

(d) CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 - POTENTIAL LICENSING OF EVENTS WHICH ARE FREE TO ENTER (AN53-2012)

Prior to the Criminal Justice and Licensing (Scotland) Act 2010, events only required a public entertainment licence if they were ones which the public had to pay to enter or participate in (and, even then, a licence was only required if the event was of a type listed by the local authority in a resolution). The 2010 Act removes the payment element, therefore, free events are now potentially licensable. **Again, however, they will only need a licence if on the local authority's list.** This takes effect from 1st April, 2012.

The list for Dundee was drawn up in 1984 and includes such things as - ice rinks, circuses/carnivals, snooker/billiards halls and bowling alleys. It also covers any events taking place in schools or educational establishments, church halls, etc. where the event is not part of the educational or religious activities. Any events taking place in premises already the subject of a liquor licence are also exempt.

Councils are looking at the lists in each of their areas and considering whether these should be changed in light of the potential inclusion of free events and, if so, which events should be included and which specifically excluded. The procedure for changing the list is rather protracted and involves the Licensing Committee publishing an amended resolution, advertising it for a month for public comment and then a further period of 8 months has to pass before it takes effect. Therefore, in common with other councils, a pragmatic approach to deal with this issue in the interim is proposed.

The Committee is asked to agree that the current list will only apply to paid events (and that free events will continue to be unlicensed) until a new resolution is drawn up and approved in accordance with the procedure outlined above. The rationale behind this is that the 1984 list was compiled when only paid events needed a licence and it is likely that it would have been worded differently if free events were to be covered. It will be necessary to consult fully with the public and all interested parties as part of the procedure for drawing up a new resolution.