

Report

Report to:	Licensing Committee
Date of Meeting:	27 March 2018
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise members of proposed amendments to the existing resolution for licensing of places of public entertainment to include certain activities raised through public consultation as summarised in paragraph 3.2

2. Recommendation(s)

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

- (1) that the draft resolution for the licensing of places of public entertainment, as detailed in Appendix 1, be approved.

3. Background

3.1. At present a public entertainment licence is required for activities included in the current resolution. Current activities are:-

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 two children's rides. It also excludes fetes and events run purely for charitable purposes for which there is no charge for entry;
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). For clarification events run purely for the benefit of the community for which there is no charge for entry and no additional provision such as stalls, mechanical rides, bouncy castles, etc are excluded from this resolution;
10. Sports centres;
11. Sports barns;
12. Bungee jumping; or
13. Sauna and/or sunbed establishments.

- 3.2. In response to a routine consultation carried out with Police Scotland and Community and Enterprise Resources it has been requested that trampoline parks be included in the resolution. Police Scotland have also requested that soft play areas be included in the resolution. Due to concerns raised about bonfires in certain areas it is proposed that bonfires are now included in the resolution.
- 3.3. At its meeting held on 1 March 2017 the Licensing Committee approved the draft resolution. The final resolution was considered by the Licensing Committee on 21 June 2017 at which time the Committee requested clarification on certain activities to be included in the scope of the resolution.
- 3.4. As the terms of the Resolution are being altered with the addition of a new provision in relation to bonfires and/or firework displays, the process requires the Committee to consider a draft Resolution at this stage.
- 3.5. If the draft resolution is agreed and eventually made final this will mean any trampoline park, internal or external, or any facility with trampolines, soft play areas, bonfires and/or fireworks displays will require to apply for a public entertainment licence. For clarification temporary soft play areas/trampolines set up by toddler groups or other play groups are excluded from the definition.
- 4. Present Position**
- 4.1. In terms of Section 9 of the Civic Government (Scotland) Act 1982 (as amended) appropriate notice of any amendments to the public entertainment resolution will require to be given in the press for a statutory period of 28 days. Once that process has been completed, a further report requesting approval for the final resolution will be submitted to Committee.
- 5. Employee Implications**
- 5.1. None.
- 6. Financial Implications**
- 6.1. Operators of trampoline parks, both internal and external, soft play areas and bonfire and/or firework displays will require to apply to the Council for a public entertainment licence.
- 6.2. Advertising costs will be met from existing budgets.
- 7. Other Implications**
- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 7.2. There are no apparent implications in terms of sustainable development.
- 8. Equality Impact Assessment and Consultation Arrangements**
- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 8.2. A consultation has taken place with Police Scotland and Community and Enterprise Resources.

Paul Manning
Executive Director (Finance and Corporate Resources)

15 February 2018

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

Previous Reference

- ◆ Licensing Committee, 1 March 2017 and 21 June 2017

List of Background Papers

- ◆ None

Contact for Further Information

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

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

South Lanarkshire Council, by virtue of the powers conferred on them by Section 9 of the Civic Government (Scotland) Act 1982, RESOLVE and DO HEREBY RESOLVE to vary the following categories of Public Entertainment provision for the licensing and regulation of which is made in terms of Section 41 of the said Act, which from 2018 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 including without prejudice to the foregoing generality dog agility shows;
6. A fairground, pleasure park. For the purpose of clarification, this specifically excludes gala days with a maximum of two children's rides whether mechanical or inflatable. It also excludes fetes and events run purely for charitable purposes for which there is no charge for entry;
7. A billiard, snooker or pool room;
8. A swimming pool;
9. Bonfires and/or firework displays (for clarification this includes any bonfires and/or firework displays which members of the public may attend regardless of whether or not there is a charge for entry or run purely for the benefit of the community;
10. Outdoor concerts or events including without prejudice to the foregoing generality. Christmas grotto type events. For clarification events (excluding bonfires) run purely for the benefit of the community for which there is no charge for entry and no additional provision such as stalls, mechanical rides, bouncy castles etc are excluded from this resolution;
11. Sports Centres
12. Sports barns;
13. Bungee jumping;
14. Sauna and/or sunbed establishments;
15. Trampoline parks, both internal and external, which for clarification includes any permanent facility with trampolines; or
16. Permanent children's soft play areas set up by commercial organisations. For clarification temporary soft play areas set up by toddler groups or other play groups are excluded from the definition.

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