

## Public Entertainment Licence

### Guidance Notes

The number and scale of events across East Ayrshire is becoming increasingly diverse. In order to provide some guidance to event organisers an Events Toolkit and Event Safety Plan template has been prepared and is available on our website to help organisers plan their event. <https://events.east-ayrshire.gov.uk/>

Event organisers should note that the pre-event application form is required to be submitted at least 6 weeks before an application for Public Entertainment Licence is lodged. Once the Event Safety Plan has been completed and reviewed by the Events Team, the event organiser will be advised about the level of additional detail required and whether a multi-agency Safety Advisory Group meeting needs to be convened.

This guidance document provides information on Public Entertainment Licences -

1. Do I need a licence?
2. How do I apply for a licence?
3. How long before the event do I need to submit my application?
4. Application form guidance
5. What do I need to submit with my application form?
6. How much does it cost?
7. Application process.
8. Where to I send my application?

### 1. Do I need a licence?

A Public Entertainment Licence (PEL) 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 whether or not the public are admitted free of charge. In terms of the current resolution, the following place(s) or class(es) of activity require a PEL:

- Open air concerts
- Firework and bonfire displays
- Fairgrounds
- Circuses
- Fetes, with marquees for the public
- Premises used for leisure activities with audience accommodation
- Premises used for dancing/discos
- Ice rinks with audience accommodation

- Activities where a public audience may be present (eg boxing, wrestling, judo presentations)
- Snooker/billiard halls
- Public concerts, other than theatrical performances
- Radio or TV stations with audience accommodation
- Premises in which machines for entertainment or amusement are being provided (subject to Section 41(2)(g) of the 1982 Act)
- Agricultural, equestrian and livestock shows and/or events

In terms of the current legislation, the following place(s) or class(es) of activity DO NOT require a PEL:

- An athletic or sports ground while being used as such
- Premises in respect of which a licence is required under Section 41A of the Civic Government (Scotland) Act 1982, while such premises are being used for the purposes mentioned in that section (this relates to indoor sports entertainment licences)
- An educational establishment while being used as such
- Premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body
- Premises licensed under the Theatres Act 1968 or Section 1 of the Cinemas Act 1985
- Premises in respect of 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)
- Premises in respect of which a premises licence within the meaning of Section 17 of the Licensing (Scotland) Act 2005 has effect
- Premises for 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

## **2. How do I apply?**

In order for your application to be accepted, the completed application form and check list MUST be submitted together with the appropriate application fee and ALL supporting documentation. Failure to provide the necessary fee, information or documentation will mean that the application cannot be processed and will be returned.

Applicants for a full 3 year licence are required to display a Site Notice for a period of 28 days to coincide with lodgement of the application form and thereafter complete and return to the Licensing Unit a certificate of compliance confirming the display period. There is no such legal requirement in respect of a temporary event, however, it is considered to be good practice for applicants to follow these same steps and display a Site Notice, should time permit.

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

Prior to submitting an application for PEL, applicants must ensure that contact is made with the Events Team well in advance of the event which will allow for the review of the draft Basic Event Safety Plan.

Thereafter, it is advisable to submit your PEL application as soon as possible, taking into account the undernoted timescales, and only when all relevant supporting documentation is available.

- under 500 attendees - applications to be lodged 4-6 weeks prior to the event
- over 500 attendees - applications to be lodged 8-10 weeks prior to the event
- Circus or a stand-a-lone Funfair - at least 90 days' notice is required

### **4. Application Form Guidance**

#### **4.1 Grant or Renewal of PEL**

Assuming that your application for PEL is for a one-off event, your application will be treated as grant of a temporary licence.

#### **4.2 Applicant's details**

Applicants must complete either Q1 or Q2.

Q1 must be completed by applicant as an individual only

Q2 must be completed where there is a company, partnership or other body such as an organisation or group. Q2(c) must include details of all Directors, Office Bearers etc as this information is required by Police Scotland to carry out background checks.

Please note that the Public Liability Insurance for the event must be in the same name as the applicant, whether as an individual or company/partnership/organisation.

#### **4.3 Event Details**

You may apply for either a full 3 year licence or a temporary licence. Three years is the maximum period for which a licence can be issued although this will generally only be granted for permanent structures and premises. Licences for semi-permanent structures/premises will generally be granted on a temporary basis. There are two options of temporary licences available - one lasts for a consecutive period of 6 weeks and the other lasts for up to 12 days in a period of one year. There are varying fees applicable, see our [website](#) for more details

#### **4.4 Convictions**

The applicant is required to provide convictions for all people named on the application form. Please list the names together with a note of any convictions or, if there are none, please write "none" on the form.

If you are in any doubt as to whether to disclose a conviction, it is suggested that you may wish to seek independent legal advice in this regard.

Please note that Police Scotland is entitled to offer comments in the form of representations or objections to any application. Where an objection to an application is received, the application will have to be referred to the Licensing Panel for a hearing and this process will take longer to complete with no guarantee that a licence will be granted.

#### **4.5 Declaration and signature**

Applicants are reminded to complete the declaration section of the form, provide a signature and note the points mentioned at the end of the application.

#### **4.6 Check List**

All applicants are required to complete and submit the check list attached to the application form to indicate that all supporting documentation is being submitted.

### **5. Documentation in support of the application form**

In support of the PEL application, the following documentation must be provided however, further information may be requested as part of the application consultation process.

- A site layout plan defining the area to be licensed by the PEL and clearly showing all stalls/tents/enclosures where the public will have access - a key should be used to denote the location of each attraction.
- Parking provision
- Toilet provision (number of male/female toilets)
- Provision of facilities for people with special needs
- Risk assessment of the whole event
- Event Management Plan, covering the whole event and based in accordance with Event Safety Guide and listing those responsible in the event of an emergency.
- Public Liability Insurance certificate covering the event
- Confirmation that any fairground attractions/rides/air structures hold ADIPS or PIPA certification, as appropriate (Declaration of Operational Compliance and Report on Electrical Thorough Examination), together with public liability insurance and risk assessment document for each one.
- Manufacturers' certification regarding flame resistance of tents/marquees/trade stands where the public will have access, together with dimensions of structure and location and dimensions of exits. An indication of the inside layout of the structure will also assist in the calculation of the occupant capacity

- List of caterers at the event, e.g. snack bars, ice cream vans (name, address and local authority where registered).

Please note that if a beer tent is proposed, a separate Occasional Licence application should be lodged.

## **6. How much does a licence cost?**

The application fee is payable at the time of lodgement of an application and the application cannot be validated until such time as the fee has been paid. Payment can be made by cheque, cash, credit or debit card and the current fees are:

Temporary PEL - £50.00 (12 days or less)

Temporary PEL - £160.00 (consecutive 6 week period)

Full PEL - £248.00 (maximum of 3 years)

## **7. Consultation process**

Copy applications will be sent to Police Scotland, Scottish Fire and Rescue, Environmental Health, Planning, Building Standards, Roads, Ayrshire Civil Contingencies Team, Licensing Enforcement Officers, Events and Resilience Officer and Animal Health Officer (if event is an agricultural/equestrian show). Where the application relates to a standalone funfair or a circus, a copy will also be sent to the local Councillors and Community Council.

## **8. Where to send completed PEL application form**

Licensing Unit  
East Ayrshire Council  
Council Headquarters  
London Road  
Kilmarnock  
KA3 7BU