



COMHAIRLE NAN EILEAN SIAR

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT LICENSING

Why do I need a Licence?

- (1) The Civic Government (Scotland) Act 1982 introduced compulsory licensing of certain activities and also the option to licence other activities. The Comhairle resolved in June 1983 to licence places of public entertainment.

What is a place of public entertainment?

- (2) A Public Entertainment Licence (PEL) is required where Premises are being used to provide entertainment whether or not there is a charge (money or otherwise) for the entertainment.

Some premises are exempt from requiring a Public Entertainment Licence. Section 41 of the Civic Government (Scotland) Act 1982 details these exemptions. The main ones are:

- (a) premises that hold a Premises Licence issued under the Licensing (Scotland) Act 2005
- (b) athletic and sports grounds being used as such;
- (b) educational establishments 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;

What conditions will be applied?

- (3) The main conditions are attached to the application form and will form part of the licence which is granted.

Why do I need to post a notice on the premises to be used?

- (4) The Act specifies that where an application relates to a licence for an activity which is wholly or mainly to be carried on in premises then a Certificate has to be provided to the Comhairle that a notice has been posted on the premises for a period of at least 28 days giving details of the date the application was made to the Comhairle for a licence and various other details of the activity to be carried out.

Who will be consulted?

- (5) All applications will be submitted to the Police, Fire Rescue Services and Development Department for their comments.

When do I need to renew my licence?

- (6) The annual indoor or outdoor licence is for a period of 1 year and the licence will therefore need to be renewed 12 months after the date it was granted. Indoor Seasonal Licences are for a period of 6 weeks and cannot be renewed.

Application Procedure

- (7) You are required to sign and date the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined.

What do I do next?

- (8) You should complete the attached application form for a licence and submit it to the Licensing Office. As soon as your application is submitted you should post a notice on the premises in the style attached. You should attempt to keep that notice on display for a period of at least 28 days and try and ensure that it does not become defaced or destroyed during that period. When the 28 day period has expired you should complete the Certificate of Posting of Notice and send it to the Licensing Office at the address shown.



COMHAIRLE NAN EILEAN SIAR

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE

This form when completed should be sent to the Licensing Office, Comhairle nan Eilean Siar, Sandwich Road, Stornoway, HS1 2BW.

This form should be completed in typescript or in block capital letters using **black ink**.

PERSONAL

ANSWER SECTION 1 OR 2 and ALL other Sections

SECTION 1 To be completed by individual applicants

(a) Mr/Miss/Mrs*

Surname:

Forename(s):

(b) Home Address

Business Address

(c) Telephone Number

Daytime:

Evening:

E-mail address

(d) Date of Birth

Place of Birth

SECTION 2 To be completed by Committees /Partnerships

(a) Name of Committee or Partnership

(b) Address of Principal Registered Office

Daytime Telephone Number

E-mail address

(c) Names, private addresses and dates of birth of Directors, partners or other persons responsible for its management e.g. Officer Bearer of the committee

Name(s) _____ Private Address _____ Date of Birth _____ Telephone No. (day time) _____

(d) Full name, address and date of birth of employee or agent to carry out day-to-day management of the activity

Name _____ Private Address _____ Date of Birth _____ Telephone No. (day time) _____

SECTION 3 To be completed by all applicants

(a) Name (if any) and address of premises and/or location for which a licence is required (hereinafter called 'the premises')

(b) Is the event a travelling event and is due to take place in more than one location in the Western Isles?

If yes please supply address of other locations and event dates. (NB separate application for a public entertainment licence will be required for each location).

(c) Are you applying for an **annual indoor**, **annual outdoor** or **occasional licence**

(d) If occasional licence applied for please state date(s) required.

If occasional licence applied for please state whether the event or events held **include use of a temporary raised structure such as a stage or platform** for use by an audience or for performers?

(Tick one box)

YES	
NO	

Note: This does not relate to existing fixed stages that are an integral feature of the building.

(e) Specify days and times when it is proposed the premises will be open for the purposes of the said kind(s) of public entertainment or recreation.

Days of Week:

Hours:

MONDAY	<input type="text"/>	Between and
TUESDAY	<input type="text"/>	Between and
WEDNESDAY	<input type="text"/>	Between and
THURSDAY	<input type="text"/>	Between and
FRIDAY	<input type="text"/>	Between and
SATURDAY	<input type="text"/>	Between and
SUNDAY	<input type="text"/>	Between and

(f) Maximum number of persons proposed to be admitted to premises at any one time?

If number is 100 or more, a seating plan must be attached to this application form.

SECTION 4 Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form ever been convicted of any crime or offence? Please note that any foreign conviction should be declared.

Name	Date	Court	Offence	Sentence

Although you are not required to disclose any convictions which are 'spent' in terms of the Rehabilitation of Offenders Act 1974, the Police may raise an objection on the basis of spent convictions and the licensing authority may decide to consider these if they are thought relevant to your application.

If you think a conviction is 'spent' you should seek independent legal advice. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction will be reported to the Procurator Fiscal with a view to prosecution.

(a) Has any party named in 1 or 2 above previously held or currently hold a Public Entertainment Licence?

(Tick one box)

YES	
NO	

(b) If YES, which authority granted the Licence?

What was its reference number?

When was it granted?

When did/does it expire?

(c) Has any party named in Section 1 or 2 above ever applied for and had a Public Entertainment licence refused, revoked or suspended?

(Tick one box)

YES	
NO	

If YES, when and which authority refused, revoked or suspended the licence?

SECTION 5

What type of event are you applying for? (Tick all that apply)

Indoor Events

Meetings

Clubs

Exercise Classes

Dances/Concerts/Ceilidhs

Sales of Work

School use

Playgroup use

Coffee Evenings

Gymnasium

Quiz nights

Weddings

Bingo

Outdoor Events

Fun Days

Sports Events

Highland Games

Water Sports

Horse Rides

Agricultural Shows

Firework Displays

Use of Vehicles for Rides
(Diggers, ATV's, Helicopters
etc)

Go Karts

Bouncy Castle

<u>**Other Activities</u>		<u>**List any Others</u>	
Face Painting			
Body Piercing			
Tattooing			
Film theatre			

** For any of these activities you are required to contact Consumer and Environmental Services at least one week prior to each event and to notify them if it is to be carried out by a group other than the licence holder.

SECTION 6

Please Complete if Application is for an Occasional Public Entertainment Licence

1. How many adult size:

Female WC's	
Female Wash Hand Basins	
Male WC's	
Urinals	
Male Wash Hand Basins	
Disabled WC's	
Disabled Wash Hand Basins	

2. Will food, other than pre-packed snacks, teas, coffees and biscuits be served?

(Tick one box)

YES	
NO	

3. If YES, then who will be doing the catering?

Name(s):

Address

Daytime Tel No:

If the answer to 3 is yes, then you **have to contact Consumer and Environmental Services on 01851 822688 at least 1 week prior to the event** to notify them if it is to be carried out by a group other than the licence holder.

SECTION 7

DECLARATION

- (a) I/We declare that I/we shall, for a period of 28 days commencing with today's date, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(3) of Schedule 1 of the Civic Government (Scotland) Act 1982. (See Note (2) below). Section 41A of the Civic Government (Scotland) Act 1982 as amended by Section 44(1) of the Fire Safety and Safety of Sport Act 1987.
- (b) I declare that the particulars given by me on this form are correct. I enclose the appropriate fee in payment of the application.

Signature Date

Applicant's Address
.....
.....

(position of Applicant
in Committee/Partnership
if not otherwise stated)

NOTES:

- (1) Any person or persons who makes any statement in connection with this application which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine.
- (2) When Declaration (a) is made there must be produced as soon as possible after the 28 day period a Certificate of Posting of Notice (copy attached) in accordance with Paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act 1982.



**COMHAIRLE NAN EILEAN SIAR
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
PLACES OF PUBLIC ENTERTAINMENT**

NOTICE

NOTICE is hereby given that I the undersigned have applied to Comhairle nan Eilean Siar for a Public Entertainment Licence in respect of the premises specified in this notice

Individual Applicants

Applicants Name:

Address:

Name of any person appointed to carry
Out day to day management:

Address:

Business or Partnerships

Applicants Name:

Address of Principal or Registered Office:

Name of employee or agent who will carry
out day to day management:

Address of Premises to be licensed:

Type(s) of entertainment to be carried out on premises

OBJECTIONS and representations to this application may be made in writing to the Licensing Office, Chief Executive's Department, Comhairle nan Eilean Siar, Sandwick Road, Stornoway, HS1 2BW. Such objections and representations must specify the grounds of the objection or the nature of the representations, the name and address of the person making it, must be signed by him or on his behalf and must be made within 28 days or whichever is the latter, or as the case may be, latest of the following dates:

- (1) the first date of publication of a public notice by the Comhairle of receipt of an application in accordance with paragraph 2(7) of Schedule 1 to the Act;
- (2) any date specified by the Comhairle for the publication of this notice by the applicant in terms of paragraph 2(6) of Schedule 1 of the Act; or
- (3) in any other case the date when the application for a licence was made to the Comhairle.

Date of application for licence:

Signed (Applicant)

Address

.....



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF POSTING OF NOTICE

PLACES OF PUBLIC ENTERTAINMENT

I hereby certify, that in accordance with paragraph 2(2)-(5) of Schedule 1 of the Civic Government (Scotland) Act 1982 I have displayed a notice at or near the premises to be used as a place of public entertainment for a period of 28 days from _____ to _____ after submitting my application for a licence to the Council.

The notice was posted in such a position as to be easily read by the public. I have taken reasonable steps to ensure the protection of the notice and for its replacement.

Date

Signed(Applicant)

Address at which notice was posted
.....

AFTER the period of 28 days please submit this certificate to the licensing authority.



STANDARD CONDITIONS – PUBLIC ENTERTAINMENT LICENCE

The following conditions will be attached to any public entertainment licence issued. Additional conditions may be attached following comments from Police, Fire and Development Department.

CONDITIONS

- (1) The use of the premises is restricted to the types of entertainment or recreation approved by the Licensing Authority.
- (2) The number of persons admitted to the premises at any one time shall comply with the conditions set by the Station Manager, Highlands and Islands Fire Rescue Services.
- (3) The premises may be open for the purpose of the recreation or entertainment only as follows:
- (4) The licensee shall at all times display his licence conspicuously within his premises.
- (5) The licensee shall at all times keep his licence clean and legible and shall exhibit it on demand to any authorised officer of the Comhairle or any police officer.
- (6) The licensee shall not in any way, alter, erase, or deface his licence.
- (7) The licensee shall not lend or allow any persons to use his licence.
- (8) The licensee who ceases to act as such for the unexpired period of his licence or whose licence has been suspended by the Comhairle or has expired, shall, within three days thereafter, deliver his licence to the Head of Executive Office and shall be in contravention of these conditions if he has failed to deliver his licence within the said period of three days.
- (9) The premises shall be used only for those classes of entertainment as approved by the Comhairle and as detailed in the licence.
- (10)
 - (a) The licensee shall comply with any order or instruction given by a constable for the prevention of annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance (including an order or instruction to close the premises for a limited period) or on any occasion when such constable in his discretion may as he considers necessary in the public interest give such order or instruction;
 - (b) the licensee shall not at any time use for the purposes 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, the Head of Executive Office or his nominated representative, may in writing or by oral instruction order the said use of the device to cease; and
 - (c) the licensee shall not at any time use, for any purpose, a sound system or other device, so as to give reasonable cause for annoyance to persons in the vicinity. In the event of a complaint or nuisance occurring, the Head of Executive Office or his nominated representative, may in writing or by oral instruction order the said use of the device to cease.
- (11) The licensee must comply with all requests made by the Station Manager of the Fire & Rescue Service and when a request is so made in writing, a licence holder must comply with that request within the time specified by the said Station Manager.
- (12) The licensee shall ensure that to the satisfaction of the Director of Development Department:
 - (a) suitable and sufficient sanitary accommodation shall be provided and maintained in a clean condition;

- (b) all parts of the premises and all fittings therein shall be kept clean;
 - (c) accessible parking should be provided and clearly signposted; and
 - (d) accessible WC's should be clearly signposted.
- (13) For indoor premises, suitable and sufficient means of heating and ventilation shall be provided.
- (14) The licensee 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 being easily and immediately opened by persons leaving the premises;
 - (b) all equipment installed as a precaution against fire shall be maintained in efficient working order;
 - (c) stewards are posted at all exits when the public are in the premises and shall ensure the public do not have access to other parts of the premises; and
 - (d) the ground conditions at outdoor events are level and free from tripping hazards as far as is reasonably practicable.
- (15) The licensee shall provide in his premises containers for waste material of a number and type approved by the Comhairle. These shall be emptied and cleaned at a suitable frequency.
- (16) The licensee shall ensure that any undertaking to which a licence applies, in the course of which commercial operation with respect of food carried out, complies with the provisions of The Food Safety Act 1990, The Food Safety (General Food Hygiene) Regulations 1995 and any other statute or regulation in respect of the operation of a food business.
- (17) The licensee shall ensure that any undertaking to which a licence applies, in the course of which people are employed, complies with the provisions of The Health and Safety at Work etc Act 1974, and any regulations made under it.
- (18) It is an offence to smoke in a designated public place.
- (19) As from 1st October 2004 aspects of the physical environment in which you operate may be subject to reasonable adjustment by virtue of the Disability Discrimination Act 1995 and in particular the duties contained in Part III of the Act. For advice on how you may meet these duties you may wish to contact the Development Department, telephone 01851 822688.

Informative Notes – these are not licence conditions

The Fire (Scotland) Act 2005 introduced a new fire safety regime for the majority of non-domestic premises, however it includes all Licensed Premises in Scotland. Fire safety measures are not controlled through licensing, responsibility for enforcement of general fire safety lies with the local fire and rescue authority.

Further information is available from the following website <http://www.infoscotland.com/firelaw>. If you have any questions or concerns regarding fire safety please contact the local Fire Office on 01851-705855.

It should be noted that the responsible person (licence holder) for the above premises are required under the Fire (Scotland) Act 2005 to undertake Fire Safety Risk Assessments, produce an emergency evacuation strategy and take appropriate fire safety measures. The process of Fire Safety Risk Assessment should be ongoing and the licence holder is required to ensure that the premises are fit for purpose for the proposed use.