrose on 16 August, 23 and 24 August 2019. Given the timescales required to process applications in the normal course of events (in relation to public notice, timescales in relation to the receipt of objections and/or representations and appeals) it was not possible to process this as an application in the normal course of events. This issue was considered by senior officers of the Council and given that the organisers had liaised and co-operated fully with the Safe Events Team in preparations for this events and the economic significance of the events to Angus and Montrose, it was determined that an application under Paragraph 5 of Schedule

1 to the Act would be received and processed as quickly as possible. Notwithstanding the restrictions in processing referred to above, it was determined that public notice of the events would be required to be made for a period of 7 days and that all consultees would be consulted for the same period. Notice of the event was also given on Council social media and the tellmescotland website.

- 2.3 Two applications for temporary licences for Public Entertainments from LCC Live Events Limited have been received in connection with three live music concerts at the East Links in Montrose. Given the circumstances, a 50% uplift in the fees normally charged for events of this size was required to process these applications. The first application relates to a live music concert (Kaiser Chiefs) on 16 August 2019 from 1800 hours to 2230 hours with a maximum capacity of 3,000. The second application relates to live music events on 23 (Jess Glynne) and 24 August 2019 (Madness). The event on 23 August 2019 is from 1800 hours to 2230 hours with a maximum capacity of 4,500. The event on 24 August 2019 is from 1700 hours to 2230 hours with a maximum capacity of 7,000. A location plan and site plan are attached as Appendix 1 and 2 of this report respectively. A certificate of Public Liability Insurance has been provided by the Applicant.

### **3. SUBMISSIONS, OBJECTIONS AND REPRESENTATIONS**

- 3.1 Responses from all consultees have been received.

- 3.2 Environmental and Consumer Protection have advised that Environmental Health have no objections to the matter proceeding subject to the following conditions being attached to any licence issued:

1. Music from the events shall only be permitted between 1700 and 2300hrs.
2. Maximum noise levels from music and vocals shall not exceed LAeq 65 dB(A) over a 15 minute period as measured at 1m from the façade of any noise sensitive premises.
3. Construction noise audible at any residential property shall be restricted to 0700hrs to 1900hrs Monday to Friday and 0800hrs to 1700hrs Saturday to Sunday.
4. All noise from generators, ventilation or refrigeration plant shall not exceed Noise Rating Curve 30 between 0700hrs and 2300hrs and Noise Rating curve 20 at all other times as measured in any habitable room with the windows open 50mm for ventilation.
5. Litter within the arena shall be cleared prior to opening to the public. The cleanliness of the arena before opening should be measured as Grade B (predominantly free of litter apart from a few small items) as defined by the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990.
6. Waste and Litter within the site boundary shall be cleared within 7 days after the end of the event. The cleanliness of the site should be measured as Grade A (no litter or refuse) as defined by the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990.
7. Prior to the commencement of the event a detailed Environmental Management Plan including relevant operational plans shall be submitted for the written approval of Angus Council. These documents shall include detailed information on Waste management, Sanitation, Drinking water provision and Noise. Once approved all measures specified in the aforementioned Environmental Management plan and

associated operational plans shall be implemented in full unless agreed in writing with Angus Council.

- 3.3 Building Standards have responded to advise that, as of the date of writing this report, they are in receipt of considerable additional information from the event organisers in support of an application for a raised structure approval in terms of Section 89 of the Civic Government (Scotland) Act 1982. Building Standards prioritised checking this and are in the process of assessing this information which includes detailed structural info. A verbal update will be provided to the Committee at its meeting.

#### **4. LEGAL IMPLICATIONS**

- 4.1 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 events do 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 events.

- 4.2 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.

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

**5. FINANCIAL IMPLICATIONS**

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

**6. 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.

**7. NOTIFICATION**

The Applicant and any 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 any material extent in preparing this report.

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