

## Licensing of the public performance of plays

The Highland Licensing Committee, at their meeting on 14 January 2020, made their final resolution in relation to the licensing of the public performance of plays under the public entertainment licensing regime after the repeal of the Theatres Act 1968. This was after the completion of the 28 day statutory consultation period as set out in section 9 of the Civic Government (Scotland) Act 1982. A copy of the final resolution is set out below.

### **Transition period**

Any person operating premises where they intend to use it for the public performance of any play must still hold a theatre licence under the Theatres Act 1968 until 27 January 2021. A theatre licence can be applied for at the below link and any licence granted will continue to have effect until 27 January 2021:

[https://www.highland.gov.uk/directory\\_record/738743/theatre](https://www.highland.gov.uk/directory_record/738743/theatre)

From 27 January 2021, a public entertainment licence will instead be required for the public performance of any play. This can be applied for in advance of 27 January 2021 to ensure there is no gap where your premises are not licensed. Applications for a public entertainment licence can be applied for from 9 March 2020 at the below link. Please note that although any licence can be applied for from 9 March 2020, any licence granted will be issued with an effective date of 27 January 2021:

[https://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions](https://www.highland.gov.uk/info/1125/licences_permits_and_permissions)

Any queries in relation to applying for a licence can be sent to: [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk)

**THE HIGHLAND COUNCIL  
CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
PUBLIC ENTERTAINMENT – EXTENSION OF LICENSING RESOLUTION**

The Highland Council resolves, as the Licensing Authority for the Highlands, in terms of section 9 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) 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.

It will be an offence under section 7(1) of the Civic Government (Scotland) Act 1982 to use a premises for the public performance of any play (subject to the above stated excluded premises) without a licence.

The Highland Council will consider applications for licences for the above activity from **9 March 2020**. Applications can be made at the Council's website at [https://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions](https://www.highland.gov.uk/info/1125/licences_permits_and_permissions)

Public Entertainment Licence application forms will also be available from Council Offices and all Service Points. A copy of the updated guidance notes and additional public entertainment licence conditions applicable to the performance of a play will be available on the Council's website:

[https://www.highland.gov.uk/directory\\_record/738741/public\\_entertainment](https://www.highland.gov.uk/directory_record/738741/public_entertainment)

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