



# Midlothian

## CIVIC GOVERNMENT (SCOTLAND) ACT 1982

### LICENSING OF PLACES OF PUBLIC ENTERTAINMENT

#### NOTES FOR GUIDANCE

- 1 A Public Entertainment Licence shall be required for the use of premises as a place of public entertainment i.e. any place where members of the public are admitted or may use any facilities for the purpose of entertainment.
- 2 A Public Entertainment Licence shall not be required in respect of:-
  - (a) an athletic or sports ground while being used as such;
  - (b) an indoor sports entertainment licensed premise while being used as such;
  - (c) 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 purposes connected with that body;
  - (f) premises licensed under the Theatres Act 1968, Section 1 of the Cinemas Act 1985;
  - (g) premises in respect of which there is a permit under, while being used in pursuance of the permit;
  - (h) licensed premises in respect of which a premises licence within the meaning of Section 17 of the Licensing (Scotland) Act 2005 has effect; or
  - (i) premises in which machines for entertainment of 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.
- 3 Fireworks Displays during night hours, namely between 2300 hours and 0700 hours, except until 0100hours on the nights of the Chinese New Year, Diwali and New Year's Eve and until midnight on 5 November, are prohibited. (Applications for dispensations from this can be made to the Trading Standards Officer, Fairfield House, Dalkeith, Tel 0131 271 3345).
- 4 Completed application forms must be accompanied by a sketch plan of the premises and cheques/ postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.

- 5 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 6 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: [dataprotectionsubjectaccess@scotland.pnn.police.uk](mailto:dataprotectionsubjectaccess@scotland.pnn.police.uk)

or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subjectaccess-requests>

**Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.**

- 7 The fee:-

Application Fee (3 years)	capacity under 1,000	£393.00
Application Fee (3 years)	capacity 1,001 to 5,000	£786.00
Application Fee (3 years)	capacity 5,001 to 10,000	£1,834.00
Application Fee (3 years)	capacity over 10,000	£4,192.00
- 8 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.
- 9 The Council will consult the Chief Constable, Chief Fire Officer, Environmental Health Officer and Planning Officer and, in respect of events where the number of spectators is likely to exceed 2,000, the Emergency Planning Officer of Lothian Health Board.

It is the applicant's responsibility to ensure that they have the correct planning permission in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If they have any queries about the suitability of a site for a certain use then they should approach the planning authority directly for advice.

Pre-Application Advice can be sought here:-

[http://www.midlothian.gov.uk/info/180/development\\_management\\_planning\\_applications/279/planning\\_information\\_and\\_guidance](http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance)

- 10 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 11 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 12 If an exhibition of hypnotism is proposed, a detailed description of the proposed exhibition (including copies of any poster, advertisements or programmes) shall be furnished to the Council not less than fourteen days before the date on which the exhibition is to be given and if the Council notify the licensee in writing of any objection to anything contained in that description, such matter shall not thereafter be included in the exhibition.
- 13 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice