

ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE: 23 November 2011

DIRECTOR: Stewart Carruth

TITLE OF BACKGROUND PAPER: Amendments to Public Entertainment Licensing- Impact on Community and Charity Groups- CG/11/139

1. PURPOSE OF PAPER

The purpose of the paper is to advise of a motion made by Councillor Boulton to the Council at its meeting on 6 October 2011 and thereafter referred to the Licensing Committee: "That a decision is taken on how much Communities and Charity Groups will be charged for Public Entertainment Licences in order to enable these groups to forward plan and ultimately decide whether they can afford to carry out their events, which are often for fund raising purposes."

2. BACKGROUND/MAIN ISSUES

At its meeting of 23 March 2011, the Committee had before it a report, which provided details of amendments to the licensing of public entertainment under the Criminal Justice and Licensing (Scotland) Act 2010 ("the 2010 Act"), which were to take effect from 1 April 2011.

Subsequently the Scottish Government advised of an error in their guidance document regarding the date of implementation of the amendments. Accordingly, at its meeting on 1 June 2011 the Committee was advised that the correct implementation date for the changes was 1 April 2012 and not 1 April 2011 as previously reported.

The Committee will be aware from the 23 March 2011 report that: (a) Section 41 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") authorises the licensing of certain events known as public entertainment; (b) in terms of the 1982 Act, local authorities have discretion as to which activities are licensed under this scheme; (c) Section 41 of the 1982 Act outlined the criteria for public entertainment licences (PEL) which stated that a PEL was required for the use of premises as a place of public entertainment (i.e. any place where on payment of money or money's worth members of the public were admitted or may use any facilities for the purposes of entertainment or recreation); (d) the 2010 Act changed this approach by repealing the words "on payment of money or money's worth", and therefore free events, which were formerly exempt from being licensed would now require to be licensed; (e) advised that the Committee would have the

option of waiving a fee, on a case by case basis, if Members agreed that it was appropriate; and (f) suggested that the situation be monitored to determine how many and which type of entertainment would be caught by the change.

For information, the Committee's current resolution requires public entertainment licences for the following: bonfires; bowling alleys; bungee jumping; church halls (a public entertainment licence shall not be required for a church hall belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body); circuses; community centres; concert halls; dance halls; discotheques; dry ski centres; fairgrounds; fetes with tented accommodation; firework displays; halls used for voluntary organisations; ice rinks; motorbike stunt shows; premises for pop concerts; premises for live band performances; premises for variety shows; premises for musical shows; premises for raves; premises for musical festivals; premises for paint ball games; premises for laser display; premises for laser games; premises for health and fitness including gyms; public halls; roller skating rinks; schools and other educational establishments (or parts thereof within which the number of members of the public admitted to or taking part in any single event or activity at any one time exceeds 60); skateboarding; sports centres; swimming pools; and vehicle stunt shows.

The categories of licensable activities will remain the same but, from 1 April 2012, if they are provided free, a public entertainment licence is required.

It is anticipated that from 1 April 2012 the licensing authority may receive significantly more applications due to the change to public entertainment licensing.

3. AUTHOR DETAILS

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