

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**13 MARCH 2008**

**CONSIDERATION OF VARIATION OF THE RESOLUTION IN RESPECT OF  
PUBLIC ENTERTAINMENT LICENSING**

**Report by the Executive Director of Corporate Support**

**1. PURPOSE OF REPORT**

- 1.1 To invite the Licensing Panel to ratify the decision to vary the resolution in respect of Public Entertainment to include Agricultural Shows or Events, Equestrian Shows or Events and Livestock Shows or events throughout East Ayrshire.

**2. BACKGROUND**

- 2.1 At the meeting of the Licensing Panel held on 15 March 2007, Members considered the report dated 14 February 2007 by the Executive Director of Neighbourhood Services and agreed to vary the resolution in respect Public Entertainment to include Agricultural Shows or Events, Equestrian Shows or Events and Livestock Shows or events throughout East Ayrshire.
- 2.2 It was further agreed that it be remitted to the Head of Administrative and Legal Services the carry out the necessary procedures.

**3. DISCUSSION**

- 3.1 In terms of Section 9 of the Civic Government (Scotland) Act 1982, the Notice of Intention to vary the Resolution was advertised in the Kilmarnock Standard and the Cumnock Chronicle, in their issues of week ending 21 November 2007. (Copy attached at Appendix 1)
- 3.2 No objections or representations having been lodged within the 28-day period specified in the Act, the Licensing Panel may now resolve to include Agricultural Shows or Events, Equestrian Shows or Events and Livestock Shows or Events throughout East Ayrshire within the scope of the Public Entertainment Licensing regime.
- 3.3 A licensing authority shall, a soon as they have made or varied a resolution, publish in a newspaper circulating in their area –

- (a) the terms of the resolution or variation so made, together with
- (b) a notice stating that with effect from the date specified as that on which the resolution comes into effect, it will be an offence under Section 7(1) of the Act to do without a licence whatever the resolution specifies as an activity which requires to be licensed; and that applications for licence in respect of the activity will be considered by the authority after the expiry of one month after the date of the making of the resolution.

3.4 In terms of Section 9(2) of the Act the variation of the resolution cannot come into effect until the expiry of 9 months from the date of the making of the resolution.

#### **4. FINANCIAL IMPLICATIONS.**

4.1 As detailed in 3.3 above the variation of the Resolution must be advertised in the local press. Advertising costs will be in the region of £550.00 to £600.00

4.3 There will also be financial considerations for the organisers in terms of licence application fees, insurance and advertising.

#### **5. LEGAL IMPLICATIONS**

5.1 Section 9 of the Civic Government (Scotland) Act 1982 defines the procedure for varying Resolutions.

#### **6. POLICY IMPLICATIONS**

6.1 Nil.

#### **7. CONCLUSIONS**

7.1 The necessary initial procedures having been carried out, the Members may now agree to vary the resolution in respect Public Entertainment licensing to include Agricultural Shows or Events, Equestrian Shows or Events and Livestock Shows or events throughout all East Ayrshire.

7.2 The fact that agricultural, equestrian and livestock shows or events are not presently included in the Resolution for Public Entertainment could result in the Council being exposed to any number of risks or criticisms in the event of an incident occurring involving personal injury to any member of the public or damage to property.

7.3 The inclusion of such shows or events in the Resolution will generally improve standards of health and safety at these events for both the participants and members of the public.

## **8. RECOMMENDATIONS**

8.1 It is recommended that the Licensing Panel consider the contents of this report and agree:-

- (i) to vary the Resolution relating to Public Entertainment to include the licensing of Agricultural Shows or Events, Equestrian Shows or Events and Livestock Shows or events throughout East Ayrshire;
- (ii) to remit to the Executive Director of Corporate Support to make the necessary arrangements; and
- (iii) otherwise to note the content of the report.

Elizabeth Morton  
Executive Director Corporate Support

EM/GHS

27 February 2008

### **LIST OF BACKGROUND PAPERS**

1. Report by the Executive Director of Neighbourhood Services dated 14 February 2007.
2. Minutes of the meeting of the Local Government Licensing held on 15 March 2007.

Any person wishing to inspect of the background papers listed above should telephone 01563 576161 and ask for Mr David Mitchell, Head of Legal, Procurement and Regulatory Services or e-mail [david.mitchell@east-ayrshire.gov.uk](mailto:david.mitchell@east-ayrshire.gov.uk)

**EAST AYRSHIRE COUNCIL**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**NOTICE OF INTENTION TO MAKE A RESOLUTION**

Notice is hereby given that East Ayrshire Council intends to make the following resolution.

East Ayrshire Council, the Licensing Authority for East Ayrshire in terms of the Civic Government (Scotland) Act 1982, hereby resolve:-

Firstly, that as from 1 January 2009, the activities undernoted, the provision for the licensing and regulation of which is made in the Section of the above Act, also noted, shall require to be licensed in accordance with the provisions of the Act relating to the activity and shall be regulated by those provisions, namely:

**Activities**

Agricultural Shows or Events;  
Equestrian Shows or Events; and  
Livestock Shows or Events.

**Section of the Act**

Section 41

(Defined as any public event showcasing the equipment, animals, sport and recreation associated with the occupations of agriculture, equestrianism and/or animal husbandry)

Secondly, that the foregoing resolution is made in relation to the whole of East Ayrshire, being the area of the Licensing Authority.

**Any representations in respect of the proposed resolution may be made, in writing, to the undernoted within 28 days of the date of publication of this notice.**

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**Elizabeth Morton**  
**Depute Chief Executive/**  
**Executive Director of Corporate Support**  
**Civic Government Licensing,**  
**14 London Road, Kilmarnock KA3 7AF**



**East Ayrshire**  
COUNCIL