

**FALKIRK COUNCIL**

**Subject: LICENSING OF PUBLIC ENTERTAINMENT  
EXEMPTION OF COMMUNITY EVENTS**  
**Meeting: FALKIRK COUNCIL**  
**Date: 20 June 2012**  
**Author: CHIEF GOVERNANCE OFFICER**

**1. INTRODUCTION**

- 1.1 It is open to local authorities to decide that the use of land or premises as a place of public entertainment requires to be licensed under the Civic Government (Scotland) Act 1982. This is done by way of a resolution under the 1982 Act which sets out the classes of place and types of entertainment requiring a licence. In this council area, designated classes of public entertainment have required a licence since 1983. Until April of this year, the need for a licence applied only to events where the public required to pay for entry or to participate in the entertainment. This change arose from an amendment to the 1982 Act by the Criminal Justice and Licensing (Scotland) Act 2010.

**2. ISSUE**

- 2.1 The effect of this amendment has been to draw free events into the licensing regime which previously would not have been affected. Of particular concern was the effect on events falling within the following class in the resolution:-

“Stadia or open spaces used for open air concerts, shows, displays or events”.

The concern was that this would require community fetes, gala days and other similar events which were free to the public to be licensed where this had not been the intention of the Council.

**3. THE PROPOSED SOLUTION**

- 3.1 As reported to the Civic Licensing Committee on 18<sup>th</sup> April, 2012, the means of avoiding this unintended consequence would be an amendment to the existing resolution exempting free community events. An advert has been published in the Falkirk Herald advising the public of the Council's intention to reduce the scope of the requirement to obtain a licence in relation to public entertainment by exempting community gala days and fetes and other similar events. The advert was a necessary procedural step before the Council could make a decision on whether or not to change the resolution. No representations have been received from the public in respect of the advert.
- 3.2 The section of the resolution dealing with public entertainment is appended to this report with the proposed amendment shown in bold.
- 3.3 If agreed, it is proposed that the amendment would come into effect on 21<sup>st</sup> June, 2012.

#### **4. POLICY CONSIDERATIONS**

##### **4.1 Equalities**

No differential impact has been identified in respect of any of the protected characteristics.

##### **4.2 Poverty Impact**

The proposal is consistent with the Council's Poverty Strategy. The fee for a temporary entertainment licence is currently £132. The requirement to pay such a fee could act as a significant disincentive to small community groups intending to arrange an event of the type which would require to be licensed but for the proposed amendment to a resolution.

#### **5. RECOMMENDATION**

- 5.1 It is recommended that the Council agree that the resolution be amended to the extent set out in the Appendix to the report and that the amendment have effect from 21 June 2012.**

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**Chief Governance Officer**

**Date: 5 June 2012**

**Contact Officer: Colin Moodie                      Ext . 6097**

#### **LIST OF BACKGROUND PAPERS**

NIL