

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
EXEMPT	No
CONFIDENTIAL	No
DATE	23 April 2019
REPORT TITLE	Public Entertainment Resolution
REPORT NUMBER	GOV/19/228
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

To present the responses to the draft Public Entertainment Licence Resolution and to seek approval to publish the notice of the final Resolution and the date on which it will come into force.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 consider any responses received in respect of the draft Public Entertainment Licensing Resolution and agree the final Resolution for publication.
- 2.2 instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it is to come into force.

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 The draft Resolution was approved by the Committee on 19 February following informal consultation with the regular consultees for Public Entertainment applications. It was published in accordance with the legislative requirements on 12 March 2019 and representations were requested by 9 April 2019. The draft resolution was also recirculated to the previous consultees and advertised via the Council’s media channels. A copy of the draft Resolution is enclosed as Appendix 1 and a note of any representations is attached as Appendix 2.

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 and other venues/activities 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 Licence resolution is not updated.	L	Regulated by other legislation in addition to licensing, such as Building Standards and Fire. Mitigated also if included in 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 Published draft Resolution.

10.2 Consultee responses.

11. REPORT AUTHOR CONTACT DETAILS

Sandy Munro, Solicitor

Tel: 01224 523027

Email: alemunro@aberdeencity.gov.uk