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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
PUBLIC ENTERTAINMENT LICENCES**

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**1. SUMMARY**

- 1.1** There has been an amendment to the Civic Government (Scotland) Act 1982 in relation to public entertainment licencing. Prior to the amendment a public entertainment licence was not required for licensed premises within the meaning of the Licensing (Scotland ) Act 2005 in which public entertainment is being provided during the licensed hours within the meaning of the 2005 Act. This meant that where an occasional licence was in effect a public entertainment licence was not required.
- 1.2** From 1<sup>st</sup> November 2016 this provision has been amended so that the exemption is now only applicable to premises in possession of a premises licence within the meaning of section 17 of the 2005 Act. This will have an impact on voluntary organisations running events which previously would have only had to apply for an occasional licence. Now if voluntary organisations are running an event requiring a public entertainment licence, such as a dance, they will also have to apply for a public entertainment licence.

**2. RECOMMENDATIONS**

- 2.1** The Committee are asked to confirm their preferred option for charges applicable to voluntary organisations in relation to temporary public entertainment licence fees, as listed in section 3.4 below.

**3. DETAIL**

- 3.1** The licensing provisions of the Civic Government (Scotland) Act 1982 have been amended to restrict the exemption from public entertainment licensing requirements to specify that the exemption is only applicable to premises in possession of a premises licence within the meaning of section 17 of the 2005 Act. This would result in those in possession of an occasional licence no longer being exempt from public entertainment licensing requirements.

In terms of the Licensing Scotland Act 2005 a Licensing Board may issue in respect of any one voluntary organisation in any period of 12 months—

(a) not more than 4 occasional licences each having effect for a period of 4 days or more, and

(b) not more than 12 occasional licences each having effect for a period of less than 4 days,

- provided that, in any period of 12 months, the total number of days on

which occasional licences issued in respect of the organisation have effect does not exceed 56. The fee for an occasional licence for a voluntary organisation is £10.

- 3.2** The Council on 27<sup>th</sup> June 2014 agreed that no public entertainment licence fee would be payable for [following a recommendation of this Committee on 22<sup>nd</sup> May 2013] events (indoor or outdoor) where the event is organised by a formally constituted voluntary group based in Argyll and Bute.

In terms of the Council's resolution a public entertainment licence requires to be obtained in relation to a range of specific classes of entertainment namely:-

*Amusement arcades, boxing, wrestling, judo or similar presentations, circuses, concerts, dancing, discotheques, roller discos, fairgrounds, ice rinks and leisure centres (with audience accommodation) snooker or billiard halls, theatrical performances, video shows.*

When the Committee considered the issue of charging fees for applications for voluntary and charitable groups on 22<sup>nd</sup> May 2013 it was estimated 27 temporary entertainment licences were granted so the loss of income was estimated at £3375.

- 3.3** It is estimated that this amendment to the licensing regime will result in approximately 140 number of events run by voluntary groups now needing a public entertainment licence which if the current charging regime of no fee continues would lead to an income of £18,060 if fees were charged at the usual rate of £125.

- 3.4** In terms of the Civic Government Scotland Act 1982 the licensing authority requires to seek to ensure that the total amount of fees received by them is sufficient to meet the expenses incurred by them in carrying out the functions under the Act.

Members are asked to consider whether :-

(a) They wish to continue not charging a fee for events (indoor or outdoor) where the event is organised by a formally constituted voluntary group based in Argyll and Bute.

(b) They wish to amend the charging regime so that there is no fee for the first two events with subsequent events charged at £40.

(c) An alternative charging arrangement as identified by Members.

#### **4. CONCLUSION**

- 4.1** This legislative change will potentially have a detrimental effect on the capacity of voluntary organisations to hold licensed events. Members may determine that the fees payable by these organisations should be waived or reduced as detailed at section 3.4 above.

## **5. IMPLICATIONS**

- 5.1** Policy –potentially significant impact depending on option selected.
- 5.2** Financial – Options will result in reduced income to the Council.
- 5.3** Legal – Options may lead to breach of the statutory requirement for local authorities to ensure fees received are sufficient to meet the expenses incurred in exercising its functions as licensing authority.
- 5.4** HR – None identified.
- 5.5** Equalities – require assessment to assess potential impact on relevant groups.
- 5.6** Risk – potential financial and legal risks as detailed above.
- 5.7** Customer Service- if option selected is linked to significant change in current arrangements, consultation may be appropriate.

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December 2016

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