
Report To:	GENERAL PURPOSES BOARD	Date: 14 April 2012
Report By:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	Report No: LA/842/12
Contact Officer:	LINDSAY CARRICK	Contact No: 712114
Subject:	Civic Government (Scotland) Act 1982 Criminal Justice and Licensing (Scotland) Act 2010 Changes to Licensing of Public Entertainment	

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Board of changes in the legislation within the Civic Government Act 1982 relating to Licensing of Public Entertainment.

2.0 BACKGROUND

- 2.1 Section 41 of the Civic Government (Scotland) Act 1982 currently provides that "A licence, to be known as "a public entertainment licence", shall be required for the use of premises as a place of public entertainment. In terms of this section, "place of public entertainment" means 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".
- 2.2 Section 176 of the Scottish Government Criminal Justice and Licensing (Scotland) Act 2010 removes the words "for money or money's worth "from Section 41 of the 1982 Act which means that the public entertainment licence requirement will apply regardless of whether or not there is a charge for entry to premises providing public entertainment of for use of any facilities.
- 2.3 In terms of a resolution passed by this Licensing Authority in August 1983, a public entertainment licence shall apply to premises used for public entertainment with the exception of Educational Establishments and premises owned and managed by Inverclyde Council.
- 2.4 The Scottish Government's amendment to section 41 of the 1982 Act will take effect on 1 April 2012. However the Cabinet Secretary of Justice has only recently issued a letter setting out the Governments position and consultation with the public and interested parties is required before a proposed resolution can be brought to the Board.

3.0 RECOMMENDATIONS

- 3.1 That Members note the change in legislation.
- 3.2 That it be remitted to the Head of Legal & Democratic Services to report to the next scheduled meeting of the Board on the proposed terms of a resolution in respect of the scope of events requiring an entertainment licence.