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ANGUS COUNCIL

Civic Government (Scotland) Act 1982

Public Entertainment Licence

Do I need a Licence?

A Public Entertainment Licence is required from Angus Council for the use of any buildings or land within Angus as a place of public entertainment, whether or not you pay to access the entertainment.

What Premises/Activities require to be licenced?

- 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 grounds ("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.

Are there Exemptions?

Yes. The following are statutory exemptions and as such do not require a Public Entertainment Licence.

- 1) An athletic or sports ground while being used as such;
- 2) 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;
- 3) A sexual entertainment venue in relation to which Schedule 2 of the Civic Government (Scotland) Act 1982 has effect, while being used as such;
- 4) An educational establishment while being used as such;
- 5) Premises belonging to or occupied by any religious body while being used wholly or mainly for the purposes connected with that body;
- 6) Premises licensed under the Cinemas Act 1985 or the Gambling Act 2005;

- 7) 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
- 8) 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.

Further to this Angus Council resolved that you will not require a Public Entertainment licence if your event is free to enter, the capacity of the event does not exceed 200 people and either:-

- a) The function is held by charitable, religious, youth, sporting, community, political or similar organisation
- b) It is an Exhibition of art work
- c) It is a performance of live music incidental to the main purpose of the premises or land (e.g. occasional musical performances in shop premises etc.); or
- d) It is an oral recital including poetry reading and story telling

Who can apply?

Any person, company or organisation can apply.

If a company or organisation applies they must provide details of an individual who will be responsible for the day-to-day management of the premises or site. Prospective applicants are encouraged to obtain their own independent legal advice if they are in any doubt as to who should be detailed on their application.

In particular applicants should note that that any nominated manager will be considered a joint licence holder and should that manager leave during currency of the licence, this will impact on the licence

What are the minimum requirements for applying?

Any individual named on the application must be at least 18 years of Age and any individual named as the day-to-day manager must be able to work legally in the United Kingdom

Will I require any other permission or consent?

We would advise that you check in advance with Building Standards, to ensure that you have the necessary planning consent and if not, to make the appropriate planning application.

Also, if you are not the owner of the premises or site where the event is to take place you will also require permission to occupy the site.

How do I apply?

Please note depending on the size and nature of your event will depend on how the application is to proceed. Where the event is run within a premises (e.g. in a church hall) then there may not require additional information, however for larger or outdoor events you should obtain a Safe Events pack by calling the accessline on 03452 777 778 – this will provide full guidance on how an event should be run safely within Angus.

Once you have all of the information an application form must be completed. Please complete the form fully using the attached guidance notes. The application form must be accompanied by the fee, a location map and layout site plan of the event, a copy of your Public Liability Insurance Certificate and a copy of your permission to occupy the site if appropriate.

You can send us your completed application by recorded delivery or hand deliver it at:-

Director of Legal and Democratic Services

Angus Council

Angus House

Orcharbank Business Park

Forfar, DD8 1AN.

You can alternatively submit the application and make payment online at www.angus.gov.uk and searching for 'public entertainment licence'

When do I apply for a new licence?

An application form must be completed and submitted before the expiry of your current licence and must allow sufficient time for the statutory 28 day time limit to expire.

Do I need to display a site notice?

On the day your application is lodged you must display the relevant A3 sized "NOTICE FOR DISPLAY" (included in your pack) at or near the premises to be licensed intimating that an application has been lodged with the Council. This notice must be displayed for a period of 21 days. This notice advises the public that your application has been lodged and that objections and representations can be made to the application.

Only after the expiry of the statutory 21 day period should the "Certificate of Compliance" be completed and returned to our licensing team. Please note that failure to comply with this part of the process may result in your application being refused.

Copies of the certificate of compliance and notices for display can be found on the Public Entertainment Section of our website.

Capacity of venue/ event	1Year/Temp	3 Year
<200	£ 156.00	£ 312.00
200-1499	£ 222.00	£ 444.00
1500-4999	£ 389.00	£ 779.00
5000-9999	£ 557.00	£ 1114.00
10000+	£ 834.00	£ 1667.00
<i>Charity</i>	£ 39.00	£ 79.00

How long does a licence last?

A licence can be for a temporary event, for 1 year or 3 years.

How much does it cost?

How can I pay?

Angus Council accept Cash, Cheques and Postal Orders. Cheques should be made payable to Angus Council. Cash Payments can also be made when submitting the application at Angus House, Orchardbank, Forfar. **Please do not send cash in the post.**

How long does it take for me to get a licence?

By law we have 3 months from receipt of an application to consider it, and thereafter 6 months beginning with the end of the 3 month period, to determine the application. However, we aim to process your application in around **6-8 weeks**. Please note that while we endeavour to process your application as quickly as possible, the application process is subject to the statutory processes set out in Schedule 1 of the Civic Government (Scotland) Act 1982. Please note that we cannot start to process your application until we have everything we need from you.

On receipt of your application form a copy of the form will be forwarded to Police Scotland in order that they may carry out checks into your suitability to hold a licence and this will include a check on any convictions/offences. The Council will also consult with various other parties as and where

appropriate Angus Council's Revenues and Benefits Service will also be consulted to check whether you have any outstanding debts due to the Council. This process will take a statutory minimum period of 28 days.

If we receive objections, representations or information about you from any person then it may take longer to process with your application.

Why do you send my application to the police?

Everyone who applies for a licence is assessed to make sure they are suitable to hold a licence. Part of that assessment involves looking at whether you have criminal convictions or whether the police hold other information about you which might suggest that you are not a 'fit and proper person' to hold a licence. This is an important safeguard in protecting the public as many licence holders are in positions of trust or in jobs where public safety is very important.

What happens once you have all of the information you need?

Once we have responses back and your compliance notice, we can then decide whether to grant your licence. If no objections, representations or adverse comments have been received, your confirmation of site notice has been returned, we have had sight of your Public Liability Insurance Certificate, and there are no other issues with your application, then it can be considered and granted under authority delegated by the Civic Licensing Committee.

Please note that in accordance with our Public Entertainment licence conditions, the licence holder must hold a minimum of £5 million Public Liability Insurance and must exhibit a current certificate to us prior to the issuing of the licence. A current Certificate must also be exhibited to us on an annual basis.

If you are applying for hours outwith the current policy and/or there are objections, representations or other information which means that licensing staff do not feel able to grant your licence, then your application will be referred to the Civic Licensing Committee and you will be asked to attend. If this happens we will write out to you by recorded delivery post advising of the issues of concern and request that you attend the Civic Licensing Committee hearing where your application will be determined. It is recommended that you attend as you will be given an opportunity to speak to your application.

What is the Licensing Committee?

The Licensing Committee is made up of Elected Councillors. You would need to go to the Licensing Committee if your application could not be dealt with by staff in the licensing team. We have a separate leaflet about going to the Committee which you should read if you are asked to attend.

Can the Council attach conditions to a public entertainment licence?

Yes, the Council may attach conditions to a public entertainment licence (a) restricting the use of the premises, (b) limiting the number of persons to be admitted to the premises and (c) fixing the days and times when the entertainment may take place and may also impose any other relevant conditions which they think is necessary.

Why would a licence be refused?

The law allows us to refuse your application in certain circumstances. A decision to refuse a licence will only be made by the Licensing Committee. The most common reason for refusing to grant a licence is that the person is not a "fit and proper" person to hold a licence.

What happens if my application is refused?

You will receive a letter advising that your application has been refused. If you are in any doubt, you should request a statement of reasons for the refusal. This can be obtained on written request to the Licensing section within Angus Council. You may have a right to appeal a decision at Forfar sheriff Court and this will be time limited. If you have any issues you should immediately obtain your own independent legal advice.

Do I receive a refund if I am refused a licence?

No. This is because we have had to carry out significant work in preparing your application consulting with other departments, organisations and individuals.

Who should I contact if I have any further queries relating to public entertainment licences?

Telephone the licensing section on 01307 476254 or e-mail lawlicensing@angus.gov.uk

If you require a safe events pack for running larger events please call the access line on 03452 777 778

Where should I send my completed application?

Completed application and payment should be sent to:

Director of Legal and Democratic Services

Angus Council

Angus House

Orchardbank Business Park

Forfar, DD8 1AN

You can alternatively submit the application and make payment online via the website.