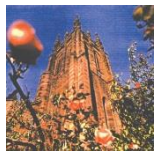


The New Public Entertainment Licence Resolution



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East Dunbartonshire Council

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Tonight's Agenda

- Overview of the PEL licensing system.
- What does the new PEL Resolution do?
- The Exemptions – what are they and how they work.
- Things you may always need – even if you are exempt.
- Excluded premises.
- The PEL fee review.
- The application process.
- Guidance and the drop-in day.
- Questions.

Overview of the Council's Licensing Role

- Civic Government (Scotland) Act 1982.
- Enforcement through the Civic Government Appeals Board.
- The Board conducts hearings in respect of PEL applications under the 1982 Act.
- The Board has the power to hear objections to applications and to grant, add conditions to or refuse a licence.

What is a Public Entertainment Licence?

- Introduced by the Civic Government (Scotland) 1982 section 41.
- A PEL is a licence required “**for the use of premises as a place of public entertainment**”.
- However it is in fact the **activity** that is important
- Allows the Council to pass a resolution detailing the types of activity that require a PEL.
- Allows the Council to make exemptions to the requirement to hold a PEL in certain circumstances.

The New PEL Resolution

- Came in to force on 10 February 2020.
- Intended to
 - Simplify and clarify the East Dunbartonshire PEL system;
 - Make the process more user friendly for all applicants;
 - Streamline the process for community and not-for-profit groups; and
 - Differentiate between commercial and non-commercial.

When Will a PEL be Required?

- The default position is that a PEL will be required for any of the activities covered by the resolution.
- Ascertain whether the activity you are organising is a regulated activity within the scope of the resolution.
- Check to see whether your proposed activity is a starred activity (*).
- If your proposed activity is not starred a PEL is required.
- If your proposed activity is starred, it is possible that a PEL may not be required if other conditions are met.

Potentially Exempt Activities *

Concerts, plays, musical performances (whether live or recorded), dance performances, other performances, lectures, talks, festivals, dances, discos, raves; *	Indoor skating rinks (including facilities for indoor roller skating and skateboarding) and ice rinks; *
Sporting events unless if held at an athletic or sporting ground which are intended for that specific type of event;*	Indoor bowling; *
Fetes, gala days and similar events; *	Fisheries; *
Shows or exhibitions; *	Children's play centres; *
Billiards, snooker, pool and other games; *	Highland games and agricultural shows. *

Activities That Will Never Be Exempt

Fairgrounds or pleasure parks;	Circuses; certain commercial music concerts.
Exhibitions of performing animals;	Fireworks and bonfire displays;
Paintball games, laser or war gaming and other laser displays;	Sunbeds ,saunas, health clubs or gymnasia;
Indoor and outdoor go-karting;	Activities involving shooting, including but not limited to shooting ranges, archery or clay pigeon shooting;
Trampolining;	Indoor climbing.

Some activities **will always require** a PEL due to inherent nature of that activity and the Council's requirement to regulate them e.g. karting, trampolining, circuses and fairgrounds.

The Exemptions to the Resolution

- Certain listed activities are **exempt** (marked with a *) where **all of the following 4 conditions are met:-**
 - the event or activity is organised and held by any charity, religious, community, youth, sporting or other non-commercial group; AND
 - 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

The Exemptions (cont.)

- 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

- The event or activity does not involve the use of temporary raised structures, mechanical amusement rides, inflatable structures, or temporary enclosed or semi enclosed structures such as tents and marquees excepting gazebos which do not exceed the size of 3 meters by 6 metres.

However...

- Bear in mind that even if your activity **does not** require a PEL, you **still** have to meet other obligations when organising your event such as:-
 - undertaking an appropriate risk assessment;
 - having an alcohol management plan if that is required;
 - ensuring that there is appropriate first aid cover;
 - making sure public indemnity insurance is in place; and
 - having a traffic management plan if that is required.

Excluded Premises

- Some premises are never required to hold a PEL.
 - an athletic or sports ground while being used as such;
 - an educational establishment while 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 holding a cinema or theatre licence; and
 - premises holding a gaming licence or a premises licence i.e. an amusement arcade with slot machines or a pub.

Fees.....

- Proposed change in the structure of fees to reflect the work involved in processing different types of application
- Changes also intended to help encourage community activity
- Proposed Categories
 - Temporary non-commercial licence;
 - Full non-commercial licence;
 - Temporary commercial activity;
 - Full commercial activity; and
 - Specialist events including funfairs, circuses etc. will always require a Full Licence.

Proposed New Licencing Fee Structure

TYPE	CURRENT FEE	PROPOSED FEE
Temporary Commercial	£44.72 (Temp or 1 day)	Dependent upon budget process
Full Commercial	£234.00 (Full – 1 year)	Dependent upon budget process
Temp Non-Commercial	£44.72 (Temp or 1 day)	Dependent upon budget process
Full Non-Commercial	£234.00 (Full – 1 year)	Dependent upon budget process
Funfairs/ Circuses / Fireworks	Temp 1 day event - £44.72. Event lasting a number of days (advertised) - £234.00.	Dependent upon budget process

The Application Process

- Focus on simplifying the process for community groups/not-for profit groups applying for a temporary or full non-commercial licence, application documents will only require to be submitted **once annually**.
- However, for each PEL application that is made within a one-year period, the group will be required to confirm that the relevant documentation is valid and still in force at the time of the application.
- Applications must be accompanied by layout plan, traffic management plan, alcohols plan etc. where appropriate.

The Application Process

- The Council will introduce the ability to apply and pay for a PEL online.
- The online process takes the applicant through the steps to determine whether a PEL is required.
- At present the application will still require a wet signature.
- Completed application forms can be printed off, signed and returned to a Council Hub.
- All applications must be advertised by display of a site notice for 28 days.

The Application Process - Timeframes

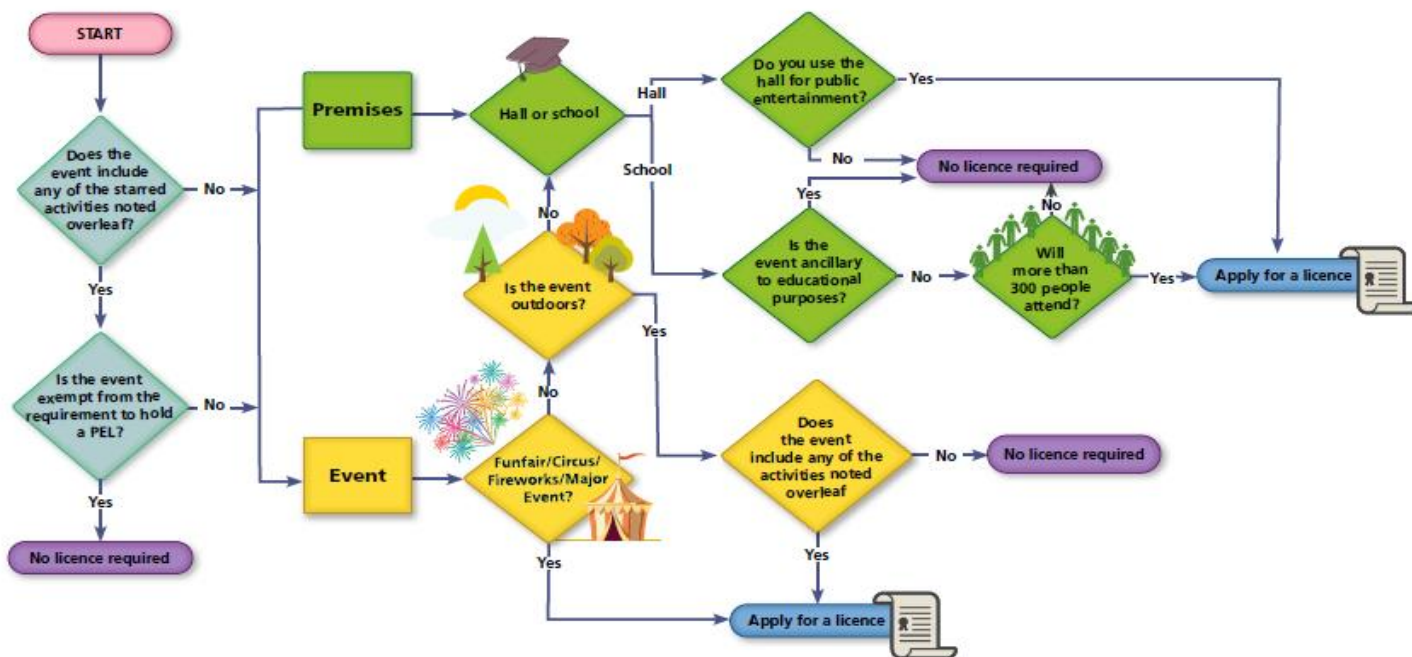
- Applications must be made as early as possible before the event.
- A minimum of 12 weeks is required to allow for consideration by all internal and external consultees.
- Any application received within 12 weeks of the event must be accompanied by a letter of good reason explaining why the application is late. Late applications may be received and processed where there is a good reason for it being late.
- Any application received within 28 clear days or less of an event will not be processed.

Guidance & Drop in Day

- The Council will publish online guidance on the PEL applications process.
- A drop in day will be held where individual organisations can come along and discuss their events with a licensing officer and provide copies of documents e.g. insurance certificates.
- A comprehensive flow chart to help determine whether a non-commercial organisation requires a PEL licence will be published online.

The Flowchart

Do I need a public entertainment licence?



Any Questions?

More Information

- If further guidance is needed then check online or contact the Council's Licensing Team.
- Website – details available from
<https://www.eastdunbarton.gov.uk/business/licensing-permits/public-entertainment>
- civic.licensing@eastdunbarton.gov.uk
- 0300 123 4510