

THE HIGHLAND COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT – EXTENSION OF LICENSING RESOLUTION

The Highland Council as the Licensing Authority for the Highlands in terms of section 9 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”), intends to vary its existing Public Entertainment Licensing Resolutions which came into effect on 26 February 1998 and 1 January 2017.

Section 41 of the 1982 Act relating to public entertainment will continue to have effect throughout the whole of The Highland Council’s area in relation to the use of places of public entertainment whereby members of the public are admitted or may use any facilities for the purposes of entertainment or recreation for the activities listed in the existing Resolutions.

The following changes to the licensing of public entertainment activities will apply within The Highland Council area to include an additional premises/activity:

1. With effect from **27 January 2021**, a Public Entertainment Licence shall be required for the use of premises for the public performance of any play which prior to 27 January 2021, require a licence under the Theatres Act 1968.
2. The definition of a play shall be:
 - (a) 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 a 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; and
 - (b) any ballet given wholly or in part by one or more persons actually present and performing, whether or not it falls within paragraph (a) of this definition.
3. A Public Entertainment Licence shall be required for all public performances of a play, regardless of
 - a. whether there is a charge to the public
 - b. the capacity of the premises
4. A Public Entertainment Licence shall be required for all public performances of a play in both indoor and outdoor premises.

BUT excluding the following places which are already excluded in terms of section 41 of the 1982 Act

- a) an athletic or sports ground while being used as such;
- b) premises in respect of which a licence is required under s.41A of the 1982 Act (indoor sports entertainment licences) while such premises are being used for the purposes mentioned in that section;
- c) a sexual entertainment venue (as defined in s.45A of the 1982 Act in relation to which Schedule 2 has effect, while being used as such;
- d) an educational establishment while being used as such;
- e) premises belonging to or occupied by any religious body while being used wholly or mainly for purpose connected with that body;
- f) premises licensed under the Cinemas Act 1985;
- g) premises in which there is a club gaming permit within the meaning of section 271 of the Gambling Act 2005 or a prize gaming permit within the meaning of section 289 of that Act;
- h) licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during licenced hours within the meaning of that Act;
- i) 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
- j) such other premises as the Scottish Ministers may by order made by statutory instrument specify.

Any representations in relation to the proposed new resolution may be made in writing to the Principal Solicitor - Regulatory Services, Council Offices, High Street, Dingwall, IV15 9QN or licensing@highland.gov.uk within 28 days of the first publication of this notice and will be considered by the Licensing Authority before any resolution is made.

The Licensing Authority may make such modifications to the proposed resolution as they think fit in the light of representations made to them about it provided such modifications do not extend its scope.

12 November 2019