

Report

Report to:	Licensing Committee
Date of Meeting:	7 November 2007
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Amendment of Public Entertainment Licence Resolution - Deletion of Amusement Arcades
----------	--

1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider the amendment of the existing Public Entertainment Licence Resolution for licensing of categories of public entertainment by deleting the reference to “An amusement arcade or similar premises having machines for entertainment or amusement including video machines” as shown in Appendix 1

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the reference to “An amusement arcade or similar premises having machines for entertainment or amusement including video machines” be deleted from the current Resolution for licensing of categories of public entertainment and that the amended draft Resolution detailed in Appendix 1 be approved; and
- (2) that, in the event of there being no objections or representations to the draft Resolution, the District Court, Licensing and Registration Manager be authorised to approve the final Resolution.

3. Background

- 3.1. In terms of Section 41 of the Civic Government (Scotland) Act 1982, the Council previously resolved to include amusement arcades and similar premises in the categories of activity that required a Public Entertainment Licence. The licensing and regulation of the actual machines was dealt with separately in terms of various provisions of the gaming legislation.
- 3.2. The Gambling Act 2005 has recently come into force and has brought together and broadened the scope of the legislation covering premises that provide gambling facilities. Accordingly, it now appears an unnecessary duplication to require such premises to have a Public Entertainment Licence as well as being licensed under the 2005 Act.

4. Present Position

- 4.1. The current Resolution approved by the Council requires the following category of public entertainment to be licensed under Section 41 of the 1982 Act - “An amusement arcade or similar premises having machines for entertainment or

amusement including video machines". If Members approve the recommended amendment, then, in terms of the 1982 Act, an advert containing the amended Resolution, as detailed in Appendix 1, will be placed in local newspapers. Members of the public will have a period of 28 days to lodge any objections or representations, which, if received, must be considered by the Council before making the final Resolution. After that a further advert will be placed intimating the terms of the final Resolution.

5. Employee Implications

5.1. None

6. Financial Implications

6.1. None

7. Other Implications

7.1. None

8. Equality Impact Assessment and Consultation Arrangements

8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

Robert McIlwain
Executive Director (Corporate Resources)

16 October 2007

Link(s) to Council Objectives

♦ Living in the Community

Previous References

Licensing Committee, 21 August 2004

List of Background Papers

None

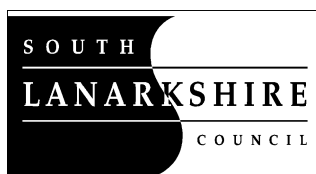
Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, District Court, Licensing & Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: teresa.stone@southlanarkshire.gov.uk



CIVIC GOVERNMENT (SCOTLAND) ACT 1982
LICENSING OF PLACES OF PUBLIC ENTERTAINMENT
DRAFT RESOLUTION

South Lanarkshire Council, under the powers of Section 9 of the Civic Government (Scotland) Act 1982, resolve that as from a date not less than 9 months from the date of this Resolution, the following categories of Public Entertainment, provision for the licensing and regulation of which is made under Section 41 of the said Act, shall require to be licensed and regulated in accordance with those provisions:-

- 1 A theatre, concert hall or music hall.
- 2 A dance hall or discotheque.
- 3 A skating rink.
- 4 A circus.
- 5 An exhibition of persons or performing animals.
- 6 A fairground or pleasure park. For the purposes of clarification, this specifically excludes gala days with a maximum of 2 children's rides).
- 7 A billiard, snooker or pool room.
- 8 A swimming pool.
- 9 Outdoor concerts or events within the whole area of South Lanarkshire (including without prejudice to the foregoing generality Christmas grotto type events).
- 10 Sports Centres.
- 11 Sports Barns.
- 12 Bungee Jumping.
- 13 Sauna and/or Sunbed Establishments.

South Lanarkshire Council, under the powers of Section 9 of the Civic Government (Scotland) Act 1982, resolve that as from a date not less than 9 months from the date of the making of this Resolution, that all Resolutions relating to Public Entertainment previously made are hereby revoked and that the above Resolution shall be in force throughout the South Lanarkshire Area.

Sandra Dickson
Head of Legal Services
Montrose House
Montrose Crescent
Hamilton