



Public Entertainment Licensing (PEL) Guidance Note

Places of public entertainment require to be licensed under the Civic Government (Scotland) Act 1982.

A 'Place of Public Entertainment' is defined as

"Any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation".

In Clackmannanshire, the following types of Public Entertainment require a Licence

- 1 All performances of live and recorded music with or without any form of dancing.
- 2 Film screenings, plays, dramatic productions, and other live performances.
- 3 Firework displays, pyrotechnic, light and laser shows.
- 4 Fetes and galas, exhibitions and displays, highland games, and agricultural shows or festivals.
- 5 Fun fairs, circuses and carnivals.
- 6 Paint ball, Airsoft, laser tag and laser games, war games; imitation or replica firearms target shooting; firearms simulations, archery and crossbow target shooting; axe, knife or implement throwing.
- 7 Bungee jumping, abseiling, ice or rock climbing involving artificial or manmade climbing surfaces.
- 8 All activities involving the use, to any extent, of motorised vehicles or vessels.
- 9 Simulators, fairground type rides (when not part of a funfair or carnival), bouncy castles and other inflatable amusements.
- 10 Activities involving the use of remote-control vehicles, vessels, aircraft, drones or rockets.
- 11 Indoor and outdoor sporting events [subject to exemptions contained within the Civic Government (Scotland) Act, 1982].

In the following 'places':

- 1 Public and Private Halls.
- 2 Clubs.
- 3 Barns, fields, grazing areas, parkland and other agricultural premises and land.



- 4 Marquees and other temporary erections.
- 5 Any venue where sporting activities of the type included in the list above (classes of activity) can take place.
- 6 Warehouses, industrial units, and industrial land.
- 7 Indoor shopping centres, arcades and malls.
- 8 Factories and other industrial premises.
- 9 All public places (as defined in Section 133 of the Civic Government (Scotland) Act, 1982.
- 10 Athletic and sports grounds, while not being used as such.
- 11 Educational establishments, while not being used as such.
- 12 Premises belonging to or occupied by any religious body, while not being used wholly or mainly for purposes connected with that body.
- 13 Premises in respect of which there is a permit under the Gambling Act 2005, or any replacement or amending legislative provision, while not being used in pursuance of the permit.
- 14 Premises holding a premises licence within the meaning of the Licensing (Scotland) Act 2005 or any replacement or amending legislative provision in which Public Entertainment is being provided outwith the permitted hours within the meaning of that Act.
- 15 Private car parks.
- 16 Rivers, lochs, lakes, lagoons, and other waterways.

Although members of the public may attend an event that has entertainment included to require a licence, Clackmannanshire Council acknowledges that the primary purpose of the event must be to provide entertainment or recreation.

The following events would not ordinarily require a Public Entertainment Licence:

- Birthday parties, weddings and other family celebrations do not fall into the scope of a public entertainment licence, even if they have a DJ or live band providing entertainment.
- Small scale organised recreational activity using accessible public open spaces, that do not involve the provision of equipment by an event organiser (for example, a running club, hillwalking group, cycling group or open water swimming club who engage in activities in accessible public open spaces would not need a licence).

However, larger scale recreational or sporting events may require for example, road closures, the creation of marked routes or courses or the provision of equipment to facilitate the activity may require a public entertainment licence.



Organisers should seek advice well in advance of planning such an event.

To assess whether an activity or event may need a Public Entertainment licence you should follow these steps:

1 Is the event or activity going to take place in one of the places (listed 1-16) above?

If YES consider Question 2 below, if NO, a PEL is not required.

2 Is the purpose of the event to provide entertainment or recreational activity, of a type listed in one of the categories above for **the benefit of members of the public**?

If YES you will require either a temporary or full PEL. If NO, consider question 3 below.

3 Does the entertainment or activity fall into one of the exemptions listed below?

If YES, then you will not require a PEL.

However, if you are in any doubt, please contact the Civic Licensing Standards Officer (CLSO) at Clackmannanshire Council for further advice.

Exemptions

- (a) an athletic or sports ground while being used as such;
- (b) premises in respect of which an indoor sports entertainment licence is required while such premises are being used for that purpose.
- (c) a licensed sexual entertainment venue, while being used as such;
- (d) educational establishment while being used as such;
- (e) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;
- (f) a licensed cinema;
- (g) premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect, and in which public entertainment is being provided during licensed hours;
- (h) 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.



Clarifications

1 Educational premises

The remit of the education system is wide ranging and as such almost all school events that involve a degree of public entertainment will be exempt when they take place on school premises or where they are organised by school staff, or school groups such as a parent council. End of year concerts, end of term family days, and other similar events where the attendees are from an exclusive group with connections to the school (such as parents of children, siblings etc).

In most cases it will only be when part of an education establishment is let out and opened to the general public for purposes of entertainment or recreation that a PEL may be required (subject to answering the assessment questions above).

2 Religious premises

Religious premises are exempt from the PEL requirements if

- (a) They are buildings or land owned or occupied by the religious body, and
- (b) The normal regular use of the place is connected to the purposes of that religious body.

Community engagement is a large part of the role of most religious bodies, and as such even most hall lets to community groups etc would be exempt.

However, private letting of buildings or land, for the purposes of a commercial event may still require a PEL and you should seek advice from the CLSO if you are in any doubt.

Note on existing Public Entertainment Licences and Bring Your Own Bottle (BYOB) conditions

This section relates only to premises that hold a current Public Entertainment Licence, or to events that have been granted a Temporary Public Entertainment Licence.

All existing PELs in Clackmannanshire have a standard Licence condition as follows:

“No alcohol can be sold or consumed on the premises without the written permission of the Council, except when sold or supplied under the authority of a premises licence or occasional licence granted under the Licensing (Scotland) Act 2005. For advice and guidance about the sale or supply of alcohol at events contact the Council’s Licensing Standards Officer.”

The purpose of this condition is to impose controls on the unregulated consumption of alcohol. This followed incidents of disorderly behaviour and underage drinking in Clackmannanshire which were connected to BYOB public entertainment events.

However, this condition was not intended to impose a ban on all BYOB events, where the moderate consumption of alcohol is ancillary to the event or the entertainment provided.



The assessment criteria for granting written permission for BYOB is in two parts.

Part 1 will consider whether the event is a “licensable event” which would not normally include private family celebrations, committee meetings and information events. If it is not a licensable event then the terms of the existing licence do not apply, and BYOB is permitted without the need for written consent.

Part 2 will assess whether the event is suitable for BYOB, by applying a reasoned consideration of each event on its own merits. However, in general terms, small scale non-commercial events are likely to be approved where the consumption of alcohol will be in moderate quantities and ancillary to the entertainment provided. are

The question to ask yourself when considering whether the event is suitable to run as a BYOB event is – ‘if there was no alcohol consumption permitted at the event, would the event go ahead’?

If the answer to that question is ‘no’ or ‘probably not’ then it is unlikely to be approved as a BYOB event. However, each enquiry seeking consent for BYOB will be considered on its individual merits.

If the event is approved for BYOB and is a repeating event you will be given written consent for BYOB at the specified event and all future identical events.

If written consent is not given, then you will be provided with information about the options available including the process for applying for an Occasional Licence.

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