

ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE : 17 January 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Review of Public Entertainment Licensing

REPORT NUMBER: CG/11/163.

1. PURPOSE OF REPORT

To provide information to Members to enable them to reach a decision on the level of fee reduction to offer particular groups in respect of the public entertainment licensing regime.

2. RECOMMENDATION(S)

That the Committee:

- (1) adopts the definition of community, charity and voluntary groups as set out at paragraph 4.5 and
- (2) sets the level of fee reduction from 1 April 2012 for temporary public entertainment licences at 75% of the full temporary fee for community, charity, voluntary and religious groups.

3. FINANCIAL IMPLICATIONS

The application fees are set at a level to achieve cost recovery to the Local Authority. Any fee reduction for a particular group would therefore result in operating the public entertainment regime at a loss, unless offset by an increase in fees to non voluntary organisations.

4. BACKGROUND/MAIN ISSUES

4.1 At its meeting of 23 November 2011 the Committee resolved

- (i) to agree in principle to a fee reduction (administration/processing fee only) for charities and community groups;
- (ii) to instruct officers to report back to Committee on how the fee reduction could work

In terms of Section 12 and Paragraph 15 of Schedule 1 of the Civic Government (Scotland) Act 1982, (the 1982 Act) the licensing authority shall “charge such...fees as they may...determine...to ensure that...the total amount of fees...is sufficient to meet the expenses of the authority in exercising their functions under Parts 1 and 2 of this Act and this Schedule”.

The current application fees for a public entertainment licence are:

Application Type	Fee
Grant - 3 years	£695
Renewal	£530
Variation	£273
Temporary period up to 6 weeks	£324

- 4.2 There are currently 6 community, charity, voluntary and religious groups that hold public entertainment licences these are:

Licence Holder	Licence Expiry Date
Danestone Community Association	30 April 2014
Milltimber Community Association	28 July 2014
Ferryhill Parish Church	30 April 2014
St Andrews Cathedral Church	30 April 2014
Balgownie Community Centre	30 April 2014
Woodside Burgh Hall	30 April 2014

Between 2006 and August 2011, 156 applications for public entertainment licences have been received and processed by the licensing team. Of these 156 applications 21 have been received from the identified group. Total income for the 5 year period amounted to £81,380; £4,894 from community, charity, voluntary and religious groups.

It is anticipated that from 1 April 2012 the licensing authority will receive significantly more applications due to legislative changes to public entertainment licensing brought about by the Criminal Justice and Licensing (Scotland) Act 2010.

There are currently 41 community centres which are unlicensed and therefore it is reasonable to estimate at least 41 applications for the grant of a public entertainment licence from these premises. Based on a list provided by the Events Team (City Events – Events list 2011), the licensing team could potentially expect to receive 30 temporary public entertainment licence applications from community, charity, voluntary and religious groups.

- 4.3 Having examined the fee structures in Edinburgh, Glasgow and Dundee, all three cities offer a concession for charitable or non commercial events. The fees charged in these cities are set out below:

City	Grant/ Renewal/ Temp	Description	Fee Charged
Glasgow			
	1 year licence	Commercial operation depending on capacity	Various fees from £597 -£2513
	2 year licence	Commercial operation depending on capacity	Various fees from £1194 - £5007
	3 year licence	Commercial operation depending on capacity	Various fees from £1792 - £7520
	Temp	Commercial operation depending on capacity	Various fees from £598 to £7520
	1, 2 or 3 year or temp licence	Other commercial evens (including festival events or events with local community input or publicly subsidised events organised by local authorities)	£248 £447 £597 £248
	1, 2 or 3 year licence	Non-Commercial Events e.g. Galas	£124 £226 £298
	1 year licence	Community Based Organisations (Community Centres)	£27
Edinburgh			
	Grant/ Temp	Commercial Operation depending on capacity	Various fees from £849 -£8,480
	Renewal	Commercial depending on capacity	Various fees from £690 - £6366
	Temp	Charitable Organisation capacity <200	£106
Dundee			
	Grant /Renewal	N/A	£245
	Grant/ Renewal	Carnival Stall	£15
	Grant/ Renewal	Charitable Organisations	£5.00

The Committee may wish to offer a reduction at the following levels, 75%, 50%, 25% and 100%. The table below sets out the projected income loss per application based on current fee levels. These figures are for illustrative purposes only. It is proposed that any fee reduction be applied as at 1 April 2012.

Grant		
Fee Reduction	New Fee	Income Loss
Current Fee £695	N/A	0
25%	£521.25	£173.75
50%	£347.50	£347.50
75%	£173.75	£521.25
100%	£0.00	£695.00
Renewal		
Fee Reduction	New Fee	Income Loss
Current Fee £530.00	N/A	0
25%	£397.50	£132.50
50%	£265.00	£265.00
75%	£132.50	£397.50
100%	£0.00	£530.00
Temporary		
Fee Reduction	New Fee	Income Loss
Current Fee £324.00	N/A	0
25%	£243.00	£81.00
50%	£162.00	£162.00
75%	£81.00	£243.00
100%	£0.00	£324.00

- 4.4 The 1982 Act provides a scheme of licensing for public entertainment and affords the licensing authority a discretion as to which activities are licensed.

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.

Consideration has also been given to the possibility of varying the resolution to exempt community, charity, voluntary and religious groups from the requirement to obtain a public entertainment licence. However, the purpose of the legislative changes brought about by the Criminal Justice and Licensing (Scotland) Act 2010 was to allow licensing authorities to control large-scale public entertainments that are free to enter and authorities have discretion whether to licence events such as gala days or school fetes. Given the very wide range of activities involved and the rationale of the Act, which is the preservation of public order and safety and the prevention of crime, it is considered preferable to offer a reduced fee for specified groups. It is considered inappropriate, at least at this time, to vary the resolution. The effect of exempting any particular group from the licensing regime would be to remove it from the requirement to meet the safety standards expected to be met by other applicants.

As the main concern of Members relates to the fee impact on small scale charitable/voluntary events which tend to occur on a one off basis, it is considered appropriate from 1 April 2012 to reduce the temporary fee for such groups by 75%. It is considered appropriate to retain the grant and renewal fees at the full rate. This would encourage the use of the licences for the purposes for which they are intended. Any anticipated income loss will be accounted for in the fees report which is to come before Members for the purposes of setting the licence fees for 2012/2013.

- 4.5 In order to identify who is to qualify for a reduced fee it will be necessary for the Committee to define what is meant by community, charity, voluntary and religious groups.

Officers currently use a definition as set out in The Gambling Act 2005 (the 2005 Act) for the purposes of registering organisations for Small Society Lotteries. This definition uses the test of whether an organisation is non-commercial. An organisation is defined in that Act as non-commercial if it is established and conducted for

- charitable purposes (refer to appendix 1 for definition)
- for the purposes of enabling participation in, or supporting of sport, athletics or a cultural activity or
- any other non-commercial purpose other than that of private gain.

It is recommended that the Committee adopt the above definition to enable officers to easily identify these groups. For the avoidance of doubt it is proposed that “community” does not include “community centre”.

5. REPORT AUTHOR DETAILS

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Charities & trustee (Scotland) Act 2005

Definition of charitable purposes are—

- (a) the prevention or relief of poverty,
- (b) the advancement of education,
- (c) the advancement of religion,
- (d) the advancement of health,
- (e) the saving of lives,
- (f) the advancement of citizenship or community development,
- (g) the advancement of the arts, heritage, culture or science,
- (h) the advancement of public participation in sport,
- (i) the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended,
- (j) the advancement of human rights, conflict resolution or reconciliation,
- (k) the promotion of religious or racial harmony,
- (l) the promotion of equality and diversity,
- (m) the advancement of environmental protection or improvement,
- (n) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage,
- (o) the advancement of animal welfare,
- (p) any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.