



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LICENSING OF TEMPORARY PLACES OF PUBLIC ENTERTAINMENT

NOTES FOR GUIDANCE

- 1 A Temporary Public Entertainment Licence shall be required for the use of premises as a place of public entertainment. A place of public entertainment is 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;
 - (d) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;
 - (e) premises licensed under the Theatres Act 1968, Section 1 of the Cinemas Act 1985 or Part II of the Gaming Act 1968;
 - (f) premises in respect of which there is a permit under Section 16 of the Lotteries and Amusements Act 1976, while being used in pursuance of the permit;
 - (g) licensed premises in respect of which a premises licence within the meaning of Section 17 of the Licensing (Scotland) Act 2005 has effect; or
 - (h) 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 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.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.

- 5 **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 are advised to delay the submission of the application. You can make application for a list of convictions recorded against you at any Police Station on payment of a fee of £10. Some form of identity should be produced when making application for this. The list will not include driving offences, e.g. speeding, etc. The Police normally take 10-15 days to process applications in respect of convictions imposed in Scotland - convictions imposed in England will require separate application and the process will take 15-30 days.

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.

- 6 The Fee:-

Application Fee - capacity under	1,000	£185.00
Application Fee - capacity	1,001 to 5,000	£369.00
Application Fee - capacity	5,001 to 10,000	£860.00
Application Fee - capacity	Over 10,000	£1,966.00

- 7 The Council will consult the Chief Constable, Chief Fire Officer, Environmental Health Officer and Planning Officer.

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

- 8 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
- 9 If the property to which the application relates is owned by the Council, application for the rent of the property should be made to:-

Resources Directorate
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
(Tel No 0131 561 5211)

- 10 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 to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

National Fraud Initiative

“Information supplied in this form may be given to HM Revenue & Customs (HMRC) and other agencies investigating potential criminal activity. Midlothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please visit www.midlothian.gov.uk and search for “National Fraud Initiative” “