

FALKIRK COUNCIL

**Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982
CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010:
CHANGES TO THE LICENSING OF PUBLIC ENTERTAINMENT**
Meeting: CIVIC LICENSING COMMITTEE
Date: 18 April 2012
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Prior to 1 April 2012, section 41 of the Civic Government (Scotland) Act 1982 provided 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.” Place of public entertainment was defined as any place where, **on payment of money or money’s worth**, members of the public are admitted or may use any of the facilities for the purpose of entertainment recreation.”
- 1.2 On 1 April 2012 section 176 of the Criminal Justice and Licensing (Scotland) Act 2010 removed the words “for money or money’s worth” from section 41 of the 1982 Act. As a consequence this now 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.

2. DEFINITION OF PUBLIC ENTERTAINMENT

- 2.1 The use of premises for public entertainment is one of the optional activities for licensing under the 1982 Act. This authority continues to require such activities to be licensed to the extent set out in the resolution passed by Falkirk District Council in 1983 and subsequently amended from time to time. A public entertainment licence is required for the use of premises as places of public entertainment of the following classes:-

- (a) Public Halls and Community Centres;
- (b) Concert Halls;
- (c) Stadia or open spaces used for open air concerts, shows, displays or events ;
- (d) Dance Halls;
- (e) Discotheques;
- (f) Bowling Alleys, roller or ice-skating rinks, Go-Kart Tracks
- (g) Simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;
- (h) Billiard, snooker and pools halls;
- (g) Amusement Arcades;
- (h) Funfairs;
- (i) Circuses;
- (j) Premises licensed under the Licensing (Scotland) Act 1976 holding public entertainment outwith the hours permitted by the Licensing Board.
- (k) Premises used for paintball games, laser display and games and airsoft games

- 2.2 Until the recent change, free events falling into any of the above categories did not require a licence. This has given rise to some concern which has been discussed in the print and broadcast media. Concern has broadly focussed on two areas. The first of these concerned art exhibitions. As can be seen these are not licensed under the current resolution in this council area whether free or not. The second area of concern has related to community fetes and gala days. It is likely that such events would require to be licensed even where free under category (c). As free events did not previously fall under the licensing regime, it can confidently be stated that it was not the intention of the council that such event should require a license.

3. PROPOSED CHANGE TO RESOLUTION

- 3.1 In order to minimise the impact of this change, and to allow the newly elected council to address the issue at an early stage, it is proposed that a notice be published indicating the Council's proposal to exempt community gala days, fetes or similar uses of premises where no fee is charged from the requirement to be licensed. This necessary procedural step would be undertaken using my delegated power but the substantive decision would remain with members. As the proposal is to reduce the scope of the resolution, any such decision could come into effect on any date subsequent to the making of the resolution.
- 3.2 More broadly, this would be a reasonable point to look again at the whole scope of the resolution to consider whether it meets the needs of the 21st century having regard to the fundamental purposes of preventing crime, protecting the environment and promoting public safety. Officers will undertake such a review over the coming months and bring recommendations back to the relevant committee.

4 RECOMMENDATION

- 5.1 **Members are asked to note the terms of this Report.**

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Chief Governance Officer

Date: 11 April 2012

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LIST OF BACKGROUND PAPERS