

## INFORMATION NOTES FOR PUBLIC ENTERTAINMENT LICENCE

### (PERMANENT)

The purpose of these notes is to give some help to anyone applying for the grant or renewal of a Public Entertainment Licence. After you have had an opportunity to read these, if you need any further information or help, please contact **North Ayrshire Council, Licensing Office, Cunninghame House, Irvine KA12 8EE Tel. No. 01294 324305**. These notes set out how the application is dealt with by North Ayrshire Council as a licensing authority. They are not intended to give any interpretation of the law nor what your business requirements may be. You are recommended to discuss them with your own solicitor or adviser.

Public Entertainment licensing is dealt with in the Civic Government (Scotland) Act 1982 Section 41 and Schedule 1 of the Act. These notes give some information on this but you, or your solicitor, may not agree with this interpretation of what the Act says and so you should check out this information yourself.

### Temporary or Permanent?

If you are considering applying for a licence for a temporary event like a fairground, a circus or a show there is another application form and set of information notes designed to assist with such an event. This application is for a permanent building or premises. If you are in any doubt, or think you have the wrong application, please contact the Licensing Office, the details of which are shown above.

### What is a Public Entertainment Licence?

A licence is needed for the use of any premises as a "place of public entertainment". This means any place and that includes land for the following entertainment is being provided:-

**An open air pop concert**

**A large fete with one or more marquees for the public**

**A boxing, wrestling or other spectacle**

**An exhibition**

**Motor cycle scrambling**

**A circus**

**A fairground**

**A fireworks display**

**An ice rink**

**A swimming pool**

**A billiards, snooker and/or pool hall**

**An amusement arcade other than one licensed under the Gambling Act 2005**

**A musical, dramatic or other stage or floor or radio or television performance or activity**

**Dancing, a discotheque or amplified sound**

There are certain exemptions from this requirement and, for your information these are listed at the end of the notes.

### Notice of Application

The use of premises for this purpose may have an effect on other nearby properties. To make sure that people are aware of the application you **must display** a notice on the property for 21 days from when you submit the completed application form to the Licensing Office. Included with the application form is a Notice for display which you may wish to use. As you can see this notice must contain certain information:-

1. That an application has been made for a licence
2. Particulars about the type of licence which you have applied for  
Including the opening times applied for, details about yourself as

The applicant, the day to day manager or the company involved and the type of activities being proposed

3. The address of the property
4. The procedure for anyone to make an objection or representation about the application

The full details about these procedures are set out in Paragraphs 2 and 3 of Schedule 1 of the Civic Government (Scotland) Act 1982.

After you have completed the form you must display the notice at or near the premises for which the application is being made. There will be checks made to ensure that a notice is being displayed **where it can be read by the public**. You may put it in the window of the property but if, for example, the premises have roller shutters over the windows this means that the notice cannot be read after the building has closed and so you will not be displaying the notice as the Act requires. If the Notice is removed, defaced or obscured within that 21 day period you must replace it.

### **Certificate of Compliance**

A Certificate of Compliance is also included with the application. This is the form which you must complete and send in to the Licensing Office as soon as possible **after** the 21 days notice. The form cannot be submitted with the application as we would be concerned that the correct information had not been on the Notice. If you do not submit your Certificate of Compliance, or if, in the opinion of the Licensing Authority, you have not taken reasonable steps to protect the Notice and, if necessary, replace it or if the Licensing Authority considers that the Notice was not displayed in accordance with the legal requirements you may be required to display the Notice for a further 21 days. You must give details of the date of the Notice and the date of any replacement Notices.

### **Plans and documents required by the licensing authority**

In order to process your application form it is necessary to send with your application

- **Three sets of a scaled plan of the premises** on which are shown the location and number of fire exits, fire extinguishers, seating, stage etc., areas and details of emergency lighting.
- **Current insurance certificates** for the premises
- **A Public Liability Insurance certificate and a Fire Certificate for the premises**

### **Processing the application**

On receipt of the application with the fee, plans (if appropriate) and evidence of insurance the Licensing Office sends the application out to consultation with various bodies including Police Scotland and Strathclyde Fire and Rescue. If the application is to renew an existing licence and there are no adverse comments then it can be approved and granted by the Officers of the Licensing Authority. If the application is for new premises or a new licenceholder or if any adverse comments have been received during the consultation process then it must be dealt with by the Licensing Committee.

If considered necessary, the Licensing Committee may hold a Hearing. You will be invited to attend at that Hearing to present your own case. A minimum of seven days notice will be given and you will also receive a copy of any of the adverse reports received.

## Duration of licence

A “permanent” licence is granted for a three year period. If the renewal application for the premises is lodged **before the expiry of the current licence** then you can continue to operate under the expired licence until the renewal is granted or refused. A renewal cannot be processed if it is received after the expiry date as the licence will have ended and it will be necessary to apply for the grant of a new licence.

In cases where the licence applied for includes fairground equipment such as kiddie rides and these are permanently sited on land or in premises then the licensing authority requires that they be inspected annually. It does not appear equitable to the licensing authority that such a licence be granted for only one year but, at the same time, they must be assured as to the safety of the equipment. It has been decided that these licences will be granted for a period of three years and will be subject to annual inspection. This procedure is therefore reflected in the fee for such premises.

There is also provision for the revocation or suspension of a licence within the three year period, if for example, a condition of the licence has been breached. If the Licensing Committee is considering such action then a Hearing will be arranged which you will be invited to attend and you will also receive notice of the grounds of the complaint. You have a right to be heard on this before any decision is made.

## Fees

The Act places an obligation on the Licensing Authority to meet the cost of operating the licensing system from the fees paid. The fee must be paid when the application is lodged as it will not be dealt with until the fee is paid. It is also emphasised that the fee is for the processing of the application and not for the grant of a licence. Nor does payment of the fee guarantee that a licence will be granted and the fee is non returnable if a licence is refused or if the application is withdrawn.

The fee scale is

Public Entertainment Licence : Commercial (where this includes fairground equipment on a permanent site)	£620
Public Entertainment Licence	£320
Public Entertainment (Temporary event, fairground, circus)	£285
Public Entertainment (Temporary – major event)	£2,430 +

**These fees are not returnable if you decide to withdraw the application or if the licence is refused.**

## Exemptions from requirement to license

The following properties are exempt from the need to have a public entertainment licence:-

1. An athletic or sports ground while being used as such.
2. Premises which require a licence under Section 41A (indoor sports entertainment) while they are being used as an indoor sports entertainment premises.
3. An educational establishment while being used as such.
4. Premises belonging to or occupied by any religious body while being used wholly or mainly for a purpose connected with that body.
5. Premises licensed under the Theatres Act 1968: Section 1 of the Cinemas Act 1985 or Part 11 of the Gaming Act 1968.

6. Premises in respect of which there is a permit under Section 16 of the Lotteries and Amusements Act 1976 while being used in pursuance of the permit.
7. Licensed premises within the meaning of the Licensing (Scotland) Act 1976 in which public entertainment is being provided within the meaning of the 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.

On 20<sup>th</sup> March 2012 the Licensing Committee passed the following interim amendment to the resolution following a change to the Act.

Prior to 1 April 2012 activities only required a Licence if they involved the payment of “money or money’s worth”. This was changed on that date, so that anything inside the Resolution, **even if free or donation-based**, needed a Licence.

‘A place does not require a Public Entertainment Licence if:

- (a) it is either owned or operated by the Council (or both), or
- (b) all four of these conditions are satisfied:
  - (1) admission to the place is free of charge,
  - (2) there is no charge for the use of any facilities for entertainment,
  - (3) no donations towards the cost of the facilities or the costs of the place (such as rent, heating and lighting) are invited, and
  - (4) the function is held by a charitable, religious, youth, recreational, community, political or similar organisation.’