

Public Entertainment Licence

Perth and Kinross Council operates a public entertainment licensing scheme and is administered by the Council's Licensing Team. The Team are able to provide general guidance on the scheme but cannot assist you to complete your application form or provide legal advice on whether a licence is required.

The law provides that where a public entertainment scheme is in operation a licence is required for the use of premises as a place of public entertainment. If you are in doubt as to whether a licence is required, you should ask yourself the following 3 questions –

1. Are the public being admitted to premises (including land) or allowed to use any facilities for the purposes of public entertainment and paying an admittance fee?
2. Is the type of entertainment offered included in the list of types of entertainment which requires a licence in Perth and Kinross?
3. Does one of the statutory exemptions apply?

You should seek legal advice from a solicitor or advice centre if you are unsure as to whether you require a licence.

What is the definition of a place of public entertainment?

A place of public entertainment is defined in section 42 of the Civic Government (Scotland) Act 1982 as "any place where, members of the public are admitted or may use any facilities for the purposes of public entertainment".

Which types of public entertainment require a licence from the Council?

The types of entertainment which require to be licensed differs from area to area. Perth and Kinross Council resolved that public entertainment licences are required for the use of premises or land within Perth and Kinross where members

of the public pay admission to or pay to use any facilities for the purposes of entertainment or recreation of the following kinds:

If the public entertainment is being held in the first list '**places of public entertainment**' and the activity falls within the second list '**activities**' then you will require a Public Entertainment Licence.

Places of public entertainment

- Community Centres
- Children's Activity Centres
- Public Halls
- Church Halls (when not being used for purposes connected with the religious body owning or occupying the hall)
- Ice Rinks
- Private Halls
- Educational Establishments (when not being used for the purposes of education)
- Leisure and Sports Centres/Grounds (when not being used for sporting purposes)
- Agricultural/Estate land whilst not being used for such
- Parks
- Proprietary Clubs e.g. Golf Clubs, Bowling Clubs (when not being used for these purposes)
- Licensed Premises within the meaning Licensing (Scotland) Act 2005
- Circuses/Fairground/s
- Theatres
- Marquees

Activities

- Dances e.g. Barn Dances, Ceilidh's, Disco's
- Fighting, e.g. Boxing/Cage Fighting or wrestling
- Concerts
- Ice Skating
- Activity involving inflatable structures
- Activity involving Assault courses
- Indoor/Outdoor play areas
- Equestrian activities, e.g. Show jumping/dressage, cross country
- Fairground ride/s
- Go-Karting
- Theatrical performances (plays, musicals etc.)

What premises are exempt?

- an athletic or sports ground while being used as such;
- premises in respect of which an indoor sports entertainment licence under section 41A of the Civic Government (Scotland) Act 1982 is required while such premises are being used for the purpose mentioned in that section;
- 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 licensed under the Cinemas Act 1985 or the Gambling Act 2005;
- premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect in which public entertainment is being provided during licensed hours within the meaning of that Act (for the avoidance of doubt premises operating under an occasional licence are no longer exempt); or
- premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

How do I apply for a Licence?

If you want to apply for a licence you must submit an application form along with the required documents and the appropriate fee.

You can apply for and pay for a Public Entertainment Licence online at <https://www.pkc.gov.uk/article/15629/Public-entertainment-licence>

Should you wish a paper application, please contact the Licensing Department by email at civclicensing@pkc.gov.uk or alternatively telephone the Licensing Department on (01738) 475180.

An application can be made for a temporary licence which is only valid for the event applied for, a one year or a three year licence.

Your application should be submitted together with all supporting documentation (list of documents to be submitted with the application can be found on the 'checklist' section of the application form) at least 8 weeks prior to the event. For larger events attracting large numbers of people we will require the application at least 10-12 weeks prior to the event.

All applications are copied to Police Scotland for mandatory background checks, Scottish Fire & Rescue Service, The Environment Service and Planning. We allow them 28 days to consider your application.

What is a Site Notice and a Compliance Notice?

A Site Notice must be displayed at the premises or site for a continuous period of 21 days, in a position where it can be easily read, from the date of submission of your application. This allows members of the public to object to the application should they wish. Once the 21 day period has lapsed, you must remove the Site Notice and complete and return the Compliance Notice to the Licensing Department. Copies of Site Notices and Compliance Notices can be found in the download section at <https://www.pkc.gov.uk/article/15629/Public-entertainment-licence>

Your licence will not be issued until the Licensing Department has received a completed Compliance Notice. This can be emailed to the licensing department at civiclicensing@pkc.gov.uk or alternatively can be sent by mail to the Licensing Department, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

How will my application be decided?

We have nine months in which to make a decision regarding your application however the majority of applications are determined within 6-8 weeks and applications which do not attract any adverse comments or objections are granted by the Head of Legal Services under delegated powers.

All other applications require to be referred to the Licensing Committee for a decision to be made to grant or refuse your application. You will be advised if your application is being referred to the Licensing Committee. The Committee

meets on a monthly basis and you will be sent notice of the date and time of the meeting at which your application is to be considered along with a copy of the report on your application. Meetings are held at 2 High Street, Perth and you or your representative will be given the opportunity to explain to the committee at the meeting why you consider your application should be granted.

If your application is refused by the Licensing Committee you may have a right of appeal against that decision and can request a written statement of reasons in relation to the decision from the Licensing Department, this must be done within 10 days of the date your application was refused. Appeals against decisions can be made to Perth Sheriff Court, information regarding the Sheriff Court is available from the [Scottish Courts](https://www.scottishcourts.gov.uk/) website and you should consult your own legal representative should you wish further information on how to appeal.

How do I make an objection or representation about a public entertainment licence application?

Any member of the public can make an objection or representation about a public entertainment licence application unless the application is for a temporary licence.

A guidance note explaining how an objection or representation can be made, can be viewed here <https://www.pkc.gov.uk/article/15590/Appealing-objecting-to-a-licensing-application->

How long will my licence be granted for?

Applications for permanent licences are granted for 1 year or 3 years. Alternatively, if your application is for a temporary licence, the licence will be granted for the duration you requested and can be from one day and for no longer than six weeks.

How can I apply to vary my licence?

If you are a current licence holder and wish to vary the types of public entertainment listed in your licence or the conditions of your licence you need to make a material change using the Material Change Application Form - [Material Change Application Form](#) and pay an administration fee. Please note that a separate application must be made for each licence which you wish to be varied. A list of fees can be found in the downloads section of this page.

Once your application form and fee are received a copy of your application will be sent to the Council's consultees for their comments. If there are no adverse comments received from consultees the licence can be varied by the Head of Legal Services using delegated powers.

However, if any adverse comments are received the application would then need to be referred to the next suitable Licensing Committee for a decision to be taken. If your application needs to go to the committee the whole process may take three to four months depending on how long it takes for the consultees to respond. If your variation application is referred to committee you will be invited to attend the meeting to explain to the committee why you consider your application should be granted.

What if my details change or I no longer wish to hold my licence?

You should notify us as soon as you can if your details change or any of the information given in your application becomes out of date due to a change in your circumstances.

If you no longer wish to hold your licence you can surrender it to the council at any time by returning your licence together with a letter stating that you wish to surrender it. If you surrender your licence it will cease to have effect.

Complaints about traders and licence holders

Complaints regarding licence holders may be made to the Licensing Department. These should be made in writing by email or letter providing full details of the

nature of the complaint. Complaints regarding unlicensed events should be made to Police Scotland by calling 101.

Guidance on Licensing Funfairs

The Scottish Government has published guidance on public entertainment licences in respect of funfairs you may find this a useful document to consult when applying for a licence <https://www.gov.scot/publications/civic-government-scotland-act-1982-guidance-public-entertainment-licences-respect/pages/2/>

LICENSING DEPARTMENT CONTACT DETAILS

Email civiclicensing@pkc.gov.uk

Tel 01738 475180

Address Licensing Department, Legal Services, Perth and Kinross Council,
Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

July 2021