



To: Regulatory Functions Board

On: 2nd February 2023

Report by: Director of Finance and Resources

Heading: **Review of Public Entertainment Licensing Resolution: Final Procedure**

1. Summary

1.1 At a meeting of 10th November 2022, the Board agreed various recommendations in relation to a review of the Council's public entertainment licensing policies and practices.

1.2 In particular, the Board agreed, as suitable for advertising, a proposed new public entertainment licensing resolution, which would, if introduced, vary the Council's current resolution by removing certain classes of public entertainment from licensing. The Board also instructed officers to arrange publication of the proposed new resolution.

1.3 The purpose of this report is to advise the Board of the position following upon expiry of the 28 day period after publication of the advertisement and to recommend that the proposed new Resolution be made. The proposed new resolution, which if agreed by the Board will vary the terms of the existing one, is attached at Appendix 1, which also includes the further statutory notice which will require to be given.

2. Recommendations

It is recommended that the Board:

- 2.1 Resolve that, from 1st March 2023, the activities provided for in the proposed varied Resolution set out at Appendix 1 shall require to be licensed in accordance with the provisions of the Civic Government (Scotland) Act 1982 relating to Public Entertainment licensing;
- 2.2 Instruct officers to publish the terms of said Resolution in a newspaper circulating in the Council's area, together with a notice under Section 9(8)(b) of that Act, all as set out at Appendix 1; and
- 2.3 Otherwise note the terms of the Report.

3. **Background**

- 3.1 Under the terms of the Civic Government (Scotland) Act 1982 ("the 1982 Act"), the Council may resolve to license certain activities, including public entertainment. Where it decides to license public entertainment, it must specify the places or classes of public entertainment which require to be licensed. The Council has had in place a public entertainment licensing resolution for many years. The terms of the current public entertainment licensing resolution came into effect in 2013.
- 3.2 On 10th November 2022, the Board considered a report by the Director of Finance and Resources in relation to a review of this resolution. The Board agreed at the meeting the terms of a proposed new resolution to vary the existing one, as suitable for advertising, and instructed officers to advertise the proposed new resolution in a local newspaper. The proposed new resolution seeks to remove from the requirement for a licence: events in community halls; various other small-scale indoor events; local gala days and similar annual local community events, and premises used for dancing which are not exempt in terms of section 41(2) of the Civic Government (Scotland) Act 1982.
- 3.3 Following the Board's decision on the above date, an advertisement was placed in the Paisley Daily Express newspaper on 30th November 2022 publishing the terms of the proposed amended Resolution together with a notice stating that the Board intended to make the Resolution and that representations about that Resolution may be made in writing to the Council as licensing authority within 28 days from publication. No representations have been received in response.
- 3.4 The Board is now requested to resolve that, as from 1st March 2023, the activities provided for in the proposed varied Resolution, which is set out at Appendix 1 together with the required statutory notice to be given (if the Resolution is agreed), shall require to be licensed in accordance with the provisions of the Civic Government (Scotland) Act 1982 relating to public entertainment and shall be regulated by those provisions. As required by the Act, the Council must publish the terms of the Resolution and accompanying notice set out at Appendix 1, in a newspaper circulating in Renfrewshire, should the Board agree to make the proposed varied Resolution.

3.5 The proposed Resolution, if made, will come into effect on 1st March 2023 as set out within its terms, replacing the existing Resolution at that time. From that date, the classes of entertainment set out in the current Resolution but omitted or excluded from the proposed Resolution will no longer require a public entertainment licence. The Board, at its meeting on 10th November 2022, instructed officers to exercise discretion in relation to enforcement of these activities meantime, pending completion of the review.

3.6 The Board is entitled, before making a new resolution to take effect within the recommended timescale, to modify the proposed resolution provided that the modifications do not extend the scope of the licensed activities. It would not be open to the Board to modify the proposed Resolution to add new activities at this time, as no such proposals have been advertised. The provisions of the 1982 Act also require a period of nine months to elapse before any new classes of public entertainment could be brought within the ambit of public entertainment licensing following the making of a new Resolution.

Implications of the Report

1. **Financial** – As detailed in the report agreed by the Board on 10th November, although reducing the scope of the public entertainment licensing resolution would mean less licence applications being received, the Council currently processes a number of licence applications without receiving payment of an application fee. Any loss of income is not likely to exceed £2,000. This will be offset in terms of reducing the number of applications which are currently processed without payment of a fee.
There will also be costs necessarily incurred to advertise the final terms of the Resolution in a newspaper.
2. **HR & Organisational Development** – Nil
3. **Community Planning** –
Our Renfrewshire is thriving- Delivering improved regulation throughout all communities to facilitate cultural events and promote a positive image of Renfrewshire.
Our Renfrewshire is well- Enabling communities to influence the places that affect them and allowing people to connect to their communities.
Creating a sustainable Renfrewshire for all to enjoy- Empowering communities to provide sustainable services.
4. **Legal** – Part 2 of the Civic Government (Scotland) Act 1982 deals with licensing and regulation of particular activities. Section 9 of the Act affords local Licensing Authorities the discretion to license a range of activities including Public Entertainment. In order to add to or amend the list of activities which require to be licensed, the Council requires to vary its existing Resolution under Section 9 of the 1982 Act.

In terms of Section 9(8) of the Act, the Licensing Authority shall, as soon as they have made the resolution, publish in a newspaper or newspapers circulating in their area the terms of the Resolution together with a notice. An expedited procedure applies where, as recommended in the report, an existing licensing resolution is to be varied to reduce its scope, allowing the changes to come into effect on any specified date subsequent to the making of the resolution.

5. **Property/Assets** – Nil
6. **Information Technology** – Nil
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as those recommendations seek only to remove regulation from certain events. It is likely that any impacts will be positive, through facilitating local events, particularly in remote communities. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - Nil
9. **Procurement** – Nil
10. **Risk** - Nil
11. **Privacy Impact** - Nil
12. **Cosla Policy Position** – Nil
13. **Climate Emergency** – Nil

List of Background Papers- None.

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Appendix 1

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PUBLIC ENTERTAINMENT LICENSING

Notice is hereby given in accordance with the provisions of Section 9 of the above Act that with effect from the date specified below as that on which the below Resolution comes into effect it will be an offence under section 7(1) of that Act to do without a licence whatever this resolution specifies as being an activity requiring to be licensed.

Applications for licences for the activities set out in the below Resolution already require to be made in terms of the Council's existing public entertainment licensing resolution (along with other activities which will be removed from the licensing requirements from the date specified below) and considered by the Council as licensing authority. The requirement to apply for any licence under the terms of the Council's existing public entertainment licensing resolution will continue until the Resolution below comes into effect.

Resolution

Renfrewshire Council, by virtue of the powers conferred on them by Section 9 of the Civic Government (Scotland) Act 1982, do hereby resolve to vary the existing Resolution in respect of that optional provision of Part 2 of the said Act namely Public Entertainment Licensing in that, as from 1st March 2023, the said Resolution is varied and shall have effect within the whole of the area of Renfrewshire Council in so far as the particular activity as varied and referred to herein shall require to be licensed in accordance with the provisions of the said 1982 Act, as amended, and shall be regulated by those provisions, videlicet:-

The use of premises as a place of public entertainment in respect of the following places or classes of places, namely:-

- (a) Open air concerts,
- (b) Circuses,
- (c) Fairgrounds,
- (d) Large fetes with tented accommodation for the public (excluding any such fete organised by (i) a school, (ii) a church, or (iii) a voluntary organisation where such event is to take place within the grounds of said school, church or voluntary organisation),
- (e) Snooker, billiards and pool halls which do not have a liquor licence.
- (f) Video machine arcades (not otherwise regulated under the Gambling Act 2005)
- (g) Concert halls.
- (h) Premises used for fireworks displays.
- (i) Premises used for pop concerts or other live performances.
- (j) Premises used for variety and musical shows.
- (k) Premises used for paintball games.
- (l) Premises used for bungee jumping and bungee running.
- (m) Motor truck shows and displays.
- (n) Premises used as suntan centres or offering sunbed treatments.

BUT excluding the following activities:

- (1) events taking place within community halls;
- (2) indoor events held by local community or voluntary groups on premises and, *separatim*, indoor events of a charitable or philanthropic nature held on premises where, in either case, the capacity will not exceed 500 persons; and
- (3) Local gala days and similar annual local community events, except in relation to any fairground or fireworks display provided as part of the event (which will continue to require a licence in accordance with activities (c) or (h) above).

This Resolution replaces the Council's existing Resolution which will remain in force until the date this Resolution comes into effect. The exemptions numbered as (1) to (3) above shall apply from 1st March 2023.

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