

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

20 JUNE 2017

Report by Chief Officer – Legal & Procurement

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SECTION 9 RESOLUTION UPDATE – PUBLIC ENTERTAINMENT
LICENCES

PURPOSE OF REPORT

1. For the Committee to authorise officers to review the categories of premises or types of events which require Public Entertainment Licences and to thereafter bring options to the Licensing Committee.

RECOMMENDATIONS

2. It is recommended that the Licensing Committee authorises the Chief Officer – Legal & Procurement to review possible options for updating the Section 9 Resolution presently in force and prepares a further report to the Committee with a view to the Committee choosing which options it would wish to take forward to public consultation.

FINANCIAL IMPLICATIONS

3. There are no direct financial implications for the Council. In terms of the 1982 Act, the application fee for licences should cover the cost of the Council's administration.

BACKGROUND

4. In terms of Civic Government (Scotland) Act 1982 ("the Act") there are a variety of licences which are optional. One of those optional licences is the Public Entertainment Licence.

5. A Public Entertainment Licence in terms of Section 41 of the Act is a licence required for the use of premises as a place of public entertainment which means any place where members of the public are admitted or may use any of the facilities for the purpose of entertainment or recreation but does not include certain premises listed in the Act.

6. Section 9 of the Act was drafted to give Licensing Authorities the greatest possible discretion in regulating on licensing matters. It makes Public Entertainment Licences an optional licence and it is for the local authority to

decide what activities should be licenced. The original resolution by the previous District Council, which now applies to East Renfrewshire Council authorised the following classes of premises as requiring a Public Entertainment Licence:-

- a. Open air concerts;
- b. Circuses;
- c. Fairgrounds for which an admission charge is made;
- d. Large fetes with tented accommodation for the public;
- e. Snooker, billiard or pool halls which do not have a liquor licence

7. Any class of entertainment activity which does not fall within the above categories does not require a licence. Whereas these were traditional types of entertainment within Council areas in the past, the variety and type of entertainment events have now changed making it desirable that the Council reconsiders the classes of premises or activities which require a licence.

RECOMMENDATION

8. It is recommended that the Licensing Committee authorises the Chief Officer – Legal & Procurement to review possible options for updating the Section 9 Resolution presently in force and prepares a further report to the Committee with a view to the Committee choosing which options it would wish to take forward to public consultation.

REPORT AUTHOR

Report by: Chief Officer – Legal & Procurement, Gerry Mahon,
Tel: 0141 577 3801 e-mail: gerry.mahon@eastrenfrewshire.gov.uk

Report author and further information from: Joe Abrami, Principal Solicitor,
e-mail: joe.abrami@eastrenfrewshire.gov.uk Tel: 0141 577 3012,

Licensing Committee Convenor Councillor Angela Convery,
e-mail: angela.convery@eastrenfrewshire.gov.uk Tel:

KEY WORDS

Civic Government (Scotland) Act 1982, Public Entertainment Licence, Section 9 Resolution.