



Shetland Islands Council
Civic Government (Scotland) Act 1982
Section 41

PUBLIC ENTERTAINMENT LICENCES
NOTES FOR GUIDANCE

These notes have been written to help you with the licensing application form and to draw your attention to some other things you may have to do in connection with your application. If you need any more help please contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk or come along Gutters Hut, 7 North Ness, Lerwick, Shetland, ZE1 0LZ.

The Civic Government (Scotland) Act 1982 (“the Act”) introduced compulsory licensing of certain activities and also the option to licence other activities. The Council resolved in 1997 (updated in 2013) to licence Public Entertainments, as noted below, so as to prevent crime, to preserve public order and safety and to protect the environment.

What is a Place of Public Entertainment

The Act defines a “place of public entertainment” as any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation.

The Council has resolved to licence the following places of public entertainment:

- Open air concerts;
- Displays, including fireworks and bonfire displays;
- Shows, exhibitions and sporting events, whether indoors or outdoors, at which an audience may be present;
- Fetes, regattas or shows with one or more marquees for the public;
- Circuses;
- Fairgrounds;
- Outdoor events with inflatable bouncy castles or other inflatables present
- Snooker/ billiard halls;
- Dancing, discotheques and roller discos;
- Ice rinks; and
- Amusement arcades

Exempt Premises

In accordance with the Act a public entertainment licence means any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation but does not include:

- (a) an athletic or sports ground while being used as such;
 - (aa) premises in respect of which a licence is required under section 41A of this Act (Indoor Sports Entertainment) while such premises are being used for the purposes mentioned in that section;
- (b) an educational establishment while being used as such;
- (c) premises belonging to or occupied by a religious body while being used wholly or mainly for purposes connected with that body;
- (d) premises licensed under the Theatres Act 1968, the Cinemas Act 1985 of Part II of the Gaming Act 1968;
- (e) premises in respect of which there is a permit under Section 16 of the Lotteries and Amusements Act 1976 while being used in pursuance of the permit;
- (f) licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during the permitted hours within the meaning of the Act;
- (g) 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; or
- [(h) Entertainment provided in Foula, Papa Stour, Out Skerries and Fair Isle.]

Conditions
The premises will be required to comply with the standards Conditions attached to these notes and which will form part of the Licence being granted. The Council may also add specific conditions on matters. This may include the times you may be open for entertainment and the number of people who may be admitted to the premises.
Who will be consulted?
All applications will be submitted to the Police for an opinion as to whether the applicant is a fit person to hold a licence and, where the activity is to be carried on in premises, the Fire Brigade will be asked for their opinion as to the suitability of the premises. The Infrastructure Services Department will also be asked for an opinion on the application.
What is the fee?
For the up to date fee contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk Fees must be paid along with the submitted application. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council".
Food Provision
Where food stalls are to be at an event, The Food Safety Act 1990 (as amended) and associated regulations must be complied with. Portable wash hand basins are available for hire (£20 each) and a Food Stalls Checklist is available. For further assistance please contact the Food Safety Team on 01595 745250 or foodsafety@shetland.gov.uk
Health & Safety Statement
A written statement of how you will arrange control measures to ensure employees and the public's Health & Safety will require to be provided. The details should include: <ul style="list-style-type: none"> - Person or persons responsible for Health & Safety planning and implementation - Qualifications/competencies of people undertaking work activities - Training of staff or attendants - Plant and equipment maintenance records - Written risk assessments of all activities - Arrangements for monitoring control measure
Risk Assessments
A risk assessment is nothing more than a careful examination of what, at your event, could cause harm to people, so that you can weigh up whether you have taken enough precautions to make sure that no one gets hurt. A risk assessment should include: <ul style="list-style-type: none"> - Look for the hazards - Decide who might be harmed and how - Evaluate the risks and decide whether the existing precautions are adequate or whether more should be done - Record your findings - Review your assessment and revise it if necessary. <p>The amount of detail required in a risk assessment will vary greatly depending on the type of premises or event. There are also many ways in which the assessment can be recorded, however in all cases, keep it simple!</p>
Electrical, Mechanical & Gas Safety
For temporary outdoor events the certificate from the qualified person will require to confirm that the electrical installation will be completely and safely installed under his/her supervision prior to the public being allowed access to the site. An application should also be accompanied by a copy of any relevant statutory certification required in respect of pressure vessels, lifts or other mechanical equipment used on the premises. If there is a gas installation on the premises the applicant will require to provide certification of inspection by a CORGI registered person qualified to inspect the equipment certified. Such certification will require to indicate that the installation complies with statutory gas safety requirements.

Where events include the provision of moving equipment or machinery such as fairground rides the applicant will require to provide a certificate of fitness from an independent and suitably qualified person.

PLANS

An application for licence in respect of a building should be accompanied by a plan of the premises. A floor plan and site plan should be provided.

No person shall give a performance of a public show, fair or circus without the written consent of the Council and without providing a layout plan of the activity to a scale of not more than 1:50 to include the seating arrangements, width of gangways, fire exit positions and widths, safety lighting and its method of operation, also firefighting equipment and any other relevant details.

Floor Plan

The floor plan and accompanying documentation should show details of the following:

	Location of exit signs
	Location of fire exits, entrances, openings and stairs
	Fire-fighting points
	Toilet accommodation – giving number of appliances for each sex and disabled persons
	Fixed or temporary seating arrangements
	Stage areas and construction
	Temporary structures
	Modular demountable staging
	Kitchen or catering areas including bar areas
	Disabled viewing gallery
	Position of structural components, poles and guy ropes etc.
	Lighting points including emergency lighting
	Drinking water points
	Floor specification and make up
	Location of generators and power supplies

Site Plan

The Site Plan should show details of the following:

	Parking provision
	Position of footpaths or private roadways within the site (include details of one-way systems)
	External lighting points
	Site of any LPG or fuel storage areas
	Location of overhead or temporary power lines or cables
	Position of fire points, hydrants or water supplies
	Emergency access for fire appliance
	Pedestrian access routes
	First aid and medical points
	Perimeter and barrier fencing
	Toilet accommodation and soakaway
	Any lighting, sound or stage structures or towers
	Location and types of fairground rides and amusements
	Event control points
	Animal housing areas
	Dangerous animal housing or display areas
	Motor vehicle race areas

STANDARD LICENCE CONDITIONS

LICENCE

1. The premises shall be used only for those specified kind(s) of entertainment or recreation as approved by the Council and as detailed in the licence.
2. The number of persons admitted to the premises at any one time shall not exceed the number specified by the Firemaster.
3. The premises may be open for the purposes of the entertainment or recreation detailed in the licence only on the specified days and at the specified times.
4. The licence holder shall display his licence at all times at the specified premises so that it can be clearly seen by members of the public.
5. The licence holder shall keep his licence at all times clean and legible and shall exhibit it on demand to any authorised officer of the Council or Police Officer.
6. The licence holder shall not in any way alter, erase or deface this licence, and shall when reasonably required, produce it for examination by any authorised officer of the Council or Police Officer.
7. The licence holder shall not lend or allow any other person to use his licence

PREMISES

8. The licence holder shall ensure he has sufficient staff to supervise the running of the premises and for compliance with the requirements of the Firemaster, Police and authorised officers of the Council.
9. Any requirements of the Scottish Fire & Rescue Service shall be complied with and adhered to during the currency of this licence.
10. The licence holder shall ensure that:
 - (a) all exit routes are kept free from obstruction and that the exit doors are not locked or fastened to prevent them from being easily and immediately opened by persons leaving the premises; and
 - (b) all equipment installed as a precaution against fire shall be maintained in efficient working order and not obstructed or covered over.
11. The licence holder shall ensure that to the satisfaction of the Infrastructure Services Department:
 - (a) suitable and sufficient sanitary accommodation is provided;
 - (b) all parts of the premises and all fittings therein are kept clean; and
 - (c) suitable and sufficient means of heating and ventilation of the premises is provided.
12. The licence holder shall maintain in force at all times adequate and sufficient third party liability insurance for the above premises.
13. The electrical installation at the premises should be tested and certified annually. In premises where the socket outlets from the electrical installation may be used for the connection of any sound, lighting, or video amplification equipment the premises shall, as a minimum requirement, be fitted with and protected by 13A Double Pole Residual Current Device (earth leakage circuit-breakers) of 30 milliamps sensitivity with advanced circuitry made to BS4293:1983 and/or BS EN 61008-1:1995.

LITTER AND NOISE

14. The licence holder shall at all times keep the premises used for the purposes of public entertainment in a clean and proper condition to the satisfaction of any authorised officer of the Council.
15. The licence holder shall collect and remove any paper, garbage or other refuse which may be

produced or which may accumulate in the course of the entertainment or recreation at the premises.

- 16 The licence holder shall provide in his premises containers for waste material of a number and type approved by the Council.
- 17 The licence holder shall not at any time use for the purpose of advertising his business any loudspeaker or other device so as to give reasonable cause for annoyance to persons in the vicinity. In the event of a complaint of nuisance occurring, an authorised officer of the Council may take necessary action to stop the nuisance.
- 18 The licence holder shall ensure that the public entertainment is conducted in such a manner so as it does not give rise to nuisance or disturbance from fumes, smell, noise or any other cause to local residents or members of the public. The licence holder shall ensure that no noise is emitted from the premises which cause nuisance or disturbance to local residents. In the event of a complaint of nuisance occurring, an authorised officer of the Council may take necessary action to stop the nuisance.
- 19 The licence holder shall ensure that there is no mass release of balloons during the event in order to reduce the environmental impact of the event.

FOOD

- 20 The licence holder shall ensure that any premises or stalls selling food complies with the Food Safety Act 1990 (as amended) and associated regulations.

GENERAL

- 21 The licence holder shall comply with any reasonable order or instruction given by a Police Officer or authorised officer of the Council:
- (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises;
 - (b) in connection with any emergency or disturbance (including an order or instruction to close the premises for a limited period); or
 - (c) on any occasion where such officer in his discretion may consider it necessary in the public interest to give such an order or instruction.
- 22 If the licence holder changes his address he shall, within fourteen days thereafter, give notice thereof to the Council and produce the licence to the Environmental Health Department who shall endorse thereon the particulars of such change of address.
- 23 If the premises cease to be used for the entertainment or recreation detailed in the licence, or if the licence has expired, the licence holder shall, within seven days thereafter, give notice thereof to the Council and deliver this licence to the Environmental Health Department at which time the licence shall be deemed to have been surrendered in terms of Paragraph 13(1) of Schedule 1 to the Civic Government (Scotland) Act 1982.
- 24 No person shall give an exhibition, demonstration or performance of hypnotism without the written consent of the Council.
- 25 The licence holder must notify the Council as soon as is reasonably practicable of any material change in circumstances affecting the licence holder, or licensed use, including any particulars referred to on the application for a grant or latest application for renewal of a licence.

ANIMAL CONTACT

- 26 All animals naturally carry a range of microorganisms, some of which can be transmitted to humans. This may cause ill health, which in some cases may be severe or life threatening.
- You must provide information signs at areas where visitors may come into contact with animals to

indicate where hand-washing facilities are located and to advise that visitors should wash their hands after contact with animals. Cleansing wipes or anti-bacterial gels are not an acceptable substitute for proper hand washing.

The industry code of practice 'Preventing or Controlling Ill Health From Animal Contact at Visitor Attractions' provides guidance and can be found at: <http://www.face-online.org.uk/CodeofPractice>