

Municipal Buildings, Greenock PA15 1LY

Ref: LC

Date: 11 February 2013

I refer to the Agenda for the meeting of the General Purposes Board to be held on Wednesday 13 February at 3 pm and now enclose the report relative to Item 2 on the Agenda which was not available on the day of issue.

ELAINE PATERSON
Head of Legal & Democratic Services

Undernote

2. **Civic Government (Scotland) Act 1982**
Public Entertainment Licensing
Report by Head of Legal and Democratic Services

Enquiries to – **Lindsay Carrick**- Tel 01475 712114

Report To:	GENERAL PURPOSES BOARD	Date: 13 February 2013
Report By:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	Report No: LA/972/13
Contact Officer:	FRASER JARVIE	Contact No: 712121
Subject:	CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PUBLIC ENTERTAINMENT LICENSING	

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Board of the changes in the legislation within the Civic Government (Scotland) Act 1982.

2.0 BACKGROUND

- 2.1 A report was submitted to the General Purposes Board on 11 April 2012 advising the members of changes in legislation within the Civic Government (Scotland) Act 1982 relating to Licensing of Public Entertainment. A copy of the report dated 14 April 2012 forms Appendix 1 to this report. The report was submitted prior to the Local Government Election on 3 May 2012. APPENDIX 1
- 2.2 Part II of the Civic Government (Scotland) Act 1982 deals with the licensing and regulation of particular activities, Section 9 affords local Licensing Authorities the discretion to licence a range of activities including market operators, window cleaners, public entertainment among others. In order to add or amend the list of activities which require to be licensed, the Council require to make a Formal Resolution under Section 9 of the 1982 Act.
- 2.3 In terms of the Council's resolution passed in August 1983, premises used for public entertainment (even now free to enter) require a Licence with the exception of educational establishments and halls owned and managed by local authorities.
- 2.4 The resolution was adopted at a time when the law focused on events that charged, and there was no need for the Committee to consider events that were free and community based.
- 2.5 The effect of the change is to give Local Authorities discretion to control places of public entertainment whether free to enter or not. A number of places are however excluded under the existing legislation. These include athletic or sports grounds, premises licensed for alcohol or gaming, theatres and cinema and other categories.
- 2.6 Although there have been no concerns since the change in legislation it is now appropriate for the Board to update the relevant provisions regarding public entertainment licensing by amending the current resolution.
- 2.7 In terms of Section 9 of the Civic Government (Scotland) Act 1982 a Licensing Authority shall not make a resolution unless they have published in a newspaper circulating in their area the terms of the proposed resolution and advising members of the public that representations to the resolution may be made in writing to the Authority within 28 days of the first publication.

3.0 RECOMMENDATIONS /...

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Board note the change in legislation.
- 3.2 That the Board agree the following proposals to allow the Council's current resolution to be amended to exclude from the requirement to be licensed:
- (i) gala days, fetes and other similar small scale outdoor events of a community nature;
 - (ii) school fetes and similar school fundraising events;
 - (iii) fetes and similar fundraising events run by any religious body;
 - (iv) premises used for exhibitions of art work; and
 - (v) premises used for oral recitals including poetry reading and story telling.
- 3.3 That Board Members consider any other activities / events which may be included in the above and send their comments to the Depute Clerk within the next fourteen days.

Lindsay Carrick
Legal & Democratic Services

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.