

RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING

East Lothian Council, as Licensing Authority for East Lothian, in terms of Section 9 of the Civic Government (Scotland) Act 1982, has decided that the present resolution regarding public entertainment licensing in East Lothian shall, from 11 December 2021, be replaced by the following resolution wording:

- 1) Section 41 of the Act relating to Public Entertainment Licenses shall continue to have effect throughout the local government area of East Lothian
- 2) Subject to the terms of Section 41 and Schedule 1 of the said Act, a Public Entertainment Licence shall be required for the use of premises as places of public entertainment for the classes of activity specified in Clause 4 hereof as from 11 December 2021
- 3) A Public Entertainment Licence shall not be required for the classes of activity listed in Clause 5
- 4) A Public Entertainment licence shall be required in respect of any of the following types of activity:
 - Dancing establishments
 - Theatres, including any play, dramatisation, concert, hypnotism act to which the Hypnotism Act 1952 applies, or comedy act
 - Billiards, snooker or pool halls
 - Any exhibition to which the Hypnotism Act 1952 applies insofar as not covered by the definition of Theatres
 - Exhibitions of objects such as paintings, sculptures, drawings or historical artefacts
 - Exhibitions of persons, including but not limited to boxing, wrestling, cage fighting or martial arts (where not already covered by an Indoor Sports Entertainment Licence)
 - Saunas, massage parlours, tanning salons, nail bars, health clubs or gymnasia
 - Circuses, carnivals and funfairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, mechanical riding, driving or boating apparatus or anything similar to any of the foregoing
 - Any activities involving shooting, including but not limited to archery, clay pigeon shooting, or paintball
 - Laser or war gaming
 - Motor cycle and quad bike scrambling
 - Track racing and go-carting
 - Indoor or open air festivals or variety concerts, shows or performances
 - Airshows
 - Amusement arcades with automatic or other machines, including but not limited to video gaming machines, intended for entertainment or amusement which are not licensed in terms of the Gambling Act 2005
 - Escape rooms (including puzzle and breakout rooms)
 - Bouncy castles or similar structures, or trampoline venues
 - Internal or external children's play areas including soft play areas
 - Indoor bowling alleys including ten pin bowling alleys
 - Bungee jumping or catapulting
 - Outdoor adventure or activity parks or anything similar to the foregoing Water sports activities including raft races, wake boarding, water skiing, sail boarding, canoeing and jet skiing activities (where the activity is not licensed as defined by a Boat Hire Licence)
 - Fireworks or bonfire displays

- Torchlight processions
 - Agricultural, equestrian or livestock shows
 - Skate parks
 - Major Sporting events such as Golf Opens
 - Highland Games
 - “Boot camp” type organised exercise and fitness activities
- 5) The following public events/activities DO NOT require a licence under the said Section 41:
- Small scale exhibitions of art work
 - Small scale performance of live music which is incidental to the main purpose of the premises where the performance takes place
 - Small scale oral recitals including poetry reading and story telling
 - Small scale community non-profit festivals, fetes, treasure hunts, duck derbys, galas, organised exercise and fitness activities

In respect of the foregoing, “small scale” is understood to mean less than 150 persons at any one time.

In respect of the foregoing, “non-profit” is understood to mean a non-commercial event held solely for the purpose of raising funds for the organisation holding the function and NOT for the purposes of making a profit or deriving any other form of financial benefit by any person or organisation, and where ALL surplus funds raised by the event are utilised to further the aims and activities of the organisation holding the event.

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