

Briefing Note: Public Entertainment Licence

An amendment to Section 41 of Civic Government (Scotland) 1982 by the Criminal Justice and Licensing (Scotland) Act 2010



PUBLIC ENTERTAINMENT LICENCE: THE CURRENT POSITION

Premises in Glasgow providing certain types of Entertainment require a Public Entertainment Licence when there is a payment of money or money's worth for admittance to or use of the facilities in the Premises for the purposes of Entertainment.

The Council has decided that Premises providing the following types of Entertainment require a Licence:

- Dance Halls and Discotheques
- Exhibitions
- Fairgrounds
- Circuses
- Public Shows
- Ice Rinks
- Sunbeds
- Theatres
- Boxing, Judo and Karate Shows
- Snooker, Billiard and Pool Halls

FORTHCOMING LEGISLATIVE CHANGE

The legal requirements for a Public Entertainment Licence are set out in Section 41 of the Civic Government (Scotland) Act 1982.

Section 41 of the 1982 Act will be amended by Section 176(2)(a) of the Criminal Justice and Licensing (Scotland) Act 2010 on **1 April 2012**. The amendment will repeal the words "*on payment of money or money's worth*" from Section 41 of the 1982 Act.

WHAT IS THE EFFECT OF THIS CHANGE?

From 1 April 2012 premises providing any of the types of Entertainment specified above will require a Public Entertainment Licence even if there is **no charge** for the Entertainment or use of any facilities.

For example, the following types of Premises/Event will require a Licence from 1 April 2012

- Community Events such as Local Festivals
- Free Entry Museums and Exhibition Spaces
- Public Fireworks Displays

WHY IS THE CHANGE HAPPENING?

The Scottish Government has made this change because it believes that it is necessary for all public entertainment events, particularly large scale events, to be licensed even where there is no charge for entry or use of any facilities.

ARE GALA DAYS, CHURCH HALLS ETC STILL EXEMPT?

Yes. The Council has already decided that the following types of Premises/Events should be exempt from the requirement to hold a Public Entertainment Licence:

- Gala Days, Fetes and Outdoor Events of a similar small scale nature
- Church Halls
- School Halls

These Premises/Events will continue to be exempt after 1 April 2012.

There are also a number of exceptions set out in Section 41 of the Act from the need to hold a Public Entertainment Licence, for example, where certain other types of licence are already held such as a Cinema Licence or a Premises Licence (if the entertainment is being provided within the licensed hours set out in the Premises Licence).

IS IT ILLEGAL TO OPERATE WITHOUT A LICENCE?

Yes. In terms of Section 7 of the Civic Government (Scotland) Act 1982, it is a criminal offence to carry out an activity without the relevant Licence.

The maximum penalty is a fine of £20,000, six months imprisonment or both.

It is the responsibility of Strathclyde Police to enforce the requirement for a Licence.

CAN YOU ADVISE IF AN EVENT OR PREMISES WILL NEED A LICENCE?

No. The Council's Licensing Team can provide general guidance on the Public Entertainment Licensing process but they cannot provide legal advice.

Legal advice includes advice concerning the correct interpretation of legislation. Therefore, we cannot advise regarding the viability or legality of a business idea. If an individual, business or organisation is unsure of the legal requirements, it is up to them to obtain their own business or legal advice.

FURTHER INFORMATION

If you would like further general information on this legislative change please contact the Council's Licensing Team.

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