

# PERTH AND KINROSS COUNCIL

## Licensing Committee

23 August 2018

### Licensing of Public Entertainment

#### Report by Head of Legal and Governance Services (18/259)

##### PURPOSE OF REPORT

To advise the Licensing Committee of the outcome of the statutory consultation process in respect of the decision of the Committee, at its meeting on 12 July 2018, to update the Resolution in respect of activities which are to be licensed as Public Entertainment and to approve the new resolution.

#### 1. BACKGROUND/MAIN ISSUES

- 1.1 The Council, as a Licensing Authority, regulates the licensing of Public Entertainment under the Civic Government (Scotland) Act 1982 ("the Act").
- 1.2 A public entertainment licence is required for the use of premises as a place of public entertainment. Section 41 of the Act originally defined a "place of public entertainment" as:
  - "any place where ***on payment of money or money's worth***, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation..."
- 1.3 Section 9 of the Act permits the Licensing Authority to vary a resolution previously made by it by passing a new resolution. The Committee, at its meeting on 12 July 2018, considered and approved the proposed resolution for the licensing of places of public entertainment attached at Appendix 1.
- 1.4 Before any proposed resolution can be passed, section 9(6) of the Act requires that the proposal be published in local newspaper, together with a notice stating (a) that the Council intends to make the resolution and (b) that representations in relation to the resolution may be made in writing to the local authority within 28 days of the first publication of the notice.
- 1.5 The proposal was published in The Courier on 19 July 2018. The period of 28 days has now passed and no representations have been received.
- 1.6 Once a final resolution has been passed, it must thereafter be published again in a local newspaper, along with a notice confirming that from the specified date it will be an offence to engage in activities detailed in the resolution without a licence. The specified date must be no sooner than nine months from the day on which the resolution was made.

## 2 PROPOSAL

- 2.1 It is proposed that the Committee approve the resolution for the licensing of places of public entertainment at Appendix 1. It is also proposed that the specified date will be 1 June 2019.

## 3 RECOMMENDATIONS

- 3.1 It is recommended that the Committee approves the resolution set out in Appendix 1 to this report.

### Author(s)

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### Approved

Name	Designation	Date
Lisa Simpson	Head of Legal & Governance Service	9 August 2018

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

The proposals set out in this report will support the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

#### Corporate Plan

The proposals set out in this report will support the delivery of the Corporate Plan in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

## **2. Resource Implications**

### **2.1 Financial**

The costs associated with the amendment of the resolution will be met from licensing fee income. The fee for licences will cover the cost of the administration of the licensing process.

### **2.2 Workforce**

A change in the resolution may see an increase in applications being received however staff workload will be managed should any additional workload arise.

## **3. Assessments**

### **3.1 Equality Impact Assessment**

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and are not considered to be relevant

### **3.2 Strategic Environmental Assessment**

Not applicable

## **4. Consultation**

### **4.1 Internal**

Health and Safety have been consulted and no adverse comments were received.

### **4.2 External**

If approved, changes to the resolution will be advertised and the public will have an opportunity to make representations.

## **5. Communication**

Not applicable

## **6. BACKGROUND PAPERS**

Not applicable

## **7. APPENDICES**

Appendix 1 – Draft Resolution.