

**Civic Government (Scotland) Act 1982
Procedures for Considering Applications for Temporary Public
Entertainment Licences involving Council Property eg Public Parks**

Report by Director, Resources

1 Purpose of Report

To report back concerning a suggestion that Officers investigate the feasibility of introducing a streamlined, cost – neutral joint application process for both the let of the ground and Temporary Public Entertainment licences.

2 Background

On 1 October 2013, the Committee considered a report, dated 5 September 2013, by the Director, Resources, concerning an application for a Temporary Public Entertainment Licence by Mr A Newsome, Glasgow, which he had submitted on 13 August 2013 with the intention of operating from 14 to 17 August 2013 between 6.00pm and 10pm daily and also from 2pm on the Saturday.

In his report, the Director advised that:-

(i) the applicant had alleged that he had submitted an application in June (of which no trace had been found); and had not posted notice at the site for a period of 21 days to allow representations to be made; and it was a pre-requisite of such applications that permission to use the ground had to be assured and a missive of Let as regards use of the Park for this purpose had been issued on 1 August 2013;

(ii) the Police, Fire and appropriate Officers had been consulted on the basis of an incomplete application form which the applicant had been asked to complete but had failed to do so; the Police had objected to the grant of the application because of the lateness as it was not possible to process the application in time; and the Environmental Health Service had declined initially to comment but, later had confirmed that there was “nothing positive or adverse” to report;

(iii) there was no procedure which catered for the consideration of applications which were submitted so late and the receipt of an objection made it even more difficult; and it had not been possible to call a meeting of the General Purposes Committee to enable consideration of the application at a Hearing; and

- (iv) following consultation with the Chair and the Local Members, the application had been granted, subject to the standard conditions; and Mr Newsome and the Scottish Section of the Showman's Guild had been advised that in future, if an application for the let of ground was not submitted well in advance, the use of the facility would not be granted; and, accordingly, any application for a licence would not be capable of being processed.

The Committee agreed :-

- (1) To note the report;
- (2) To endorse the grant of the application;
- (3) To approve for its interest the proviso as regards the need for timeous notice; and
- (4) To ask Officers to investigate the feasibility of introducing a streamlined, cost – neutral joint application process for both the ground and the licence and report back.

3 Procedures for Processing Applications for Licences

The Procedures for processing applications are completely separate. The presumption is that the applicant will have secured the use of the ground prior to making application. Otherwise, the applicant may be involved in unnecessary expense. The application process for the licence necessarily has to comply with the legislation in order to enable the Council to defend any actions.

4 Disposal of Applications for Licences

In disposing of an application for the grant of a licence, the Council may:-

- (a) grant the licence unconditionally;
- (b) grant the licence subject to conditions; or
- (c) refuse to grant the licence.

The Committee may refuse an application for a licence if, in their opinion –

- (i) the applicant or any other person responsible for the management of the activity is not a fit and proper person to be the holder of the licence;

- (ii) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant of such a licence if he made application himself;
- (iii) where the application relates to premises, those premises are not suitable or convenient for the activity having regard to –
 - (i) the location, character or condition of the premises;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises;
 - (iv) the possibility of undue public nuisance;
 - (v) public order or public safety; or
- (iv) there is other good reason for refusing the application.

Otherwise the Committee must grant the application.

5 Procedures for Processing ‘Special Event’ in conjunction with Applications for Licences

The Land & Countryside deal with the initial enquiries from Funfairs, Circus and Galas and Events.

Advice is provided on potential suitable sites or comments and feedback provided on sites requested by organizers.

Checks and advice are provided concerning other events occurring over the month prior and after the dates provided by enquiries.

This includes Funfairs, Circuses, Galas and other local events. Also clashes with football pitch bookings and usage is also discussed and determined as many events need to be held on or encroach on the football pitches. The Land & Countryside section is also privy to planned pitch closure dates and any extensions to these dates.

The ground conditions and means of access and egress are also discussed and reassurance sought over methods of accessing sites with large lorries.

The Land & Countryside will also seek the initial views of local councilors to avoid those wishing to apply for licence potentially wasting time and money on pursuing bookings that are highly unlikely to get support.

Once a firm date and location have been determined applicants are prompted to apply for a formal licence.

Once the above issues have been addressed, organizers are asked to complete a 'Special Events' booking form and pay an administration fee. Organisers are then required to pay fees for the use of open spaces and provide a Surety. These payments must be paid at least 2 weeks prior to any event.

The Land & Countryside section then inspect sites prior to Funfairs or Circuses etc coming on to site with the operators and again when they are on site and once they leave.

At this time the number of shows on site will also be checked to ensure the correct fees have been paid.

Any complaints from the public will also be raised with organizers at these meetings as necessary.

6 Conclusion

From the licensing perspective, it is considered best that the two processes should be administered separately.

7 Recommendations

The Committee is recommended to note the terms of the report and take no further action.

15 May 2014

Contact Person: R G Atack **Tel No:** 0131 271 3161
Background Papers: File CG 10.1 (RGA)
Civic Government (Scotland) Act 1982.