



**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**PUBLIC ENTERTAINMENT AND THEATRE LICENSING**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To inform the Panel of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme.

**B. RECOMMENDATION**

It is recommended that the Panel notes:

1. The legislative changes to theatre licensing; and
2. The requirement for the council to amend the public entertainment licensing resolution due to other new legislation; and
3. That as a result of these changes the Council Executive will be asked to consider authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	<ul style="list-style-type: none"><li>• focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• providing equality of opportunities;</li><li>• working in partnership</li></ul>
	<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<ul style="list-style-type: none"><li>• Theatres Act 1968</li><li>• Section 41 of Part II and Schedule 1 of the Civic Government (Scotland) Act 1982</li></ul>
	<b>III Implications for Scheme of Delegations to Officers</b>	None
	<b>IV Impact on performance and performance Indicators</b>	None

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	None

## **D. TERMS OF REPORT**

### **D1 Background**

The Air Weapons and Licensing (Scotland) Act 2015 ("2015 Act") provided for changes to be made to the Civic Government (Scotland) Act 1982 ("1982 Act"). Not all of the provisions detailed in the 2015 Act were brought into force immediately. Recently, the Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which as from 26 April 2019 introduced provisions which will lead to the repeal of the Theatres Act 1968 and allow theatre licensing to be included in the council's public entertainment licensing resolution. The government has published guidance in relation to these changes which is referred to at section F of the report.

### **D2 Current Position in relation to licensing of Theatres**

Theatres are currently licensed under the Theatres Act 1968 but all licences granted under that Act will come to an end on 27 January 2021. West Lothian currently has three premises permanently licensed under the 1968 Act. In addition over the years there have been a number of applications for temporary theatre licences for particular events.

The new legislation allows councils to consider licensing theatre premises under the public entertainment licensing provisions of the 1982 Act. Due to other legislative changes the Council's public entertainment resolution which sets out the various types of activities which require to be licensed locally, requires to be amended to delete adult entertainment, as a new scheme for licensing sexual entertainment venues has been introduced. These changes would also allow the council an opportunity to fully review the terms of the current public entertainment resolution. The resolution was last amended in 2012 and it is important for public safety reasons that it is regularly reviewed. The revised resolution was approved at the Council Executive on 12 March 2012. In addition, this would be an opportunity to review conditions and fees which were not reviewed in 2012. A link to the report and minutes is contained in section F of this report.

The council is asked to consider if theatres should be included in the public entertainment licensing resolution and if so whether a full review of public entertainment licensing should be undertaken including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees. A copy of the current resolution is attached at Appendix 1 this lists the activities which require to be licensed as public entertainment.

## **E. CONCLUSION**

New legislation has recently been brought into effect which will lead to the repeal of the Theatres Act 1968 on 27 January 2021 and allow the council as licensing authority to incorporate theatre licensing into its public entertainment licensing

scheme. The Panel is asked to note this change in legislation and that the Council Executive will be asked to consider whether theatres should be included in the public entertainment licensing resolution; that the resolution requires to be amended in light of other new legislation and also that the Council Executive will be asked to consider if a full review of public entertainment licensing should be undertaken including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees.

## **F. BACKGROUND REFERENCES**

Report to Council Executive on 20 March 2012 regarding last review of Public Entertainment Licensing

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90k%81%8C>

Minute from Council Executive meeting on 20 March 2012 approving the revised resolution

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90m%81%8D>

Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres issued by the Scottish Government in March 2019

<https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/pages/7/>

Appendix 1: current public entertainment licensing resolution approved on 20 March 2012

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