

Civic Government (Scotland) Act 1982**Free to Enter Public Entertainment****Report by Director, Corporate Resources****1 Purpose of Report**

To seek guidance.

2 Background

With effect from 1 April 2012, Local Authorities have been empowered to licence Public Entertainment which is free to enter as well as for money or money's worth.

On 6 March 2012, the General Purposes Committee:-

- (a) considered Report, by the Director, Corporate Resources, concerning the changes in the legislation; and possible alterations to the approach taken by the Council. In his report, the Director discussed the effect of the amendment of the legislation in the context of the resolution made by Midlothian District Council on 2 June 1983, to license Places of Public Entertainment, namely, "Public dance halls, video machine parlours, billiards, snooker or pool halls, circuses, exhibitions of persons or of performing animals, fun fairs, variety / Musical shows, exhibitions relative to hypnotism, saunas, massage parlours, health clubs and gymnasia" where admission was gained by payment of money or money's worth; and the potential for consultation on this subject and more widely about other activities; and the suggestion that if the Council wish to regulate free to enter public entertainment events, the Resolution should be amended to clarify the position; and

(b) agreed that:-

- (i) The *status quo* prevail meantime at least until a body of evidence was amassed;
- (ii) The Officers be authorised to enter into public consultation covering the types of public entertainment that might be included (or excluded, as listed in the Appendix hereto) the kind of premises that ought to be licensed ie on the basis a report back to Committee towards the end of the year, as regards the terms of the existing resolution; and any exemptions to hold a licence; and

- (iii) In the meantime, it be remitted to the Director, in consultation with the Chair, to decide whether any borderline activities required to be licensed.

The current resolution includes the classes of premises shown in **Appendix 1** hereto.

3 Feedback from other Local Authorities

Preliminary consideration has been given to what other local authorities across Scotland have done or are doing. It has not been possible to obtain information about all. There is a divergence of opinion and application as to (a) whether an amendment to the resolution is necessary; and (b) which types of premises ought to be covered by the resolution. In some cases, categories have been added eg in South Lanarkshire, all aspects of the resolution have been reviewed and amended and, *inter alia*, the public entertainment activities shown in **Appendix 2** be added.

4 Resolution

The effect of any amendment to the resolution will not take effect for nine months if the terms of the resolution is extended; or one month if not.

5 Small Scale Free To Enter Events

Communications have been received which oppose the licensing of small scale free to enter events which are designed to encourage musical and other activity.

6 Conclusion

There is not a great deal of free to enter public entertainment activity in Midlothian that is run on a commercial basis.

The thrust of the Committee's previous deliberations was that for events eg Gala Week Activities, run by voluntary organisations which last for a short period ought not to be regulated. Equally, it seems that other temporary non – commercial events of less than six weeks should not be regulated.

The purpose of the legislation is to preserve public order and public safety and prevent crime.

The legislation provides that the regulatory function ought to be self financing ie income from fees, ec meet the cost of administering the regime.

7 Resource Implications

There are no resource implications arising directly from this report.

8 Resolution

In order to address the situation, it is necessary to consider amending the current resolution. Accordingly, Committee is asked to consider agreeing to recommend that the Council consider amending the resolution, as follows:-

“that the Council resolve and do hereby resolve to vary the terms of the resolution passed by the Midlothian District Council on 16 June 1983 to licence Disco dancing establishments; Premises with mechanical rides or simulators intended for entertainment or amusement; Concert Halls; Open air concerts or other events involving the erection of temporary stages; Open air concerts or other events where in excess of 100 persons are present; Clay pigeon shooting; Paintball; Sports or activities involving the transportation or propulsion of persons whether by mechanical or other means including gravity; Any exhibition to which the Hypnotism Act 1952 applies; Any activity involving inflatable structures; Any activity involving shooting; Archery; Indoor play areas for children; Wrestling; Cage fighting; Mechanical bowling alleys; and Premises used for laser displays or laser games”.

9 Recommendation

It is recommended that the Committee so recommend to Council.

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APPENDIX 1

Public Entertainment Activities

Currently these include:-

“Public dance halls, video machine parlours, billiards, snooker or pool halls, circuses, exhibitions of persons or of performing animals, fun fairs, variety / Musical shows, exhibitions relative to hypnotism, saunas, massage parlours, health clubs and gymnasia”

Premises that could be included:-

- Disco dancing establishments
- Premises with mechanical rides or simulators intended for entertainment or amusement
- Concert Halls
- Open air concerts or other events involving the erection of temporary stages
- Open air concerts or other events where in excess of 100 persons are present
- Clay pigeon shooting
- Paintball
- Sports or activities involving the transportation or propulsion of persons whether by mechanical or other means including gravity
- Any exhibition to which the Hypnotism Act 1952 applies
- Any activity involving inflatable structures
- Any activity involving shooting
- Archery
- Indoor play areas for children
- Wrestling
- Cage fighting
- Mechanical bowling alleys
- Premises used for laser displays or laser games

Possible activities which could be deleted

- Video machine parlours or other parlours with automatic or other machines intended for entertainment or amusement.
- Billiard, Snooker or Pool Halls
- Saunas
- Massage Parlours
- Health Clubs
- Gymnasiums
- Variety/Musical shows or performances

APPENDIX 2

- Indoor climbing centres.
- Health and Fitness.
- Laser displays and war games.
- Agricultural / Flower shows.
- Highland games.
- Go carting.
- Bungee jumping and bungee running.
- Bouncy castles or similar structures.
- Discos and dances.
- Sun tanning premises.
- Dry ski centres.
- Motor/Truck stunt shows and displays.
- Raves.
- Paintball games.
- Skate boarding.
- Vehicle stunt shows.
- Barn dances.
- Shooting galleries.
- Lectures, oral recitals including poetry reading, story telling and illustrated talks.
- Hot air balloon rides.
- Helicopter rides.
- Drive in cinemas.
- Parachute jumps.
- Historical/Military re-enactments and displays.