

THE HIGHLAND COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT LICENCE - SCHEDULE OF CONDITIONS

DEFINITIONS

Within the conditions applicable to the undernoted licence, the following definitions shall apply: -

- 1.1 "This Licence" or "the licence" means the licence noted hereunder and for the avoidance of doubt shall include all the conditions attached to it either as under noted or by way of reference;
- 1.2 "The Council" means the Highland Council and any officer authorised to act on its behalf in terms of this licence;
- 1.3 "The Licence holder" means the person (or if a non natural person the incorporated company) named in the licence;
- 1.4 "The Premises" means the premises specified in clause 2.2 of this licence;
- 1.5 "Patrons" or "Public" means persons admitted or seeking admission to the premises for any purpose other than the performance of duties in connection with the entertainment being provided;
- 1.6 "Firemaster" means the Firemaster of the Highland and Islands Fire Brigade or his/her authorised Depute within the relevant Highland Council area.
- 1.7 "The Act" means the Civic Government (Scotland) Act, 1982.

2. LICENCE HOLDER AND PREMISES

2.1 Licence Holder

This licence is granted to _____ [residing at
[whose registered office/address/principal place of business is situated at

2.2 The Premises

The premises to which this licence applies are located at _____ [and are shown for _____ identification purposes only on the plan annexed and signed as relative to the licence].

- 2.3 Unless otherwise authorised in writing by the licensing authority, the premises shall be used for public entertainment only during the hours of _____ and _____ on any day except

3. DURATION

The licence is granted on the day of Two Thousand and and is valid “subject to the terms of the Act” up until and including the day of Two Thousand and

4. LICENSED USE

The use of the premises by the public for money or monies worth is restricted to the following forms of entertainment or recreational activities and matters wholly ancillary thereto, namely:- [as per current licence conditions]

The number of persons admitted to the premises during any event at any one time shall not exceed [as per current licence conditions]. The occupancy capacity limit of the premises, that is the limit on the number of people permitted to occupy the premises at any one time, as specified herein, shall be determined by the Council in consultation with the Firemaster and shall not be exceeded. The licence holder shall take appropriate measures to ensure that controlled drugs (within the meaning of Section 2 of the Misuse of Drugs Act, 1971) are not used on the premises.

5. GENERAL CONDITIONS

5.1 Licence Holder Not to Materially Alter Premises, etc Without Prior Authorisation

The licence holder shall not make or cause or permit there to be made any material change to the premises, without the prior written consent of the Council.

5.2 Licence Holder to Retain Occupational Control of the Premises

The licence holder shall retain occupational control of the premises, except with the prior written consent of the Council, such consent always to be conditional on any occupier complying with the conditions of the licence.

5.3 Premises to be Clean and Tidy

The premises shall be kept and, in due course, left in a clean and tidy condition to the satisfaction of the Council, with arrangements being made for the storage, collection and disposal of waste or refuse during and after use of the premises all to the satisfaction of the Council.

5.4 Restrictions on Use of the Premises

Use of the premises for pyrotechnics, lasers, other potentially hazardous special effects, firearms or any exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1954, shall not take place without the prior written consent of the Council. Application for such permission must be made in writing at least 14 days in advance of the planned entertainment and give full details of the proposed use. Further, in any event, the licence holder shall not exhibit any light which:-

or

- (i) by reason of its glare is liable to endanger aircraft or road traffic;
- (ii) by reason of its liability to be mistaken for an aeronautical ground light or ground light

6. CONDITIONS REGARDING HEALTH AND SAFETY

6.1 Safety of Services, Plant and Equipment

The licence holder shall satisfy the Council as to the safety of any electrical or mechanical installation or safety of any relevant equipment associated with the operation of the premises.

6.2 Toilet Accommodation etc

- 6.2.1 The licence holder having regard to the likely numbers frequenting the premises, shall make adequate provision, to the satisfaction of the Council with regard to sanitary accommodation and drainage facilities.
- 6.2.2 The licence holder shall ensure that all toilet requisites are provided and that all toilets are kept clean and in an orderly condition and shall designate a suitable person or persons for those purposes.
- 6.2.3 Facilities shall be provided in all female toilets for the hygienic disposal of sanitary towels.
- 6.2.4 Means of locking or otherwise securing doors to all water closets or individual shower rooms shall be provided.

6.3 Premises to be Provided with Adequate Supply of Wholesome Water

The licence holder shall ensure that the premises shall be provided with an adequate supply of wholesome water. The supply of drinking water shall be available during the course of an event, at all times free of charge and any drinking vessels provided must be clean.

6.4 Seating and Stages and Other Structures

Seating shall be designed, constructed and maintained so as to ensure safe use and allow free and ready access to all exits, all to the satisfaction of the, Firemaster. Stages must be constructed and arranged so as to minimise the risk of fire. Stages and attendant fixtures and fittings (and for example, curtains, fights etc) must also be approved by the Firemaster.

6.5 Temporary Structures

Details of any temporary structures (with the exception of modular demountable staging previously notified to and approved by the Council) to be erected on the premises shall require to be submitted to the Council at least 14 days before any event together with, at the sole discretion of the Council and at the expense of the licence holder, a Structural Engineers report or other such certification as the Council may require. Such structures shall not be erected without the prior written authority of the Council.

6.6 Management of the Premises

6.6.1 The licence holder shall ensure that an effective system is maintained for the management of the premises, and all events held therein, to ensure the health and safety and welfare of the public.

6.6.2 The licence holder shall ensure that adequate arrangements are in place in respect of fire precautions at the premises.

6.7 Fire Certificate

Where applicable, the licence holder must be in possession of a valid fire certificate in respect of the premises granted by the Firemaster, or failing which, a letter from the Firemaster confirming that the premises meet the standards required by the Firemaster.

7. ANCILLARY CONDITIONS

7.1 Adjoining or Neighbouring Premises

The licence holder must ensure that no noise arising from the use of the premises shall give rise to reasonable cause for annoyance.

7.2 Third Party Liability Insurance

The licence holder must provide proof that he holds third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the licensed use. The licence holder must exhibit the policy and any receipt for premiums or any other document relating to the policy, to the Council at, no cost to the Council upon demand.

7.3 The licence must be displayed in premises, replaced if required and produced when requested

The licence holder must display the licence, and a valid certificate of third party liability insurance, in the premises so that it can be read by any patron or person entering the premises.

The licence must not be altered, erased or defaced and must be kept clean and legible. Should the licence be lost or become defaced or illegible the licence holder must obtain a replacement from the Council on payment of the appropriate fee. The licence holder must produce this licence within five days when required to do so by a Police Constable or authorised officer of the Council or authorised officer of the Firemaster.

7.4 Return of Licence to the Council

The licence holder shall return the licence to the Council within seven days of the following whereupon it shall cease to have effect:-

- (i) ceasing to use the premises as a place of public entertainment permanently
- (ii) on being notified of a decision by the Council to vary the terms of or suspend the licence or the decision of a court to revoke it

7.5 Licence Holder not to Undertake Fly Posting

The licence holder or the licence holders servants or agents shall ensure that no fly posting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place in respect of the premises.

[Any condition in current licence in respect of fly posting and/or financial bonds shall continue in force].

7.6 Change in Circumstances

The licence holder must notify the Council as soon as is reasonably practicable of any material changes of circumstances affecting the licence holder, the premises, or the licensed use, including any particulars referred to on the application for a grant or latest application for a renewal of a licence.

7.7 Performance of a Play

In the event that the premises are used for the performance of a theatrical play within the meaning of the Theatres Act 1968 then during the said performance this condition shall act as a temporary licence granted under the Theatres Act 1968 by the Council in favour of the licence holder and the premises detailed in Condition 2 of this licence. The temporary licence will last for the duration of the theatrical performance and shall be subject to the standard conditions of the public entertainment licence.

7.8 Application for Consent

Any request for any authorisation required in terms of this licence shall be made to the Legal Manager.