

# CIVIC GOVERNMENT (SCOTLAND) ACT, 1982

## PUBLIC ENTERTAINMENT LICENCE

### INFORMATION FOR APPLICANTS

#### 1. Background

- 1.1 The Civic Government (Scotland) Act, 1982 introduced a new system for licensing certain activities which requires places used for public entertainment within Perth and Kinross to be licensed under Section 41 of the said Act.

#### 2. Licensing Requirements

- 2.1 A "place of public entertainment" is defined as "a place where on payment of money or money's worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation".

- 2.2 The Council has resolved that licences may be required in respect of the undernoted premises:

Educational Establishments (while not being used as such)	Bowling Alleys
Athletic or Sports Grounds (while not being used as such)	Leisure and Sports Centres
Church Halls (while not being used wholly or mainly for the purposes connected with the religious body owning or occupying the Hall)	Public and Private Halls
Amusement Arcades	Dance Halls
Community Centres	Discotheques
Ice Rinks	Proprietary Clubs
Roller Skating Rinks	Barn Dances
Shooting Galleries	Marquees
	Licensed Premises within the meaning of the Licensing (Scotland) Act, 1976 outwith the permitted hours within the meaning of the Act.
	Circuses/Fairs

while being used for the following classes of activities open to the public:

The playing of machines for amusement with prizes	Discos
The playing of video games	Roller Discos
Ice Skating	Dances
Ice Curling	Barn Dances
Roller Skating	Concerts
Shooting	Rock Concerts
Billiards/Snooker/Pool	"Acid House Parties"
Bowling	Circuses/Fairs

- 2.3 The Council may attach conditions to a public entertainment licence (a) restricting the use of the premises to any of the classes of function above, (b) limiting the number of persons to be admitted to the premises and (c) fixing the days and times when the entertainment may take place and may also impose any other relevant conditions.
- 2.4 The following types of premises are specifically exempted from the provisions of the Act and do not therefore require to be licensed:
- (a) an athletic or sports ground while being used as such
  - (aa) premises licensed under Section 41(a) of this Act for Indoor Sports Entertainment
  - (b) an educational establishment while being used as such
  - (c) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body
  - (d) premises licensed under the Theatres Act, 1968, Section 1 of the Cinemas Act, 1985 or Part II of the Gaming Act, 1968 (Bingo Halls)
  - (e) premises having a permit under Section 16 of the Lotteries and Amusements Act, 1976 while being used in pursuance of the permit
  - (f) licensed premises within the meaning of the Licensing (Scotland) Act, 1976 during the permitted hours
  - (g) premises where amusement with prizes machines are being provided for entertainment or amusement incidental to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

#### 3. How to apply for a licence

- 3.1 Application may be made for a three year licence, a one year licence or a temporary licence. The fee is £230\* for three years, £170 for a one year licence and £170\* for a temporary licence. A temporary licence may be applied for in respect of an individual event which will happen only once or may happen once every year, eg a barn dance. Application for a licence should be made at least six weeks in advance of the desired date on which the licence is to commence. It may not always be possible for applicants to take out a one year or a three year licence.

- 3.2 The attached application form should be completed in a ballpoint pen or typed. The application may be made in the name of (i) an individual, (ii) a voluntary organisation, management committee etc or (iii) a company, commercial organisation etc as appropriate. Applicants should complete either Section 1, Section 2 or Section 3 on the front page of the application form. All other questions on the reverse of the application form should be answered.
- 3.3 A Site Notice must be displayed for a continuous period of 21 days from the date of submission of the application. A copy of this Notice enclosed together with a Compliance Notice which should be completed and returned to the Council following the 21 day period stating that the requirements of the Site Notice have been met. A Site Notice is not required for an application for a temporary licence. A location plan and internal layout sketch plan showing the main accommodation including details of toilets, washing and kitchen facilities and any emergency exits should be submitted with the application.
- 3.4 Applicants require to hold Public Liability Insurance Cover in respect of the premises/event applied for and a copy of this policy should be submitted with the application. If this is not available at the time of application, it will require to be submitted prior to the application being approved.
- 3.5 The completed application form should be returned to Licensing Section of Corporate Services (Legal) at the Council at the address below together with:
- (i) the appropriate fee
  - (ii) location and internal sketch plans, and
  - (iii) a copy of the relevant Public Liability Insurance Policy.

The Compliance Notice should be returned once the Site Notice has been displayed for 21 days.

#### 4. Disposal of Applications

- 4.1 The consultees for a public entertainment licence are Tayside Police, Tayside Fire & Rescue, the Council's Director of Environment Services and the Director of Planning & Transportation Services. Each consultee will carry out their own enquiries and report back to the Licensing Section. If it is considered that any additional enquiries should be carried out, the applicant will be given notice of the nature of these enquiries and the results of them may be taken into account in coming to a decision on the application. Any objections to the application, either from one or more of the consultees or from any other source, eg a member of the public, will be reported to the Licensing Committee of the Council and the applicant will be given an opportunity to be heard by this Committee prior to a decision being reached in respect of the application.
- 4.2 The Council may consider an application for a public entertainment licence within three months of it being lodged and reach a decision on it within approximately six months. No functions for which a public entertainment licence is required should take place until a licence is issued.
- 4.3 The Council may impose any conditions on the grant of a licence which it considers reasonable. A licensee is entitled to seek variation of any of the conditions attached to a licence.
- 4.4 The Council may refuse a licence (a) if they consider that any person named on the application form is not a fit and proper person to be the holder of a licence, (b) where the premises are not considered suitable or convenient for the proposed activity and, (c) for any other good reason. When an application is refused there is a right of appeal to the Sheriff.

#### NOTE FOR APPLICANTS

WHERE ALCOHOLIC REFRESHMENT IS TO BE PROVIDED AT ANY EVENT,  
AN ADDITIONAL LICENCE MAY BE REQUIRED, DETAILS OF WHICH  
MAY BE OBTAINED FROM THE LICENSING SECTION.

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\* Please note that these fees are applicable to Community/Village Halls and venues with a capacity less than 200.