

GUIDANCE NOTES FOR APPLICANTS FOR

**PUBLIC ENTERTAINMENT/THEATRE/INDOOR
SPORTS ENTERTAINMENT LICENCES**

PUBLIC ENTERTAINMENT, INDOOR SPORTS AND THEATRE LICENCES – GUIDANCE NOTE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Public Entertainment Licence

This licence is required where you intend to have entertainment e.g. discothèques, ice rinks, dance halls, or other entertainment where members of the public are admitted and where payment for admission is charged. A full list of the premises or activities requiring a licence is available on the Council's website at www.aberdeencity.gov.uk/licensing. If you have a theatre or cinema licence you do not need to apply for a public entertainment licence. If you hold a premises licence issued under the Licensing (Scotland) Act 2005 you do not need a public entertainment licence if the entertainment being provided is during the licensed hours.

Where an application is for the grant or renewal of a licence in relation to an activity wholly or mainly to take place in premises, there is a requirement to display a notice at or near the premises for a period of 21 days. This is to alert the public to the application and allow them to make objections or representations if they wish. The notice is available to download on the website.

In the event of the application being for a temporary public entertainment licence, then there is no need to display such a notice.

Indoor Sports Entertainment Licence

This licence is required where premises are used as a place of public sports entertainment. Indoor sports entertainment means any sporting event to which the public are invited as spectators. The requirements are the same as those for a Public Entertainment Licence as referred to above.

Where an application is for the grant or renewal of a licence in relation to an activity wholly or mainly to take place in premises, there is a requirement to display a notice at or near the premises for a period of 21 days. This is to alert the public to the application and allow them to make objections or representations if they wish. The notice is available to download on the website.

THEATRES ACT 1968

Theatre Licence

These licences are required where it is intended to perform any "play" in public. A licence is required even if the performance is free. "Play" is defined in the Act as "any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role". This would include

a dance performance. A theatre licence is required in addition to any other type of licence.

Applying for a Licence

Applications for licences should be lodged no later than 8 weeks prior to the event taking place. This is to provide the Council with sufficient time to process your application. If you fail to lodge the application on time we may not be able to process it by your required date

Processing of Application

All applications are copied to the Chief Constable, Chief Fire Officer, Building Standards and Environmental Health Officers, with a request for their observations on the application. If no adverse reports are received, the application may be approved without the necessity of going to the Licensing Committee, otherwise the application will be considered by the Licensing Committee at one of their regular meetings. In this case you will be invited to attend or be represented.

Fire Risk Assessments

In accordance with the Fire (Scotland) Act 2005, the Chief Fire Officer as head of the fire enforcing authority, has a duty to monitor fire risk assessments carried out for premises. Primary responsibility for fire safety rests with owners of premises. It is likely therefore that the Chief Fire Officer will require you to carry out a fire risk assessment and in any event the Council will take into account his report on your application. If the premises are unsuitable in terms of fire safety this would be a ground for refusal of the licence.

Raised or Temporary Structures

If a raised or temporary structure is required in connection with a licence, it must be safe, serviceable at all times during its use, where necessary fire resistant, and comply with all statutory requirements including the Health and Safety at Work Act 1974. Further guidance and assistance on such matters is available from the Council's Building Standards Officers.

Disability Discrimination Legislation

All licence holders should have regard to the disability discrimination legislation when designing or adapting their premises. Where new premises are being constructed, a full disability audit should be first carried out.

Hygiene Requirement

Where food is to be delivered, stored, prepared or sold to or from premises, then the storage and preparation areas must comply with the relevant food safety legislation.

Health and Safety Requirements

Applicants must ensure premises comply in all respect with the Health and Safety at Work Act 1974.

Fairgrounds

If there is to be a fairground (that is more than one ride and/or fairground type of stalls) and the public are charged for its use, then the fairground organiser requires a public entertainment licence, even if all the proceeds go to the organising body e.g. the charity organising the event. The person who should apply for the licence is the operator of the fairground, that is, the person who is to be in actual charge of the rides, keeps all the money, the indemnity insurance is in his name, and he employs all the ride operators. In circumstances where rides are free, then no public entertainment licence is required. In this event, the organiser must ensure that a qualified engineer has inspected the ride and the appropriate insurance cover is in place.

Operators of fairgrounds must provide the Council with details of the proposed layout of the funfair, satisfactory copies of engineer's certificates of inspection of equipment, and public liability insurance before any licence can be issued.

Smoking

The premises shall comply in all respects with the provisions of the Smoking, Health and Social Care (Scotland) Act 2005 and the Associated Prohibition Of Smoking in Certain Premises (Scotland) Regulations 2006.

Use of Land

Where the premises consists of land, the applicant must ensure that suitable safe access and egress is available for the use of emergency service vehicles. Generally:-

- (i) all access roads should be a minimum of 4 metres in width;
- (ii) all access should be within 45 metres of the entrance to the building or tented structure;
- (iii) there should be a minimum of 4.5 metres in height clearance along the access route; and
- (iv) consideration must be given to the slope and condition of the ground in assessing whether they are suitable to allow the passage of emergency vehicles.

Open Air Events

Where open air events involving musical performances or the use of a public address system are contemplated, there must be prior consultation with the Head of Environment Services. The Council must have prior notification of name(s) of person(s) who will be available during all performances and responsible for ensuring any music or public address system is controlled so as not to cause a nuisance. Assistance and/or information on this can be obtained from the Environment Services.

Attendance Limits

The Council may set a limit on the maximum number of people to be admitted to the premises for any performance or event, depending on individual circumstances.

Storage of Inflammables

If it is necessary to store inflammables such as oil or gas at the premises, guidance on safety precautions should be sought from Building Standards Officers.

TECHNICAL INFORMATION ON SUITABILITY OF PREMISES

General Structure

The premises to be used must be generally structurally sound. They must in no way present any danger to persons frequenting the premises and must be capable of supporting the loadings imposed in a building of public assembly. Any scaffolding for staging, props or seating must be adequately designed and constructed for the loads to which they are to be subjected.

Exits

A minimum of 2 exits must be available from the premises. All exits must be independent of each other and must lead directly to a place of safety. Any stairways forming part of an exit should be separate from the rest of the building by a fire resistant enclosure and must be so constructed as to ensure safe means of egress from the building. Scenery, gathered refuse, props or any other material will not be allowed in exit passageways, as such matter may prevent quick, safe and effective escape.

Exit widths should normally be a minimum of 1100mm although a lesser width may be considered in some very limited circumstances, with the express permission of the Council.

All exit doors must open outwards in the direction of travel, to a place of safety and must not be secured by anything except panic bolts.

All exit doors must be indicated as such by an internally illuminated sign bearing the word "EXIT" designed and installed to British Standard 5499 : Part 4 : 2000. A separate lighting system must also illuminate the stage auditorium and all passages and stairways or other parts of the building to which the public are admitted and these systems must be kept lighted while the public are in the premises, in such a manner as to afford easy access to a place of safety. The system must comply with BS5266: Pt1: 1988. An emergency lighting system to be approved by the Council must be provided in case of failure of normal lighting.

Electrical Installation

All switchgear, lighting fittings, amplifiers, etc must be earthed and made inaccessible to the public. This also includes local light switches.

Only proper cable connectors may be used and only correctly rated cable may serve each piece of apparatus. This cable must be in serviceable condition. No cables may cross passageways or exit routes at ground level.

No twin flex may be used except for sound equipment.

The minimum size of cable to be use for emergency lighting system is 1.5mm.

Fuses of proper rating must be fitted to all systems.

Emergency lighting bulbs must be fitted with proper lamp-holders, that is bulbs shall not be soldered direct to cable ends.

Emergency lighting bulbs must be to a minimum of 4 watts.

An earthed leakage circuit breaker of 30 mAmp rating must be fitted to protect the circuits powering electrical equipment used on stage.

Any other matters can be discussed with technical officers prior to a licence being granted.

These notes are for guidance purposes only and are not to be considered as an exhaustive list of requirements. A copy of the Council's standard conditions is also available on the website, but the licensing authority retains the right to include additional conditions in particular circumstances.