

Public Entertainment Licence – What is Required?

A Public Entertainment Licence is required for the use of premises as a place of public entertainment. This means any place where members of the public are admitted or may use any facilities for the purpose of entertainment or recreation of any of the following types:

- (a) Concerts, plays, musical performances (whether live or recorded), dance performances, other performances, lectures, talks, festivals, dances, discos, raves and other such events whether indoor or open air; *
- (b) Sporting events unless they are held at an athletic or sporting ground which is intended for that specific type of event;*
- (c) Fetes, gala days and similar events;*
- (d) Fairgrounds or pleasure parks;
- (e) Highland games and agricultural shows;*
- (f) Shows or exhibitions;*
- (g) Circuses;
- (h) Exhibitions of performing animals;
- (i) Fireworks and bonfire displays;
- (j) Billiards, snooker, pool and other games;*
- (k) Indoor bowling;*
- (l) Paintball games, laser or war gaming and other laser displays;
- (m) Sunbeds, saunas, health clubs or gymnasias;
- (n) Indoor and outdoor go-karting;
- (o) Indoor skating rinks (including facilities for indoor roller skating and skateboarding) and ice rinks.*
- (p) Activities involving shooting, including but not limited to shooting ranges, archery or clay pigeon shooting;
- (q) Fisheries;*
- (r) Children's play centres;*
- (s) Trampolining; and
- (t) Indoor climbing.

If you intend to carry on any of these activities, or intend to arrange an event where any one or more of these activities will be on offer, then you are required to apply for a public entertainment licence in advance of doing so. It is an offence under Section 7(1) of the Civic Government (Scotland) Act 1982 to use a premises for public entertainment without a licence.

A public entertainment licence may not be required if the premises are already licensed under a different licensing regime. If you are in doubt about which regime applies you should contact the Council's Licencing Team for advice.

Exceptions

The Council is keen to ensure that a public entertainment licence is only required where necessary and that the licensing regime does not unduly impact upon events organised at a community level unless it is appropriate to do so in order to protect the public.

For the events or activities which are followed by a * above only, a Public Entertainment Licence is not required where **ALL** of the criteria (numbered 1-4 inclusive) below are met:

1. The event or activity is organised and held by any charity, religious, community, youth, sporting or other non-commercial group; **AND**
2. The event or activity is provided to an audience of fewer than 300 persons at any one time and the organiser of the event has in place and operates appropriate steps to monitor and control attendance during the event so that attendance does not exceed 300; **AND**
3. The event or activity is not commercial in nature and any charge for entry of money, money's worth or by donation is solely for the purpose of fundraising; **AND**
4. The event or activity does not involve the use of temporary enclosed or semi-enclosed structures such as tents and marquees, temporary raised structures, mechanical amusement rides, or inflatable structures.

If your event meets **ALL** of these 4 tests, you do not need to apply for a public entertainment licence. If you are in doubt whether an exemption applies, you should contact the Council's Licencing Team for advice.

Examples

1. A local scouts group wishes to organise a BBQ and picnic for scouts and their family members and proposes to charge a small entry fee to cover costs and raises funds. The BBQ will be held in the grounds of the scout hall or inside the hall if the weather is not kind. There are activities for children arranged including a bouncy castle. The organisers anticipate around 100 people will attend. Is a public entertainment licence needed?
 - a. Yes the scout group will need to apply for a public entertainment licence. This is because they will have a bouncy castle which falls under the definition of an inflatable structure. However, if the scout group did not have a bouncy castle then there would be no requirement for a public entertainment licence as the event is organised by a youth group, it will have under 300 participants, and any money charged will be towards fundraising and covering the scouts' costs.
2. A local literary society organises a lecture by a well-known author who is on a speaking tour. Initially the lecture is to take place in a venue with a capacity of 200, but due to demand the venue is changed to one with a capacity of 500. There is a charge for entry. Is a public entertainment licence required?
 - a. A public entertainment licence will always be required because there is a charge for entry i.e. it is a commercial event and not a fundraiser. This is the position irrespective of whether the event has 200 or 500 participants.
3. A local community council wishes to organise an exhibition of local artists' works in a village hall. There is no charge for entry. Does the community council need a public entertainment licence?

- a. No, as long as the number of participants remains below 300 and there are no tents, marquees, temporary structures, inflatables etc.
4. The local farming community wish to host their annual agricultural show and highland games. As well as animal displays there will be fairground rides and food stalls which will be in tents and marquees. There will be a charge for entry and there will be in excess of 300 people in attendance. Do they require a public entertainment licence?
- a. Yes. Highland games and agricultural shows require a public entertainment licence. The exemptions do not apply because of the number of expected participants, the presence of the fairground rides and the tents and marquees.