

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 31 OCTOBER 2019

THEATRES LICENCE

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

It is recommended that the Committee note the changes to the Civic Government (Scotland) Act 1982 introduced by Section 74 of the Air Weapons and Licensing (Scotland) Act 2015 which repealed provisions relating to the licensing regime for theatres under the Theatres Act 1968.

1. RECOMMENDATION

It is recommended that the Committee:-

- (a) note the changes to the Civic Government (Scotland) Act 1982 repealing the existing requirement for theatrical performances to be licensed under the Theatre Act 1968;
- (b) note that theatres will not be able to obtain licences under the Theatres Act 1968 following the above change in legislation noted at (a) above; and
- (c) note that in accordance with Angus Council's current Public Entertainment Resolution, theatres will be licensed under the Public Entertainment licensing regime.

2. LEGAL

- 2.1 The Air Weapons and Licensing (Scotland) Act 2015 ("2015 Act") introduced changes to the Civic Government (Scotland) Act 1982 ("1982 Act"). Section 74 of the 2015 Act came into force on 26 April 2019 and repealed the mandatory requirement for theatrical performances to be licensed under the Theatre Act 1968. Previously, theatres which obtained a licence under the 1968 Act were exempt from the requirement to obtain a Public Entertainment Licence. This exemption has now been removed. This change will mean that all local authorities will be able to licence theatres under the Public Entertainment licensing regime.
- 2.2 The Scottish Government [guidance](#) recommends that local authorities consider making Public Entertainment Resolutions to reflect the change in the legislation. The change is being suggested to ensure that theatres are included within the scope of Public Entertainment licensing regimes across local authorities.
- 2.3 Angus Council has previously made a Resolution which accounts for theatres being licensed under the Public Entertainment licensing regime. A copy of the most recent Resolution passed is attached at **Appendix 1**. There are currently no theatres in Angus which do not have a Public Entertainment licence.
- 2.4 Accordingly, it is not recommended that the Committee make any Resolution in respect of the current Public Entertainment licensing regime or take any other further action; theatres are already able to obtain a Public Entertainment Licence under the current Resolution. It is simply recommended that the Committee note the change in legislation and note that Theatre licences under the Theatres Act 1968 are no longer available given the repeal of the provisions relating to same.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

4. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights issues arising directly from this report.

NOTE: Background Papers:-

Public Entertainment Resolution
Scottish Government Guidance

REPORT AUTHOR: Nannette Page, Team leader

EMAIL DETAILS: LEGDEM@angus.gov.uk

CIVIC LICENSING COMMITTEE – 31 OCTOBER 2019

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 7 September 2017, 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.