

# Report

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Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>21 September 2011</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Civic Government (Scotland) Act 1982 Licensing of Places of Public Entertainment</b>
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## 1. Purpose of Report

1.1 The purpose of the report is to:-

- advise members of an amendment to the existing Resolution for the licensing of places of public entertainment to take account of changes to the Civic Government (Scotland) Act 1982 introduced by the Criminal Justice and Licensing (Scotland) Act 2010
- streamline the activities which are now covered by separate legislation and, therefore, no longer require a Public Entertainment licence

## 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 “any place where on payment of money or money’s worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation ...” as long as these activities are included in the current resolution. Current activities are as follows:-

- 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 An amusement arcade or similar premises having machines for entertainment or amusement including video machines;
- 9 A swimming pool;
- 10 Outdoor concerts or events within the whole area of South Lanarkshire (including, without prejudice to the foregoing generality, Christmas grotto type events);
- 11 Sports centres;
- 12 Sports barns;
- 13 Bungee jumping; or

14 Sauna and/or sunbed establishments.

- 3.2 The Gambling Act 2005 now regulates establishments which were formerly regulated by way of a Public Entertainment licence. Consequently, there is no longer any requirement for certain activities such as amusement arcades to be included in the Council's Public Entertainment Resolution. It is, therefore, proposed to delete any reference to these from the current Resolution.
- 3.3 The Criminal Justice and Licensing (Scotland) Act amends the current provision so that the words "on payment of money or money's worth" are deleted.
- 3.4 This will mean that all forms of public entertainment referred to in the Resolution must hold a Public Entertainment licence before the event can take place. Therefore, it is proposed to amend the Resolution to specifically exclude "fetes and other events which are run for purely charitable purposes for which there is no charge for entry".
- 3.5 The amendment to the Civic Government (Scotland) Act 1982 comes into force on 1 April 2012.

#### **4. Present Position**

- 4.1 The current Public Entertainment Resolution requires to be amended to take account of the changes to the legislation and a proposed draft Resolution is attached as Appendix 1.
- 4.2 In terms of Section 9 of the Civic Government (Scotland) Act 1982, appropriate notice of any amendments to the 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 None.

#### **7. Other Implications**

- 7.1 The risk to the Council is that it fails to fulfil its duty to protect the public. 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 On the basis that the amendment merely seeks to maintain the status quo, no consultation was necessary.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

5 September 2011

**Link(s) to Council Objectives/Improvement Themes/Values**

- Improve Community Safety

- **Previous References**

None

**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

DRAFT RESOLUTION

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 that as from 1 April 2012 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 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. 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);
- 10 Sports centres;
- 11 Sports barns;
- 12 Bungee jumping; or
- 13 Sauna and/or sunbed establishments.

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