

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	19 February 2019
REPORT TITLE	Review of Public Entertainment Resolution
REPORT NUMBER	GOV/19/181
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	9

1. PURPOSE OF REPORT

- 1.1 To present the review of the Resolution of venues and activities requiring a Public Entertainment Licence as a result of legislative changes and to seek approval of the updated Resolution for issuing for consultation

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 approve the updated Resolution for venues and activities requiring a Public Entertainment Licence as contained at appendix 1 and instruct the Chief Officer (Governance) to publish the terms of the proposed Resolution and invite representations in line with the statutory requirements as detailed at section 3.2.
- 2.2 instruct the Chief Officer (Governance) to report back to committee on 23 April 2019 with the results of the consultation exercise.

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 (the '2015 Act') repeals the existing mandatory requirement for theatrical performances to be licensed under the Theatre Act 1968 (the "1968 Act"). It also removes the exemption for premises licensed under the 1968 Act from the Civic Government (Scotland) Act 1982 (the "1982 Act"). This means that local authorities will be able to licence theatres under the public entertainment licence requirements contained in section 41 of the 1982 Act.
- 3.2 In order to include theatres under the Public Entertainment licensing regime the Committee requires to review the Resolution for venues and activities requiring such a licence. The proposed amended Resolution requires to be published in

a newspaper and representations invited within 28 days of the first publication of the notice. The Committee must then consider any representations before finalising the Resolution, at which point the finalised Resolution must be published in a newspaper with a note of the date on which it comes into effect. Such date must be no earlier than 9 months after the date of the Resolution.

3.3 Informal consultation was carried out with the regular consultees for Public Entertainment Licences to ascertain opinion on possible alterations to the Resolution. Those responses are attached as Appendix 2 to this report. A copy of the current Resolution for Public Entertainment Licences is attached as Appendix 1 to this report, with the changes suggested by the consultees marked in red italics.

3.4 Public Entertainment Licensing is a discretionary licensing regime and it is within the Committee’s remit to determine the venues and activities which fall to be licensed. As the Resolution requires to be amended to incorporate theatres following the legislative changes it is a good opportunity to review the whole terms of the Resolution and ensure that it remains fit for purpose. The Committee should consider the terms of the current Resolution and determine whether any of the current venues or activities listed are no longer relevant and whether any other venues or activities, in addition to theatres, should be added, taking into account the initial comments from consultees.

4. FINANCIAL IMPLICATIONS

4.1 There will be loss of revenue obtained via theatre licensing. As the Theatres Act is being repealed this is unavoidable. Some of this will be offset however by additional Public Entertainment licensing revenue if theatres are added to the Public Entertainment Resolution.

5. LEGAL IMPLICATIONS

5.1 If the resolution is not amended to include theatres then those premises will be unlicensed once the Theatres Act 1968 is repealed.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Loss of revenue from Theatre Licences.	M	Potential for increased revenue from Public Entertainment Licences.
Legal	Theatres could become unlicensed in the event the Public Entertainment	L	Regulated by other legislation in addition to licensing, such as Building Standards and Fire. Mitigated also by inclusion in

	Licence resolution is not updated.		the public entertainment licence regime.
Employee	N/A		
Customer	Holders of Theatre Licences will be required to apply for a different licence.	L	Application process is broadly similar. Current licence holders will be kept updated with the change in licensing requirements.
Environment	N/A		
Technology	N/A		
Reputational	Failure to licence theatres may attract adverse publicity.	L	Recommendation is to include theatres within Public Entertainment licensing.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	Updating the Public Entertainment resolution ensures licensing requirements on the grounds of public safety are kept up to date and relevant. Delivery of Primary Drivers of “Safe and responsible” and “Protected from harm”.
Prosperous Place	Updating the Public Entertainment resolution ensures that all events taking place in the city do so to the required standards. Delivery of Primary Driver of “Safe and resilient communities”.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	Ensure licensing requirements are fit for purpose.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required

Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

9.1 The Air Weapons and Licensing (Scotland) Act 2015

10. APPENDICES (if applicable)

10.1 Current Public Entertainment Resolution with suggested amendments.

10.2 Consultee responses.

11. REPORT AUTHOR CONTACT DETAILS

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