

Civic Government (Scotland) Act 1982 Resolution – Public Entertainment Licence

A Resolution made by this Authority under Section 9 of the Civic Government (Scotland) Act 1982 in respect of the types of entertainment or premises that require to be licensed.



PARTICIPATORY ENTERTAINMENT

The Licensing Authority has resolved that the following types of entertainment or premises require to be licensed.

Health, Fitness & Beauty Facilities

Premises offering

- (i) gymnasium;
- (ii) sauna;
- (iii) sunbed; or
- (iv) massage facilities

unless those facilities are being provided for the purpose of medical treatment and such treatment is being provided under the supervision or direction of a registered medical practitioner and provided within a healthcare establishment.

Fairgrounds

Premises providing fairground, theme park or amusement park facilities

Other Premises

- Premises providing facilities for the purposes of dancing
- Ice Rinks
- Snooker, Billiard or Pool Halls
- Indoor / Outdoor Go-Karting Tracks

SPECTATOR ENTERTAINMENT

The Licensing Authority has resolved that the following types of entertainment or premises require to be licensed.

Performances

Performance of

- (i) Dance;
- (ii) Live Music (amplified or unamplified);
- (iii) Recorded Music; or
- (iv) a Play

taking place to an audience and for the primary purpose of entertaining that audience.

Exhibitions

The public exhibition of an object such as a painting, sculpture, drawing, installation or historic artefact.

Public Shows

Public shows and similar events such as Festivals, Fairs, Sporting Events, Circuses and Firework Displays held primarily for the purpose of providing entertainment.

A Public Entertainment Licence **shall not be required** for spectator based entertainment events that satisfy **all** of the following conditions:

- (a) the event is provided to an audience of no more than 500 persons at any one time and the organiser of the event takes appropriate steps to monitor and control capacity during the event; and

- (b) in planning and delivering the event the organiser takes cognisance of HSG195 - the Health and Safety Executive Event Safety Guide (also known as *the Purple Guide*) or any further additional or replacement guidance specified by the Licensing Authority; and
- (c) the organiser carries out a risk assessment of the proposed event and determines that no aspect of the event presents a high risk to the safety of spectators.

GENERAL EXEMPTIONS

A Public Entertainment Licence is not required for any form of “*Spectator Entertainment*” provided by an employer to their employees in the workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992

A public entertainment Licence is not required for any form of entertainment taking place within a School Hall or Church Hall.

DEFINITIONS

For the purposes of this resolution the following meanings apply:

“*Sunbed*” means any electrically powered device designed to produce tanning of the human skin by the emission of ultraviolet radiation (UV).

“*Healthcare Establishment*” means a hospital as defined by section 108 of the National Health Service (Scotland) Act 1978.

A “*Fairground*”, “*Theme Park*” or “*Amusement Park*” is a fixed or temporary site offering any or all of the following to the public for the purposes of entertainment on payment of money or money’s worth:

- (i) amusement device;
- (ii) arcade; or
- (iii) fairground equipment.

“*Amusement device*” means a ride or similar transportable structure entered by the public for the purposes of amusement (e.g. haunted house, arcade, tent and booth) and shooting galleries where hazardous projectiles are fired.

“*Arcade*” a structure housing games, stalls or other attractions.

“*Fairground equipment*” as defined by section 53 of the Health and Safety at Work etc Act 1974.

“*Performance of a Play*” means the performance of

- (a) any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role; or
- (b) any ballet given wholly or in part by one or more persons actually present and performing, where the performance takes place in a Premises that does not hold a Theatre Licence issued under the Theatre Act 1968.

“*Public Show*” means an event comprising of a series of exhibitions, demonstrations, displays or performances often provided in conjunction with participatory entertainment such as a funfair.

“*Sporting Event*” means any ticketed commercial contest, exhibition or display of any sport where “*sport*” includes:

- (i) any game in which physical skill is the predominant factor;
- (ii) any form of physical recreation which is also engaged in for purposes of competition or display;
- (iii) on or off road motoring events within the context of events authorised by regulations made under sections 13 and 13A of the Road Traffic Act 1988; and
- (iv) boxing or wrestling entertainment.

which is not otherwise licensed by an Indoor Sports Entertainment Licence or a safety certificate granted under the Safety of Sports Grounds Act 1975 or the Fire Safety and Safety of Places of Sport Act 1987 or taking place in an athletics or sports ground while being used as such.