

Guidance on Applying for a Public Entertainment Licence

Before lodging your application for Public Entertainment Licence please ensure that you have read the following guidance.



1. WHEN IS A PUBLIC ENTERTAINMENT LICENCE REQUIRED?

A Public Entertainment Licence is required where Premises are being used to provide Entertainment whether or not there is a charge (money or otherwise) for the Entertainment.

The Licensing Authority has resolved that the following activities constitute Entertainment within the Glasgow City Council boundary:

PARTICIPATORY ENTERTAINMENT

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

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 less 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.

The Council's Resolution on Public Entertainment is provided as an appendix to this document and includes definitions of the terms used above.

2. ARE THERE EXEMPTIONS TO REQUIRING A PUBLIC ENTERTAINMENT LICENCE?

The Licensing Authority has resolved the following exemptions to the requirement for a Public Entertainment Licence.

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

Section 41 of the Civic Government (Scotland) Act 1982 also provides statutory exemptions to the requirement to hold a licence, the main exemptions are:

- Premises that hold a Premises Licence issued under the Licensing (Scotland) Act 2005
- Athletic and Sports Grounds being used as such
- Premises that hold an Indoor Sports Entertainment Licence
- Educational Establishments being used as such
- Premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body
- Premises that hold a Theatre or Cinema Licence

3. WHO SHOULD APPLY?

The individual, company or organisation providing the Entertainment should apply for a licence using the application form for Public Entertainment Licence.

If a company or organisation applies for a licence they **must** provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises can name another individual as their day to day manager.

Potential applicants are advised to take their own independent legal advice if they are in any doubt as to who should be detailed on their application. In particular applicants should note that a day to day manager will be considered a joint licence holder and, should that manager leave during the currency of a licence, there will be implications for the licence.

4. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Public Entertainment Licence you must meet these minimum requirements

- Any individual named on the application form must be at least 18 years or age; and
- Any individual named as day to day manager must be able to work legally in the UK

4. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of three types of application.

If you do not currently hold a licence with this Council you can apply for the following:

Grant If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will **not be licensed** to carry on the Entertainment until the licence is granted.

Temporary You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will **not be licensed** to carry on the Entertainment until the licence is granted. If you are lodging a temporary application in respect of an event taken place on a specific date, your application must be lodged **no later than 12 weeks** prior to the event.

If you currently hold a licence with this Council you can apply to renew the licence before it expires.

Renewal **Your renewal application must be lodged no later than the expiry date of your current licence.** You cannot submit your renewal application more that six months before the expiry of the licence. As long as your renewal is lodged before the expiry of your current licence you can continue to operate whilst the application is being considered.

If you forget to renew your licence or are unable to do so due to unforeseen circumstances you should contact the Licensing Section as soon as you become aware your licence has expired.

5. HOW DO YOU APPLY?

To apply for a Licence you should complete the attached application form and submit it to the Licensing Section with the relevant fee. Your application must be accompanied by the required supporting documents set out in part 7 of the guidance.

AT OUR CITY CENTRE SERVICE DESK

Your application can be submitted in person at our:

City Centre Service Desk
45 John Street
Glasgow G1 1JE

From 5 February 2018 you can book an appointment online to submit your application at the Service Desk. Please be aware you will no longer be able to book your appointment via telephone. An appointment can be made using the following link. Please select 'Licensing' from the list of available options and choose 'Apply for a Licence' to schedule a suitable appointment.

<http://www.glasgow.gov.uk/booking>

Appointments are available Monday to Friday excluding Public Holidays. More information on making an appointment is available on our website:

<http://www.glasgow.gov.uk/licences/appointments>

We recommend that applications are lodged in person in order to ensure they are correct. Our staff will check your application and help you correct any mistakes. Please note our staff cannot complete the form for you.

You can ask someone to lodge the form on your behalf at the Service Desk; however, if the form requires to be amended, you must initial any changes before the form is accepted.

BY POST

You can submit your application by post to the following address:

Licensing Section
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

We do not recommend that you send a renewal application to us by post. If you do, you must ensure that it is lodged with us before the expiry date of your current licence.

6. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed in the Licensing Section Fees and Charges document (see link below); the amount you pay is dependent on the duration, the number of spectators admitted to the premises and the nature of the Entertainment. The fee is payable when the application is lodged and is non-refundable.

Applications lodged in person can be made by Cash, Cheque, Postal Order or Credit/Debit Card. Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Cheque and Card payments will only be accepted from the applicant. Cheques should be made payable to 'Glasgow City Council'.

A list of the fees and charges levied by the Council's Licensing Section can be found on our website:

<http://www.glasgow.gov.uk/index.aspx?articleid=2996>

7. WHAT DOCUMENTATION NEEDS TO ACCOMPANY THE APPLICATION?

You may need to provide additional documentation dependent on the type of application you are submitting.

Temporary /

Grant Application:

Six sets of plans showing the layout of the premises and drawn to a suitable scale (usually 1:100).

Renewal:

No additional documentation is required.

8. HOW WILL THE APPLICATION BE PROCESSED?

A 28 day consultation period begins on receipt of your application. For grant or renewal applications, any person can object to your application during the consultation period. For temporary applications, only the statutory consultees can provide comment.

For grant or renewal applications, on the day your application is lodged, you must display the relevant site notice (included in the application pack) at or near the premises for a period of 21 days. If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate or Compliance to the Licensing section to confirm the notice was displayed correctly. If you do not follow this part of the process, your application may be refused. Applicants for temporary licence are not required to display the site notice.

During the consultation period your application will be sent to the following:

Police Scotland	The Police may object or make a representation to the application if they do not consider you or anyone else named on the application to be a 'fit and proper person' to hold a licence. The Police may also charge you with an offence if you have made a false statement on your application form or failed to declare convictions.
Scottish Fire and Rescue	The Fire Authority who will provide the Licensing section with a report.
Building Control	The council's building control and public safety team who will provide the Licensing section with a report.
Environment Health	The council's environmental health team who will provide the Licensing section with a report.
Education	A notice of the application will be sent to the Council's Education Service who may make a comment to the application.
Local Councillors and Community Council	A notice of the application will be sent to the local Councillors and Community Council for the premises. The notice will provide details of the application and advise them of the last date for making an objection or representation.

Once the 28 day consultation period is complete, we will review your application.

If no adverse comments have been received, your certificate of compliance confirming display of the site notice has been returned and there are no other issues with your application, then it will be considered 'straightforward' and placed on a list of applications to be granted. We will then contact you, in writing, once the application has been granted.

If there is a problem with the application such as a police objection we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive a Recorded Delivery letter requesting your attendance at the meeting and explaining the reasons why your application is being called before Committee. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Committee's decision.

Applications for temporary licence are processed in a similar manner with the following differences:

- the consultation period can be less than 28 days;
- the members of the public cannot object or make representation to the application;
- there is no requirement to display a public notice at the premises;
- applications for events such as 'pop concerts' will also be passed to the Council's Resilience team and to the Scottish Ambulance Service for comment; and
- applications for events with audience in excess of 5000 spectators will be subject to a multi-agency approach. If you have not previously held an event in Glasgow for over 5000 spectators you should contact the Licensing Section directly before submitting this application.

9. HOW LONG WILL IT TAKE?

The Council is allowed nine months to consider your application but we aim to deal with all applications as soon as possible. It normally takes about 3 to 4 months to deal with most applications.

Applications which are not straightforward (e.g. Police Scotland object to the application) have to be referred to the Licensing and Regulatory Committee and normally take 4 to 6 months to process. This is due to the volume of applications that the Committee can consider at each meeting.

If you apply for a Temporary licence we will aim to process the application as quickly as possible but the application is still subject to the statutory process set out in section 8. If your application is for an event taking place on a specific date you should aim to submit the application as early as possible.

10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive a letter advising that your application has been granted. The letter will include your licence and explain any conditions or requirements you are subject to – for example the licence may have been granted subject to your compliance with Environmental Health conditions.

11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive a letter advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court (unless your application was for a temporary licence).

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained on written request to the Licensing Section within 28 days of the decision. The Council will give written reasons for its decision within 10 days of being requested to do so.

The Council cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

12. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?

Yes. There are standard conditions attached to all Public Entertainment Licences. A copy of these conditions is provided with this guidance. As a licence holder you will be expected to comply with every condition. Failure to do so could result in the Council suspending your licence.

OTHER FREQUENTLY ASKED QUESTIONS (FAQS)

HOW LONG DOES IT TAKE TO SUBMIT A FORM AT THE LICENSING SERVICE DESK?

The Service Desk is often very busy and you should expect to have to queue. It normally takes about 10 to 15 minutes to submit the application form and pay; this includes waiting times.

The peak times for the Service Desk are 10am to 11am and the lunch period of 12 Noon to 2pm. If you visit the Service Desk during these hours it may take longer to deal with your application.

As licences expire at the end of each month, the last few working days of the month can be very busy and lengthy queues are likely.

AM I GUARANTEED TO BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS?

No. The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merit.

MY LICENCE EXPIRES ON A WEEKEND OR PUBLIC HOLIDAY, WHAT SHOULD I DO?

Your licence ceases to have effect unless you lodge a renewal application on or before the expiry date shown on your licence. This applies even if the expiry date shown on the licence is a weekend or a public holiday such as 31 December. If you find yourself in this situation, ensure you lodge your application, at the latest, on the last working day prior to the licence expiry. A note of our Public Holidays is on display at the Licensing Section's office or available from the Council's website.

<http://www.glasgow.gov.uk/index.aspx?articleid=3741>

CAN I GET FURTHER INFORMATION?

Yes. If you have any further questions about the application process the Council's Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone or email.

Phone: 0141 287 5354

Email: LicensingEnquiries@glasgow.gov.uk

Appendix 1

Conditions attached to Public Entertainment Licence

- 1 The maximum number of persons to be admitted to the premises at any one time shall be determined by the Licensing Authority.
- 2 The premises shall be constructed and maintained to the satisfaction of the appropriate officials of the Licensing Authority and, where appropriate, Strathclyde Fire & Rescue, and shall not be altered without the consent of the Licensing Authority.
- 3 The Licenceholder shall not, without the consent of the Licensing Authority, operate the premises for any purposes other than that specified in his form of application for his Licence.
- 4 The premises shall only be open for business on such days and during such hours as determined by the Licensing Authority.
- 5 The Licence holder shall take all reasonable steps to ensure that flyposting does not take place to advertise events occurring on the premises. The Licenceholder shall ensure that all contracts/hiring agreements in regard to the use of the premises for entertainment purposes contain a requirement that the performers will not engage in or authorise any other company or person to engage in flyposting to advertise their performances.
- 6 If during the currency of the Licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.
- 7 The Licenceholder shall ensure that adequate and suitable provision is made for the storage and removal of refuse and other waste from the premises.
- 8 The Licenceholder shall ensure that publicity material advertising events occurring on the premises is not distributed in such a manner as to produce litter.
- 9 The Licenceholder shall keep records verifying the identity of all staff employed during the event and that such information shall be retained for a period of six months thereafter, and that all staff shall display an identification badge for the duration of the event.

Appendix 2

Resolution on Public Entertainment

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

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

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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 on 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.