

Public Entertainment
Licence
Guidance Notes

This guidance document provides information on whether a Public Entertainment Licence is required, how to apply for the licence, when to apply and how much it costs.

- 1. Do I need a licence?**
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- 3. How long before the event do I need to submit my application?**
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- 6. How much does it cost?**
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- 8. Where do I send my application?**

We recommend that you follow this guidance and submit a draft Basic Event Safety Plan to iain.smith@cne-siar.gov.uk as early as possible in your planning process and at least 6 weeks before the licence application requires to be lodged. Once the draft Basic Event Safety Plan has been reviewed you will be advised about the level of additional detail required and if a multi-agency Safety Advisory Group needs to be convened.

8. Where to Send Completed Application Forms and Documentation

Iain Smith

Licensing

Comhairle nan Eilean Siar

Sandwick Road

Stornoway

Isle of Lewis

HS1 2BW

Fee

You can either pay your fee by cheque, in cash or by credit/debit card.

6. How much does a licence cost?

An application fee is payable and must be paid at the same time the application is submitted. The application will not be accepted until the fee is paid. The fee is currently £90 for both a one year and three year licence. Please note our fee structure is currently undergoing a review.

7. Application Process

We will send a copy of your application to Police Scotland, the Scottish Fire and Rescue Service, Scottish Ambulance Service, Leisure Services, Area Managers, Planning Services, Building Services, the Roads Service, the Emergency Planning Unit and Environmental Health. Full approval will not be granted until the required information and documentation has been provided, examined and deemed satisfactory, and the application has been fully processed.

In the absence of objections or adverse representations, your licence will be granted and issued to you under delegated authority by the Licensing Team.

Where objections or adverse representations are made, your application will be referred to the appropriate Committee of Coimhairle nan Eilean Siar for consideration.

A copy of any licence issued will be sent to our consultees.

1. Do I need a licence?

A licence is required by law for the use of premises as a place of public entertainment where members of the public are admitted, or may use any facilities for the purposes of entertainment or recreation. A licence is required even where the entry to the event is free. Please see our “Do I need a licence?” online flowchart which will guide you to whether you need a licence.

The categories of premises and activity that do need a licence are:

- private and public halls
- church halls
- schools and other educational establishments (where 60 or more members of the public are admitted)
- community centre
- licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided outwith the licensed hours
- sports centres
- theatres
- commercial, industrial or warehouse premises
- bungee jumping (including reverse bungee)
- discos, ceilidhs, raves and other indoor and outdoor amplified musical events
- public fairs
- agricultural shows, including equestrian events, sheepdog trials and tractor pulling
- highland games

- parachute jumps and other aerial displays
- public bonfires, firework displays and fireball events
- motor stunt shows and motor vehicle events involving competitive racing
- pen air concerts and festivals
- public events held in marquees
- paintball
- circuses and exhibitions of performing animals
- ice skating and roller skating
- go karting and quad biking
- fairgrounds

Activities and premises that do not require a licence include:

- local gala day or fete unless the same involves any of the activities detailed above
- a church hall where used for religious purposes
- a school or other educational establishment used for the purposes of education
- a sports centre where used for the purposes of the relevant sport or sports

4.5 Fair Processing Notice

The Notice provides further information in respect of how the Personal Data on the form will be processed and lists the consultees who will receive a copy of your application form. It is essential that the Notice is read and understood. In the event of any questions in respect of the Notice please contact Licensing on 01261 813318.

4.6 Appendix

The Appendix provides further information in respect of A Insurance, B Display of Notice, C Notice Unable to be Displayed and D Warning. 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 up to £500.

5. What do I need to submit with my application form?

Event Safety Plan

Submit the Event Safety Plan for your Event (incorporating the level of detail recommended by agencies after the review of the draft Basic Event Safety Plan). Please see our guidance on how to complete a Comprehensive Event Safety Plan for a large and/or high risk event. The Event Safety Plan should include details of insurance and the risk assessment.

Insurance Documentation

Submit the Public Liability insurance document and a copy of the receipt of the Premium.

Risk Assessment

Submit the Health and Safety Risk Assessment for your event. Please see our guidance on how to complete a Risk Assessment.

Renewal of a full licence - If you currently hold a full public entertainment licence which has not expired but is due to expire then you need to apply for a renewal of the licence

It is essential that full details are supplied at Section 3 providing: the name and address of the place where the event will occur, the dates required, the details of the public liability insurance, a note of the activities at the Event and the maximum number of people who will attend the event.

Criminal Convictions

Question 7 asks whether you have ever been convicted of any crime or offence. Please note that this includes any fixed penalties.

Although you are not required to tell us of 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.

The Rehabilitation of Offenders Act 1974 states what is to be considered as a "spent" conviction. It depends not just on how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. 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.

4.4 Declaration

Under this section applicants are asked to either A declare a Notice will be displayed or B provide reasons why a Notice cannot be displayed. A declaration also has to be made that the application form and guidance has been read and that the information provided is correct to the best of the applicant's knowledge.

2. How do I apply?

Temporary Licence

Please complete the Application Form, submit the fee of £90 and ALL accompanying documentation including Event Safety Plan, Third Party Liability Insurance Policy and Premium Receipt(s) in order for your application to be accepted.

There is no requirement to display a site notice for a temporary public entertainment licence.

3 Year Licence

Please complete the Application Form, submit the fee of £90 and ALL accompanying documentation including Event Safety Plan, Third Party Liability Insurance Policy and Premium Receipt(s) in order for your application to be accepted.

At the same time as lodging your application for a licence, you must display the appropriate site notice, where the Event will take place, **for a period of 28 days**. At the end of the 28 days, you must submit a certificate of compliance to us, stating that the site notice was correctly displayed, or explaining why you were unable to display the site notice. We are unable to grant a licence until we have the certificate of compliance.

Failure to provide the necessary information and documentation, or the application fee, will mean that we cannot process the application.

3. How long before the event do I need to submit my application?

It is advisable to submit your application as early as possible before your event, however **the latest date is 8 weeks** before your event. For large scale events, we require the completed application (including the Basic Event Safety Plan) 4 months in advance of the event. We have no discretion to accept late applications as the legislation requires a minimum of 28 day consultation period. If an application is submitted without prior consultation there is a risk that statutory consultees such as Police Scotland may object to the event or may request additional conditions. Prior consultation means submitting a draft Basic Event Safety Plan to: iain.smith@cne-siar.gov.uk at least 6 weeks before the licence application requires to be lodged.

4. The Application Form guidance

The application form is split into 6 sections:

4.1 Grant or Renewal of Public Entertainment Licence - Miscellaneous

4.2 Individual or Company/Firm Details

4.3 Event Details and Convictions

4.4 Declaration

4.5 Fair Processing Notice

4.6 Appendix

4.1 Grant or Renewal of Public Entertainment Licence - Miscellaneous

Grant of a licence - If you do not currently have such a licence you need to apply for the grant of a licence.

Renewal of licence - If you currently hold a market operator's licence which has not expired but is due to expire then you need to apply for a renewal of the licence.

4.2 Personal or Company/Firm Details

Section 1 must be completed by **individuals** only.

Section 2 must be completed by applicants who are a **company** or **firm**.

It is essential that full details are supplied in the appropriate section of the application form so that necessary Police checks can be undertaken and so that your application can be processed as quickly as possible.

4.3 Event Details and Convictions

You may apply for a licence for a period of one year or for three years. Three years is the maximum period for which a licence can be issued. A three year licence will generally only be granted for permanent structures and premises. Licences for semi-permanent structures/ premises will generally be granted for one year only.

You may also apply for a temporary licence. A temporary licence can last up to a maximum of 6 weeks. In all cases, the licensing authority reserves the right to grant licences for a shorter period.

Grant of a licence - If you have never held a public entertainment licence before or you do not currently have such a licence you need to apply for the grant of a licence.