

FALKIRK COUNCIL

**Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982; REVISION TO
NEW RESOLUTION**
Meeting: ENVIRONMENT & COMMUNITY SAFETY
Date: 18 August 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 At its meeting on 3 October 2007, Falkirk Council agreed to make a new Resolution in terms of Section 9 of the Civic Government (Scotland) Act 1982 (“the Act”). This report and other associated reports are attached as Appendix 1.
- 1.2 Societal changes in the period from when the Resolution was first promoted in 1983 prompted the promotion of the new Resolution in 2007 and new activities were included within the Resolution as optional activities that the Council would licence. A clear example of this was the review of activities covered under the category of public entertainment licence. It was considered that in the intervening years from 1983 to 2007 there had evolved certain activities that could not have reasonably been foreseen as an activity that would require a public entertainment licence. Such new activities included in the new Resolution in 2007 were bungee jumping and the use of bouncy castles.

2. BACKGROUND

- 2.1 In 2008 an application for a public entertainment licence was submitted on behalf of a proposed paintball operator within Falkirk and the matter was duly considered at the Civic Licensing Committee. The licence was ultimately refused by the committee but this decision was not appealed against. The Council’s position in respect of licensing of such an activity is now being challenged although the precise nature of the challenge has not been made clear and the matter was not tested in court. The Council’s position was and remains that the paintballing activity which was the subject of the application required to be licensed in terms of the 2007 Resolution. It is suggested, however, that it would be better if the matter were made clear in the Resolution to place the issue beyond doubt.

3. PURPOSE OF REPORT

- 3.1 In order to address the issues that this matter has raised, it is proposed that Members give consideration to revision of the Resolution by the insertion of a more specific category of activity – “Premises used for paintball games, laser display and games and airsoft games”, if satisfied that these activities should continue to require a licence

4. PROCESS

- 4.1 Prior to the Resolution being modified, the terms of the proposed modification, together with a notice stating that the Licensing Authority intend to make the modification and that representations about the modification can be made in writing to the authority within 28 days of the first date of publication of the notice, must be published in a newspaper or newspapers circulating within the licensing authority area. The licensing authority shall consider any representations made and make any alterations to the proposed modification in light of these representations, if appropriate.
- 4.2 As soon as the modified Resolution is made, the Licensing Authority will arrange for the terms of the modified resolution to be published in a newspaper or newspapers circulating in its area.

5. RECOMMENDATIONS

That Committee agrees:-

- 5.1 **to consider the option detailed in paragraph 3.1 in terms of the report and appendices; and**
- 5.2 **that should Members be minded to agree to the option detailed above, that it be recommended to Council to promote the proposed modified resolution and authorise officers to undertake the prescribed procedures to advertise the intention to make the Resolution and ingather any representation as detailed in this report; and**
- 5.3 **that officers report back on the outcome of these procedures with further recommendations.**

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Director of Development Services
Date: 10 August 2009

Contact Officer: **Bryan Douglas**, Licensing Co-ordinator (telephone 501013)

LIST OF BACKGROUND PAPERS

NIL