

Regulatory Committee

9.30am, Monday, 19 August 2019

Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 – Update After Initial Consultation

Executive/Routine
Wards
Council Commitments

All

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
- 1.1.1 Note the contents of this report and the outcome of the initial consultation;
 - 1.1.2 Agree to the proposal to add Theatres to the City of Edinburgh Council Public Entertainment Resolution;
 - 1.1.3 Note the proposed changes as detailed in paragraph 4.9 and instructs officer to advertise the proposed changes to the City of Edinburgh Council Public Entertainment Resolution in line with the required statutory consultation process; and
 - 1.1.4 Note that officers will report back to the committee on conclusion of the statutory consultation for approval of the revised resolution.

Paul Lawrence

Executive Director of Place

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Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 – Update After Initial Consultation

2. Executive Summary

- 2.1 This report provides the Committee with an update on the implementation and changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015. The Theatres Act 1968 will be repealed on 27 January 2021 and the current exemption within the Civic Government (Scotland) Act 1982 will also be removed, thereby enabling a local authority to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime.
- 2.2 An initial consultation has been completed, and this report requests that the Committee approves in principle proposals to include theatres within its Public Entertainment Resolution, and to carry out the required statutory consultation to allow changes to be made to the Council's Public Entertainment Resolution.

3. Background

- 3.1 The Theatres Act 1968 ('the 1968 Act') provides a licensing regime for premises which are used for the public performance of plays. Section 41 of the Civic Government (Scotland) Act 1982 ('the 1982 Act') provides a discretionary licensing regime for places of public entertainment, and the definition of "place of public entertainment" in section 41(2) specifically excludes premises which are currently licensed under the 1968 Act. Prior to the commencement of section 74 of the Air Weapons and Licensing (Scotland) 2015 Act ('the 2015 Act'), theatres were required to be licensed under the 1968 Act and were therefore exempt from the licensing regime under the 1982 Act.
- 3.2 Section 74 of the 2015 Act repeals the 1968 Act and thus removes the licensing requirement. Section 74 also amends section 41 of the 1982 Act to remove the exemption of theatres from the definition of "place of public

entertainment”. This change in legislation would allow a local authority to then resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime, should it choose to do so.

- 3.3 Where a local authority passes a resolution to license theatres, there is a required period of at least nine months between the date the resolution is passed and the date it comes into effect. As theatres must currently be licensed under the Theatres Act 1968, the commencement of section 74 is in two parts. The amendments to section 41 of the 1982 Act have now been brought into force with the repeal of the 1968 licensing regime on 27 January 2021. This is to provide local authorities with time to make a resolution to license theatres under the public entertainment licensing regime, and to have that regime in place by the time mandatory theatre licensing comes to an end, should they choose to do so. This should also give theatres requiring a licence sufficient time to apply and to secure a licence under the new scheme, before the existing scheme is repealed.
- 3.4 The licensing of places of public entertainment is governed by section 41 of the 1982 Act. A public entertainment licence is required for the use of premises as a place of public entertainment. The 1982 Act defines “place of public entertainment” as:
- “any place where on payment of money or money’s worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation...”
- The Council’s Public Entertainment Resolution 2014 sets out a list of premises which are required to be licensed (Appendix 1).
- 3.5 The current public entertainment resolution took effect on 7 March 2014, following previous changes to policy.
- 3.6 In addition to a Theatre Licence, the majority of large theatres within the local authority area also have a licence granted under the Licensing (Scotland) Act 2005, and will therefore be exempt from a licence required under the 1982 Act.
- 3.7 The proposal to add theatres to the Public Entertainment Resolution is not an additional licensing burden but will allow the local authority to maintain an appropriate level of control in items of public safety, similar to that under the 1968 Act.

4. Main report

- 4.1 As directed by the committee at its meeting on 11 March 2019, a consultation on the proposed changes was published on the Council’s Consultation Hub between 10 June and 18 July 2019 (Appendix 2).
- 4.2 A summary of responses is attached at Appendices 3 and 4.

- 4.3 There were 39 responses in total. 39% of respondents were from residents, 23% were from theatre operators, and 25% classified themselves as ‘other’ (such as the Edinburgh Festival Fringe Society).
- 4.4 85% of respondents either agreed or strongly agreed that the Public Entertainment Resolution should be amended to include theatrical performances. 8% disagreed or strongly disagreed.
- 4.5 67% of respondents either agreed or strongly agreed that the range of premises and events listed in the current Public Entertainment Resolution covered all areas that should be licensed. 18% disagreed or strongly disagreed.
- 4.6 Respondents were asked whether there were any premises or activities that should be licensed but are not currently licensed. There were 14 responses to this question and these are attached at Appendix 4.
- 4.7 Respondents were asked whether there were any premises or activities that should not be licensed that are currently licensed. There were 11 responses to this question and these are attached at Appendix 4
- 4.8 Respondents were asked for further comments and these are attached at Appendix 4.
- 4.9 Having reviewed the comments, the Directorate proposes that the current Council’s Public Entertainment Resolution 2014 should be updated to include Theatres. It is therefore proposed to include the following text:
- “Premises used for any theatrical performances including plays, ballet, comedy and musical productions”
- within paragraph 3 of the current resolution. No further changes are recommended.
- 4.10 Officers will arrange for the proposed changes to the City of Edinburgh Council Public Entertainment Resolution to be advertised in line with the required statutory consultation process

5. Next Steps

- 5.1 Council officers will review the comments made during the initial consultation process and develop proposals to update the Council’s Public Entertainment Resolution.
- 5.2 Council officers will continue to consult with the trade and other interested parties to ensure that all views are included with any proposed changes.
- 5.3 Proposed changes may require further consideration of licensing fees and this will be included in future reports.

- 5.4 A further report will be brought forward upon conclusion of the consultation.

6. Financial impact

- 6.1 The Council's current scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.
- 6.2 The current fee for Theatres is set nationally by statute and has not been amended in recent years. The inclusion of Theatres within the 1982 Act will mean that a future report will have to seek approval for the appropriate fee which would apply to any application under the 1982 Act.

7. Stakeholder/Community Impact

- 7.1 The development of policy in respect of the licensing of theatres is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the revised conditions are consistent with these.
- 7.2 There is a requirement to carry out a statutory consultation as part of the resolution process and the timeline for this is outlined in Appendix 5.
- 7.3 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.4 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them
- 7.5 All licence holders were written to and advised of the consultation, which commenced on 10 June and finished on 18 July 2019.

8. Background reading/external references

- 8.1 [Regulatory Committee 11 March 2019](#)

9. Appendices

- 9.1 Appendix 1 - The Council's Public Entertainment Resolution 2014
- 9.2 Appendix 2 - Online Consultation
- 9.3 Appendix 3 - Summary of online consultation results

9.4 Appendix 4 – Respondents' Online Comments

9.5 Appendix 5 – Implementation timeline

Appendix 1 – The Council’s Public Entertainment Resolution 2014

THE CITY OF EDINBURGH COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”)

THE CITY OF EDINBURGH PUBLIC ENTERTAINMENT RESOLUTION Number 1 of 2014

The City of Edinburgh Council, in exercise of its powers in terms of sections 9 and 41 of the Act, hereby makes the following resolution:-

(1) Section 41 of the Act relating to Public Entertainment shall continue to have effect throughout the Council’s area.

(2) Subject to the terms of the Act, a Public Entertainment licence shall be required for the use of the premises specified in (3) below as places of Public Entertainment as from 7 March 2014.

(3) Subject to paragraphs (4) and (5) below, the premises in the Council’s area which require to be licensed under the Resolution are as follows:

- (a) Billiard, snooker and pool halls
- (b) Premises used for circuses
- (c) Premises used for firework displays
- (d) Premises used as sun-tan centres
- (e) Premises used for laser displays and games
- (f) Premises used for performing animals
- (g) Premises used for video machine arcades, Amusement Devices (including rides or machines or other such equipment including stalls, tents, booths or structures), which are installed or erected and operated for or in connection with the amusement or entertainment to the public, including without prejudice to the foregoing generality bouncy castles, carousels and bungee jumping and bungee running equipment
- (h) Premises used for paintball games
- (i) Premises used for the performance of music (whether live, recorded or amplified), any other concert venue, any rave or dance event and theatrical performances
- (j) Premises used for go-carting, off road driving courses or similar or any facility where the operator provides access to vehicles for entertainment purposes. Does not include the provision of vehicles as part of learner driver tuition.
- (k) Premises used for exhibitions
- (l) Premises used as gymnasiums

(4) BUT excluding the following places where **(a) where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation without payment of money or money’s worth and (b) the capacity does not exceed 500 persons:**

- (a) premises used for functions held by charitable, religious, youth, sporting, community, political or similar organisations;
- (b) premises used for exhibitions of art work;
- (c) premises in which live music is 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.

(5) and additionally **excluding the following places where (a) members of the public are admitted or may use any facilities for the purposes of entertainment and (b) the capacity does not exceed 250 persons:**

- (a) Premises used for functions or events by any charity, religious, community or political group or any similar non-commercial organisation.

Appendix 2 – Online consultation

Theatre licensing

Overview

The Civic Government (Scotland) Act 1982 allows the Council to choose what types of premises, activities or events it wishes to license within the council area in respect of Public Entertainment. The purpose of regulating this type of activity is not to restrict trade or competition, but to help prevent crime and ensure public safety. In addition, every person who applies for a licence is assessed to see if they are 'fit and proper' to have a licence.

Public Entertainment Licences are currently required for a range of activities, premises and events - such as fireworks displays, funfairs, exhibitions, gymnasiums etc. If your land or premises are used for the purpose of public entertainment then you could need a licence from the Council.

The type of entertainment that currently requires a licence is detailed within the City of Edinburgh Council Public Entertainment Resolution (see attached). The rules apply whether or not entry to the premises or event is free of charge.

The Theatres Act 1968 will no longer be in force from January 2021 and the City of Edinburgh Council is considering whether to include theatres within its Public Entertainment Resolution. Should theatres not be included, premises would no longer be licensed. As a 'festival city', it is considered important to ensure continuity if the Council is considering maintaining theatres within a licensing system.

Why we are consulting

The Council is consulting with the public and stakeholders in Edinburgh about proposals to include licensing of theatres within the Public Entertainment Resolution (PER). The Council welcomes your views on the proposals to include theatrical performances.

The Council's Regulatory Committee met on 11 March 2019 and agreed to begin a programme of consultation, which will run from XXXX until XXX 2019.

A report will be brought back to the Regulatory Committee on the outcome of the consultation process, and to seek approval of the final form of the draft Resolution and supporting information.

Introduction

1 What is your name?

Name

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 What is your organisation (if relevant)?

4 Please choose which of the following applies to you.

Please select only one item

- Resident Community Council representative
 Public Entertainment licenceholder Theatre operator
 Trade organisation (please give details below)
 Other business (please give details below) Other (please give details below)

Further details

Questions

5 Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree

6 Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution covers all areas that should be licensed?

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree

7 Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

8 Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?

Any comments?

9 Would you like to make any further comment about these proposals?

Please give us your comments.

More about you

You don't have to answer the following questions, but if you do it will help us to understand the range of people who have chosen to reply.

10 What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)

A) WHITE

Please select only one item

- Scottish Other British Irish Gypsy / Traveller Polish
 Other white ethnic group, please write in

B) MIXED OR MULTIPLE ETHNIC GROUP

Please select only one item

- Any mixed or multiple ethnic groups, please write in

C) ASIAN, ASIAN SCOTTISH OR ASIAN BRITISH

Please select only one item

- Pakistani, Pakistani Scottish or Pakistani British
 Indian, Indian Scottish or Indian British
 Bangladeshi, Bangladeshi Scottish or Bangladeshi British
 Chinese, Chinese Scottish or Chinese British Other, please write in

D) AFRICAN, CARIBBEAN OR BLACK

Please select only one item

- African, African Scottish or African British
 Caribbean, Caribbean Scottish or Caribbean British
 Black, Black Scottish or Black British Other, please write in

E) OTHER ETHNIC GROUP

Please select only one item

- Arab Other, please write in

11 What is your sexual orientation?

Please select only one item

- Heterosexual / straight Gay / Lesbian Bisexual Other

12 What is your age?

Please select only one item

- Under 16 16 - 24 25 - 34 35 - 44 45 - 54 55 - 64
 65 - 74 75 and over

13 How would you describe your national identity? (Please tick all that apply)

Please select all that apply

- Scottish English Welsh Northern Irish British
 Other, please write in

14 What is your gender?

Please select only one item

- Male Female Other Gender Identity

15 What religion, religious denomination or body do you belong to?

Please select only one item

- None Church of Scotland Roman Catholic Other Christian
 Muslim Buddhist Sikh Jewish Hindu Pagan
 Another religion (please specify)

Appendix 2 – Summary of online consultation results

Theatre licensing: Summary report

This report was created on Friday 19 July 2019 at 10:27.

The consultation ran from 10/06/2019 to 18/07/2019.

Contents

Question 1: What is your name?	1
Name	1
Question 2: What is your email address?	2
Email	2
Question 3: What is your organisation (if relevant)?	2
Organisation	2
Question 4: Please choose which of the following applies to you.	2
Respondent organisation	2
Further details	2
Question 5: Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?	3
Agree with home boarding conditions?	3
Question 6: Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution 3 covers all areas that should be licensed?	3
Agree with Kennels/day care conditions?	3
Question 7: Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?	3
Other areas	3
Question 8: Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?	4
Other NOT	4
Question 9: Would you like to make any further comment about these proposals?	4
Please give us your comments.	4
Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)	4
Ethnicity (A - White)	4
Other white ethnic group, please write in	4
Ethnicity (Mixed or multiple ethnic group)	4
Any mixed or multiple ethnic groups, please write in	4
Ethnicity (Asian, Asian Scottish, Asian British)	5
Other, please write in	5
Ethnicity (D - African, Caribbean or Black)	5
Other, please write in	5
Ethnicity (E - Other)	6
Other, please write in	6
Question 11: What is your sexual orientation?	6
Sexuality	6
Question 12: What is your age?	7
How old are you?	7
Question 13: How would you describe your national identity? (Please tick all that apply)	8
National Identity	8
Other, please write in	8
Question 14: What is your gender?	8
Gender	8
Question 15: What religion, religious denomination or body do you belong to?	9
Religion	9
Another religion (please specify)	9

Question 1: What is your name?

Name

There were 38 responses to this part of the question.

Question 2: What is your email address?

Email

There were 38 responses to this part of the question.

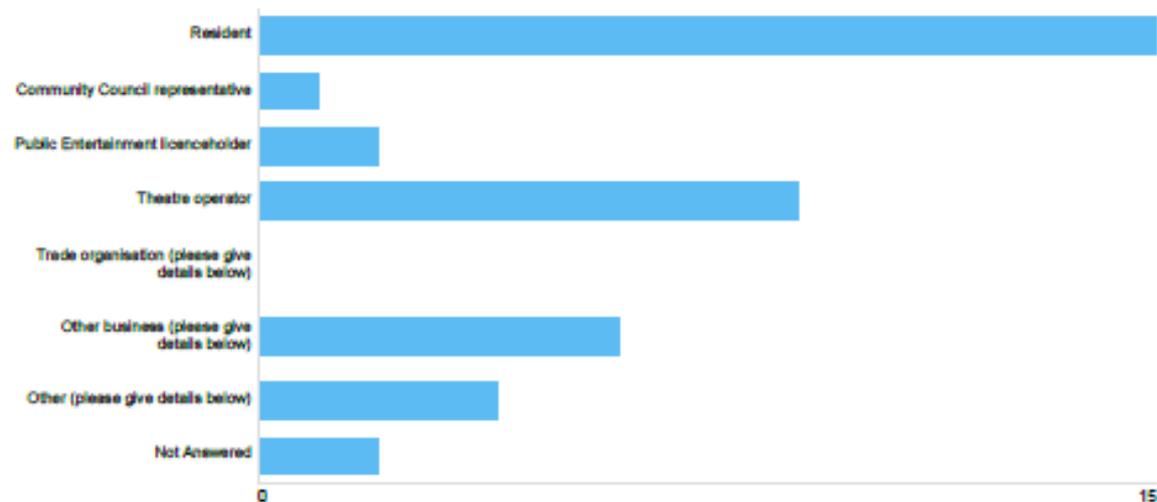
Question 3: What is your organisation (if relevant)?

Organisation

There were 24 responses to this part of the question.

Question 4: Please choose which of the following applies to you.

Respondent organisation



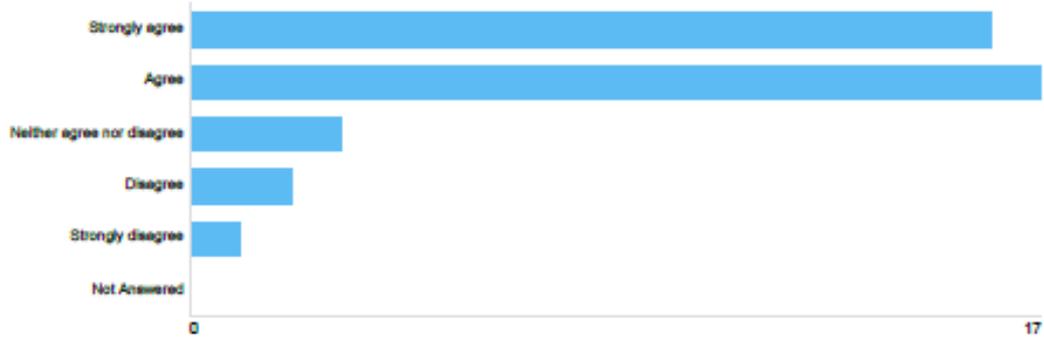
Option	Total	Percent
Resident	15	38.46%
Community Council representative	1	2.56%
Public Entertainment licenceholder	2	5.13%
Theatre operator	9	23.08%
Trade organisation (please give details below)	0	0%
Other business (please give details below)	6	15.38%
Other (please give details below)	4	10.26%
Not Answered	2	5.13%

Further details

There were 14 responses to this part of the question.

Question 5: Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?

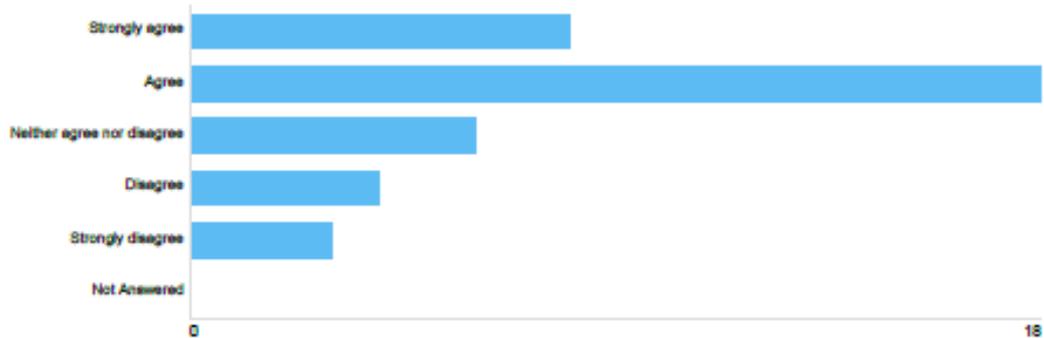
Agree with home boarding conditions?



Option	Total	Percent
Strongly agree	16	41.03%
Agree	17	43.59%
Neither agree nor disagree	3	7.69%
Disagree	2	5.13%
Strongly disagree	1	2.56%
Not Answered	0	0%

Question 6: Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution covers all areas that should be licensed?

Agree with Kennels/day care conditions?



Option	Total	Percent
Strongly agree	8	20.51%
Agree	18	46.15%
Neither agree nor disagree	6	15.38%
Disagree	4	10.26%
Strongly disagree	3	7.69%
Not Answered	0	0%

Question 7: Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

Other areas

There were 14 responses to this part of the question.

Question 8: Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?

Other NOT

There were 11 responses to this part of the question.

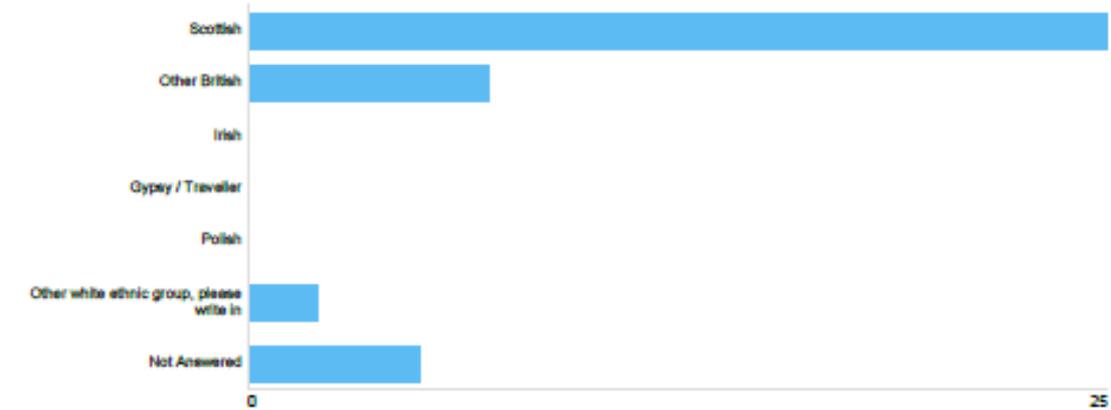
Question 9: Would you like to make any further comment about these proposals?

Please give us your comments.

There were 18 responses to this part of the question.

Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)

Ethnicity (A - White)

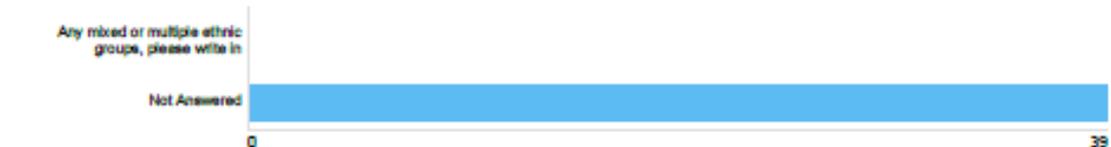


Option	Total	Percent
Scottish	25	64.10%
Other British	7	17.95%
Irish	0	0%
Gypsy / Traveller	0	0%
Polish	0	0%
Other white ethnic group, please write in	2	5.13%
Not Answered	5	12.82%

Other white ethnic group, please write in

There were 3 responses to this part of the question.

Ethnicity (Mixed or multiple ethnic group)

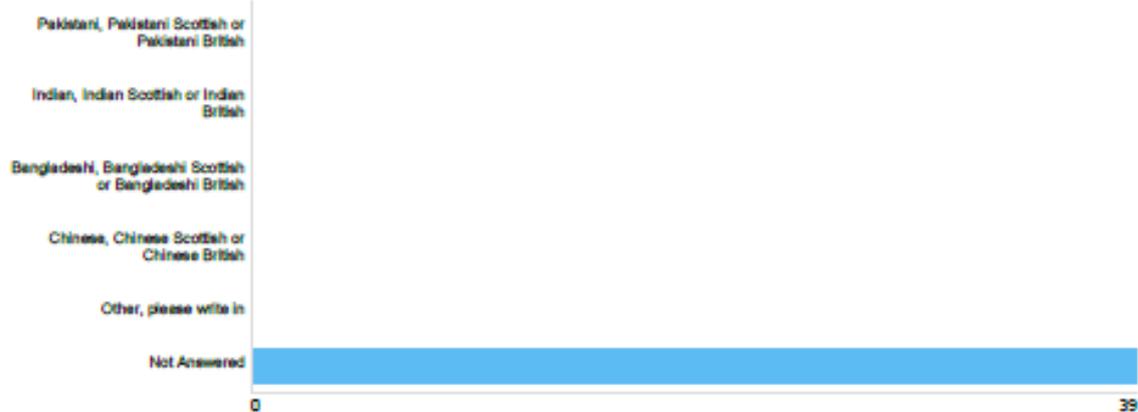


Option	Total	Percent
Any mixed or multiple ethnic groups, please write in	0	0%
Not Answered	39	100.00%

Any mixed or multiple ethnic groups, please write in

There were 0 responses to this part of the question.

Ethnicity (Asian, Asian Scottish, Asian British)

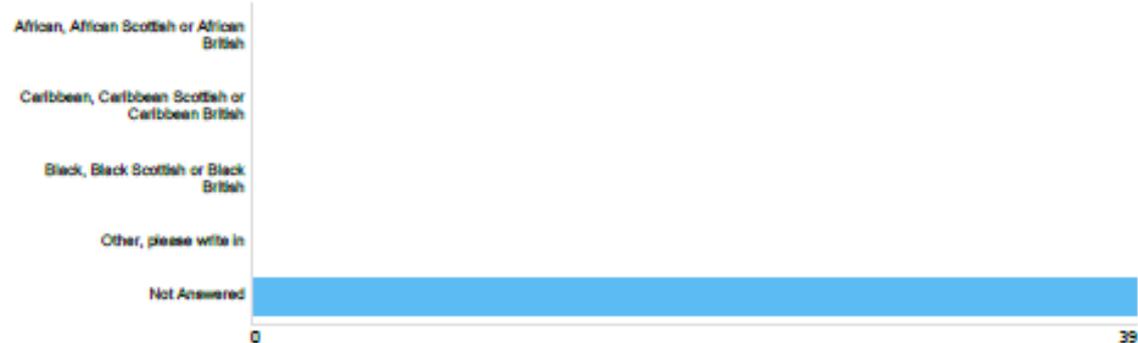


Option	Total	Percent
Pakistani, Pakistani Scottish or Pakistani British	0	0%
Indian, Indian Scottish or Indian British	0	0%
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	0	0%
Chinese, Chinese Scottish or Chinese British	0	0%
Other, please write in	0	0%
Not Answered	39	100.00%

Other, please write in

There were 0 responses to this part of the question.

Ethnicity (D - African, Caribbean or Black)



Option	Total	Percent
African, African Scottish or African British	0	0%
Caribbean, Caribbean Scottish or Caribbean British	0	0%
Black, Black Scottish or Black British	0	0%
Other, please write in	0	0%
Not Answered	39	100.00%

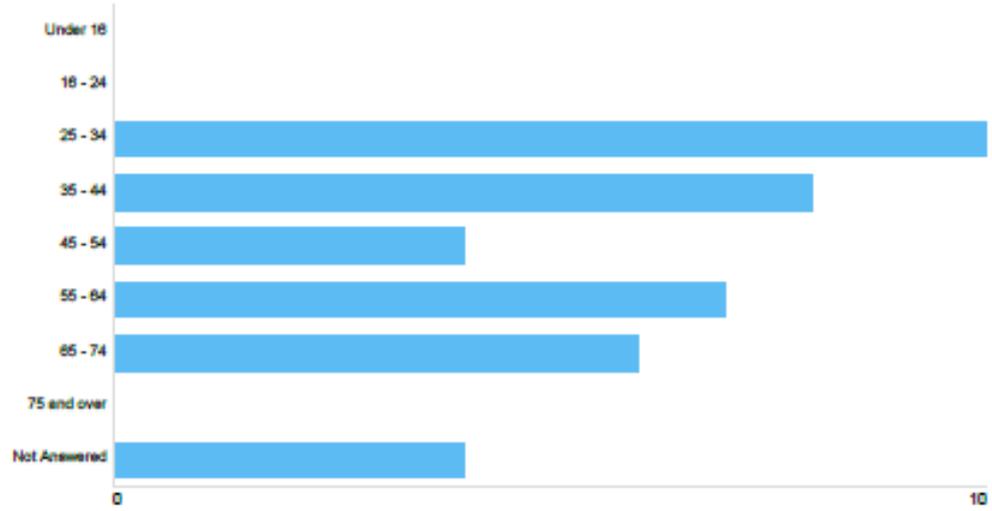
Other, please write in

There were 0 responses to this part of the question.

Option	Total	Percent
Heterosexual / straight	22	56.41%
Gay / Lesbian	5	12.82%
Bisexual	1	2.56%
Other	1	2.56%
Not Answered	10	25.64%

Question 12: What is your age?

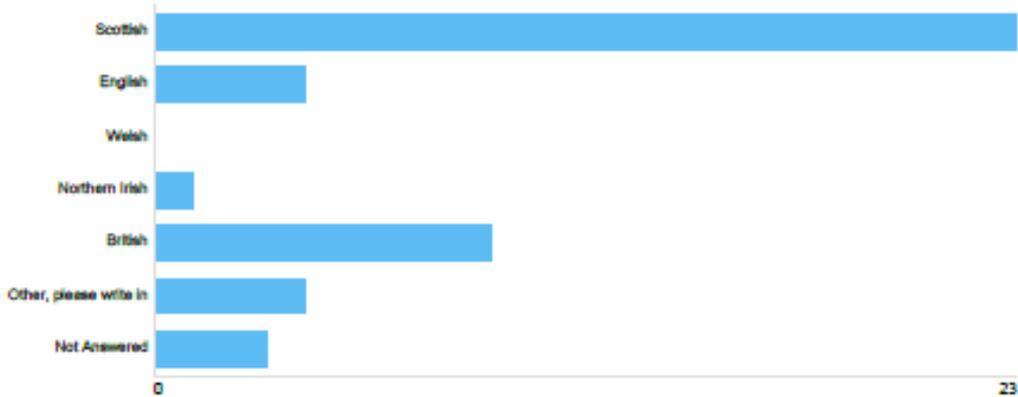
How old are you?



Option	Total	Percent
Under 16	0	0%
16 - 24	0	0%
25 - 34	10	25.64%
35 - 44	8	20.51%
45 - 54	4	10.26%
55 - 64	7	17.95%
65 - 74	6	15.38%
75 and over	0	0%
Not Answered	4	10.26%

Question 13: How would you describe your national Identity? (Please tick all that apply)

National Identity



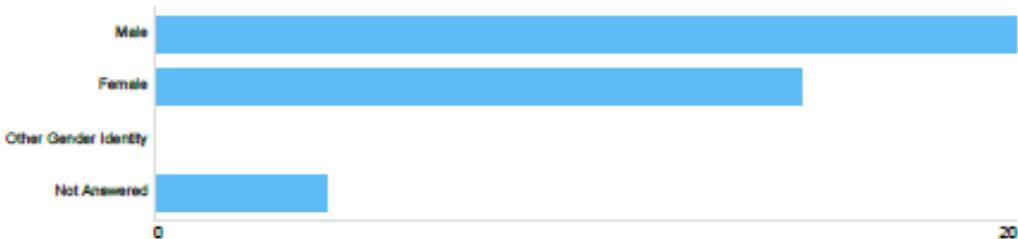
Option	Total	Percent
Scottish	23	58.97%
English	4	10.26%
Welsh	0	0%
Northern Irish	1	2.56%
British	9	23.08%
Other, please write in	4	10.26%
Not Answered	3	7.69%

Other, please write in

There were 4 responses to this part of the question.

Question 14: What is your gender?

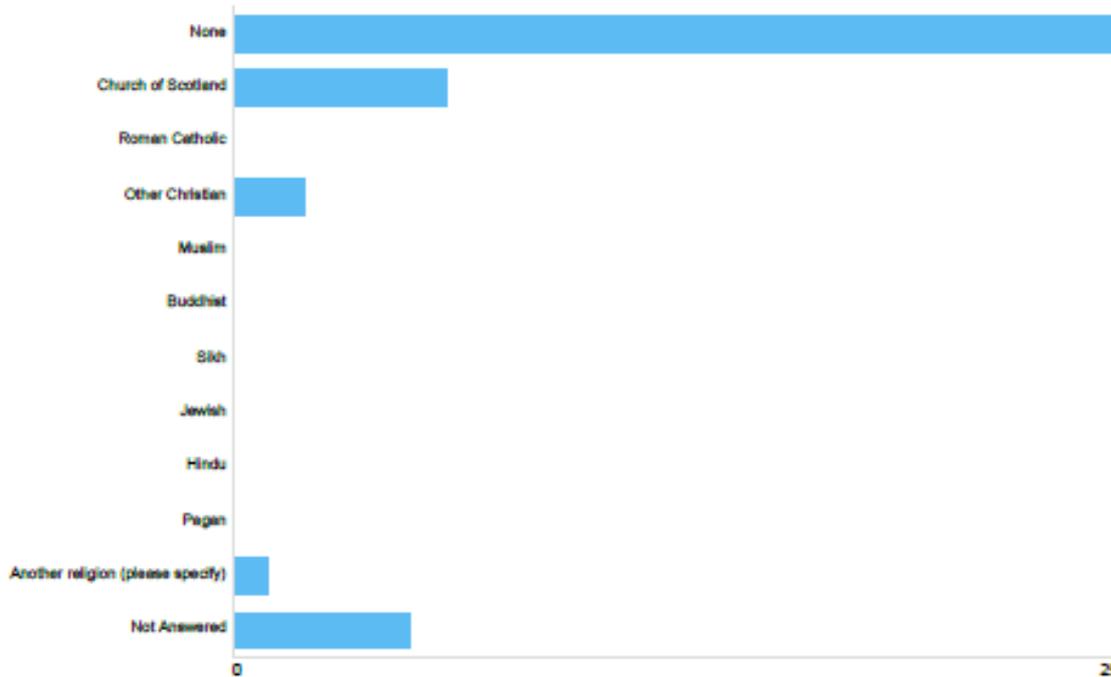
Gender



Option	Total	Percent
Male	20	51.28%
Female	15	38.46%
Other Gender Identity	0	0%
Not Answered	4	10.26%

Question 15: What religion, religious denomination or body do you belong to?

Religion



Option	Total	Percent
None	25	64.10%
Church of Scotland	6	15.38%
Roman Catholic	0	0%
Other Christian	2	5.13%
Muslim	0	0%
Buddhist	0	0%
Sikh	0	0%
Jewish	0	0%
Hindu	0	0%
Pagan	0	0%
Another religion (please specify)	1	2.56%
Not Answered	5	12.82%

Another religion (please specify)

There was 1 response to this part of the question.

Appendix 4 – Respondents’ Online Comments

Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

1	<p>While I appreciate that some entertainment venues are creating nuisance for residents in hitherto undisturbed neighbourhoods, I feel that over-licensing is not good for the cultural health of the city, and creates unnecessary make-work and stress for workers in the cultural field.</p> <p>The proliferation of events during the Festival Fringe may create problems for residents - perhaps the introduction of new licensing regulations for theatrical performances should be limited to that period.</p>
2	<p>Small and community based events.</p> <p>Safety is not a matter of numbers, it is a matter of activity and competence of organisers.</p>
3	<p>It should be a lot stronger in providing the Council with the levels to address ‘festival city’ in problem areas for overprovision and where it impacts on residents. The existing exclusions are too easily to abuse.</p>
4	<p>In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for:</p> <p>Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance</p>
5	<p>In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for:</p> <p>Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance</p>
6	<p>In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for:</p> <p>Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance</p>
7	<p>I imagine cinemas are licensed differently?</p>
8	<p>I don’t know which ones are not licensed but temp licences should be allowed for festivals etc</p>

Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?

1	I'm aware that there is an overprovision of alcohol licences in areas of the city centre, but the premises don't usually offer theatrical performances, so I'm not sure this is relevant to this survey.
2	<p>Currently we make use of the free Public Entertainment licences for up to 250 people for charity concerts. We do enforce all the public safety regulations for such events. We would hope that the changes would not affect this use.</p> <p>I feel that there is a similar case for charity theatre productions to small audiences to be treated similarly, with suitable safeguards. For example a check of the premises outwith such events so that the council have some assurance that they are suitable premises for the public, and that the regulations will still be applied. For example single shows with a run of up to 4 days, where the venue is not being shared.</p>
3	No. I think with 'festival city' you need to have the ability to be more restrictive. A legitimate and valid applicant will happily go through the process to ensure they are above board and it gives you a means to take action against those who will look to exploit the system particularly with the sheer volume of things happening within the city.
4	Personally, never been to a sun-tan centre, but I don't quite understand why these are considered to be places of entertainment. These seem to be more about beauty, health, and wellness (although all that UV exposure will probably not make you healthy or well).
5	The Policy should exempt smaller scale events/ activities across the board. Whilst the current policy provides exemptions for low capacity (sub 250) events by any charity, religious, community or political group or any similar non-commercial organisations, commercial ventures would be caught regardless of audience size. These smaller start up / niche events often lack the financial means and expertise to apply for and obtain a Temp PEL. The City's status a center for the Arts (not least with the Festival) should ensure the smaller events are not regulated out of happening
6	Licence procedures should be simplified and costs reduced especially for smaller premises

Would you like to make any further comment about these proposals?

1	I'm not sure why theatrical performances are perceived as needing further regulation, when there are so many other issues that contribute to nuisance in residential areas. I'm wary of over-regulation of cultural activities.
2	Another option is for the council to maintain a list of approved licence holders, for example those who have had a formal training session.
3	I think theatre performances in community centres and schools out with the Edinburgh Fringe festival and city centre, should not require a theatre licence especially community performances and community groups and schools. or small pro touring companies which want to put on shows in community centres/ schools/ community halls to increase cultural educational and art opportunities to socially and economically excluded communities.
4	If you try to water down or make life easier for yourself resource wise now it will just leave you with a problem in the future as people will exploit it and you will be left with more work and cost to attempt to rectify any issues that licensing could have addressed at the start
5	The Fringe Society would strongly recommend that no increase is made to PEL rates. We would recommend considering a reduced rate for a one off, temporary licence as opposed to the current situation which offers no distinction/difference between temporary and permanent. We would ask to be consulted about any proposed changes to current banding.
6	Would recommend that no increase is made to Public Entertainment Licence rates. We would recommend considering a reduced rate for a one off, temporary licence as opposed to the current situation which offers no distinction/difference between temporary and permanent. We would ask to be consulted about any proposed changes to current banding.
7	I think that the Fringe Society should be consulted about any proposed changes to current banding.
8	Would the second exclusion still apply for premises under 500 where performances are free?
9	Edinburgh council already restricts public entertainment to such a degree that a real lack of public entertainment is felt. Their restrictive policies, often governed solely on who will give them the most money, make no sense whatsoever when it comes to the well-being and social activities of Edinburgh residents. Licences are already prohibitively expensive, and regulating theatres with these licences further prices people out of the market.
10	The licensing of entertainment and art venues should be licensed in the interest of public safety.
11	I think that whatever comes about from the new licensing arrangements, it is important that venues previously licensed as theatres do not incur additional charges because they are now on a public entertainment license.
12	<p>I believe that the safety standards to which we are currently held under the permanent and temporary theatre licensing diet should be applied to the public entertainment license, no matter the outcome of the consultation. There are events going ahead under the current public entertainment structure that are not being run to the same scrutiny as we currently are under, and that scrutiny is vital to public safety at events and should be upheld across the board.</p> <p>I also feel that the current tiers under which the theatre license operates should be reviewed, with more regular price breaks for seating capacities, perhaps more tied to their fire capacity as a tier cap, rather than the rather broad 201-1000 cap that currently exists, for instance.</p>
13	<p>(1) The theatre licence charges are among the highest in the UK, especially for temporary theatre licences. It would be good to look at how these could be reduced, especially for smaller venues, or temporary venues which operate every year at the Fringe. We suggest:</p> <p>(i) We would suggest the banding for licensing should be split into more bands to give lower</p>

costs to smaller premises, adding bands for up to 60, 61-120, 121-250, 251-500.

(ii) The council should consider exempting venues smaller than a certain size (120 or fewer, 60 or fewer) from licensing costs/requirements.

(iii) Temporary licences should be reasonably less than the cost of annual licences, or if this is not possible, temporary licences should be at least no more than the cost of a renewal annual licence.

(iv) Annual licences could be made easier to renew e.g. auto-renewal without the need for a form to be fully completed.

(2) All venues should comply to an equal standard whether they operate under a premises licence or a public entertainment licence. The council should consider reducing compliance requirements for smaller premises.

(3) There are a number of requirements in the theatre licence conditions which are outdated or not applicable to temporary venues. These include:

(i) The requirement for a fireproof curtain between stage and audience

(ii) The requirement for a maintained system of lighting throughout the premises (Building Regulations now accept non-maintained emergency lighting in most cases).

(iv) The requirement for an annual EICR (for annually licenced venues) – most EICRs are issued with 3 to 7 year validity, and we feel that a requirement for an EICR to be in force would be more appropriate than a requirement for an EICR to have been completed within the past year.

(4) The council should communicate to licenceholders by email where this has been requested by the licenceholder.

Appendix 5 - Implementation timeline

