

Agenda item	6
Report no	HLC/058/19

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **5 November 2019**

Report title: **Air Weapons and Licensing (Scotland) Act 2015 – repeal of Theatres Act 1968**

Report by: **The Principal Solicitor – Regulatory Services**

1. Purpose/Executive Summary

- 1.1 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 2015 Act”).
- 1.2 The Civic Government (Scotland) Act 1982 (“the 1982 Act”) was amended on 26 April 2019 by the 2015 Act. This removed the current exemption that premises licensed under the Theatres Act 1968 do not come within the definition of “places of public entertainment”.
- 1.3 This thereby allows local authorities to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime. It is anticipated that the Theatres Act 1968 will be repealed on 27 January 2021.
- 1.4 At the Licensing Committee meeting of 6 August 2019, Members agreed to undertake a public consultation exercise to obtain public opinion as to whether theatres should be included within the public entertainment licensing regime and, if so, what type of premises should be included.
- 1.5 The public consultation exercise has now been completed and this report sets out for Members consideration revisions to the theatre and public entertainment licensing regime.

2. Recommendation

- 2.1 Members are invited to consider the responses to the public consultation exercise and (a) make a decision as to whether they make a resolution to include the performance of plays within the public entertainment licensing regime and, if so, (b) the exact terms of the resolution.

3. Background

3.1 The Theatres Act 1968 (“the 1968 Act”) currently provides a mandatory licensing regime for premises which are used for the public performance of plays. The 1968 Act defines a play as

(a) any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role; and

(b) any ballet given wholly or in part by one or more persons actually present and performing, whether or not it falls within paragraph (a) of this definition.

The licensing of theatres is currently dealt with by the Council’s Environmental Health Service. There are 9 premises which are currently licensed for the public performances of plays under the 1968 Act. A licence under the 1968 Act is valid for one year.

3.2 Section 41 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) provides a discretionary licensing regime for places of public entertainment. Places of public entertainment are defined as “any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation”. There are a number of premises which are specifically excluded in the 1982 Act including athletic or sports grounds, premises licensed for the sale of alcohol or gaming, cinemas and certain other categories. A copy of the terms of section 41 is set out in **Appendix 1**.

3.3 Until 26 April 2019 theatres were specifically excluded as a “place of public entertainment” within the 1982 Act. However, section 74 of the 2015 Act amends section 41 of the 1982 Act to remove the exemption of theatres from the definition of a “place of public entertainment”. A local authority could therefore now resolve under section 9 of the 1982 Act to license theatres under its public entertainment regime. A copy of the list of premises which the Council has resolved to license under its public entertainment licensing regime is set out in **Appendix 2**.

3.4 The licensing of places of public entertainment under the 1982 Act is an optional licensing activity and categories of premises (which includes land) should only be required to be licensed if it is deemed necessary for the preservation of public order and safety and the prevention of crime, which are the key aims of civic licensing. Premises should also only be licensed if there are additional safeguards that the public entertainment licensing regime would offer which are not already provided by other statutory regimes governing premises at which plays are publically performed. Other statutory regimes include fire, health and safety, building standards, liquor licensing and food hygiene legislation.

3.5 The 2015 Act also further amends the 1982 Act to clarify what conditions can be applied to a public entertainment licence authorising the use of premises for the public performance of plays. Conditions cannot be used to regulate the nature of the plays to be performed nor the manner of performing them. Standard conditions can be attached and any additional conditions which are considered appropriate on the grounds of public safety.

- 3.5 The rest of section 74 of the 2015 Act repeals the 1968 Act theatre licensing regime under that Act and is due to come into force on 27 January 2021. This is intended to give local authorities time to get a public entertainment licensing regime in place before mandatory theatre licensing ceases should they resolve to do so. This should also give theatres that may require a licence under the public entertainment licensing regime sufficient time to apply and obtain a licence under the new licensing regime before the existing scheme is repealed.
- 3.6 The main reason for the repeal of the 1968 Act and allowing the performance of plays to become a public entertainment licensable activity under section 41 of the 1982 Act is to introduce greater flexibility by letting a local authority set out the scope of the public entertainment regime. The guidance from the Scottish Government has suggested that local authorities will, for example, be able to exclude premises offering plays to very small audiences from the licensing requirement where they consider that appropriate and proportionate.
- 3.7 Consideration should also be given to the type of premises that may require a public entertainment licence for the public performance of plays. The 1968 Act theatre licensing regime currently applies to plays performed in “any place” and would therefore include outdoor play performances. It also requires any performance in a public place and any performance which the public are permitted to attend, whether or not for payment, to be licensed.

4. Procedure

- 4.1 At the Committee meeting of 6 August 2019, Members agreed to undertake a consultation exercise to obtain public opinion as to whether theatres should be included within the public entertainment licensing regime and, if so, what types of premises should be included.
- 4.2 Public consultation was carried out for a period of 6 weeks and the 11 responses received are set out in **Appendix 3**.
- 4.3 Members are invited to consider the responses and (a) make a decision as to whether they make a resolution to include the performance of plays within the public entertainment licensing regime and, if so, (b) the exact terms of the resolution. This includes consideration of the definition of a play and whether a charge to the public, the type and the size of premises should be taken into account for licensing purposes.
- 4.4 If Members are minded to include the performance of plays within the public entertainment licensing regime, a statutory procedure must be followed.
- 4.5 The steps for varying a resolution to include additional licensable activities are set out at section 9 of the 1982 Act. This includes formal publication of the proposal to vary followed by a 28 day consultation period. Any responses would be reported back to a future meeting. After consideration of the outcome of the consultation, Members can make modifications to the proposed resolution in light of the representations received but they cannot increase its scope. If Members proceed to make a modified resolution, a further publication process must be followed.

- 4.6 Where a local authority passes a final resolution there is a required statutory period of at least 9 months between the date the resolution is passed and the date it comes into effect.
- 4.7 The time line for any potential inclusion of theatres within the public entertainment resolution is set out in **Appendix 4**.
- 4.8 If Members are minded to include the performance of plays within the public entertainment licensing regime, the current standard conditions for public entertainment licensing would be applied. It would also be proposed that more specific additional conditions would also be required. On this basis, additional conditions have been drafted and attached to this report as **Appendix 5** for consideration. There would also be other matters to consider such as revised fees, new application forms and guidance notes which would be dealt with at a future date.

5. Implications

- 5.1 Should theatres not be included within the public entertainment resolution, premises which are used for the public performance of plays would no longer be licensed for this use from 27 January 2021. Some larger premises would still be regulated by the Licensing (Scotland) Act 2005 for any liquor licence or would require to have a public entertainment licence for other activities including concerts or musical performances.

Date: 22 October 2019
Author: Claire McArthur

Background Papers:

Civic Government (Scotland) Act 1982
Air Weapons and Licensing (Scotland) Act 2015

Appendices:

Appendix 1 – Section 41 of the 1982 Act
Appendix 2 – Current premises which require a public entertainment licence
Appendix 3 – Public consultation responses
Appendix 4 – Timeline for any potential inclusion of theatres within the public entertainment licence resolution
Appendix 5 – Proposed additional conditions

41.— Public entertainment licences.

(1) A licence, to be known as a “public entertainment licence”, shall be required for the use of premises as a place of public entertainment.

(2) In this section, “*place of public entertainment*” means any place where [...] ¹members of the public are admitted or may use any facilities for the purposes of entertainment or recreation but does not include—

(a) an athletic or sports ground while being used as such;

(aa) premises in respect of which a licence is required under [section 41A](#) of this Act while such premises are being used for the purposes mentioned in that section;

(ab) a sexual entertainment venue (as defined in [section 45A](#)) in relation to which [Schedule 2](#) (as modified for the purposes of [section 45B](#)) has effect, while being used as such;

(b) an educational establishment while being used as such;

(c) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;

(d) premises licensed under [...] ⁴[section 1](#) of the [Cinemas Act 1985](#);

(e) premises in respect of which there is a club gaming permit (within the meaning of [section 271](#) of the [Gambling Act 2005 \(c.19\)](#)) or a prize gaming permit (within the meaning of [section 289](#) of that Act of 2005);

(f) [premises in respect of which a premises licence within the meaning of [section 17](#) of the [Licensing \(Scotland\) Act 2005](#) has effect] ⁶ in which public entertainment is being provided during [licensed] ⁷ hours within the meaning of that Act; [...] ⁸

(g) premises in which machines for entertainment or 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 [; or] ⁹

(h) such other premises as the Scottish Ministers may by order made by statutory instrument specify.

(2A) A statutory instrument containing an order made under subsection (2)(h) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

(3) Without prejudice to [section 3B](#) of and] ¹¹[paragraph 5 of Schedule 1](#) to this Act, a licensing authority may attach conditions to a public entertainment licence—

(a) restricting the use of the premises to a specified kind or specified kinds of entertainment or recreation;

(b) limiting the number of persons to be admitted to the premises;

(c) fixing the days and times when the premises may be open for the purposes of the entertainment or recreation.

(3A) In relation to a public entertainment licence which authorises the use of premises for the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

(3B) Subsection (3A) does not prevent a licensing authority from attaching, by virtue of [section 3B](#) or in accordance with subsection (3) or [paragraph 5 of Schedule 1](#), any condition which they consider appropriate on the grounds of public safety.

(4) In this section, “*educational establishment*” has the meaning given by paragraphs (i) and (ii) of the definition of that expression in [section 135\(1\)](#) of the [Education \(Scotland\) Act 1980](#) but includes a university and a theological college.

What Entertainment Is Required To Be Licensed?

A public entertainment licence will be required for the use of premises, i.e. any place including the use of land, where members of the public are admitted or may use the facilities for the following purposes of entertainment or recreation. Unless otherwise stated below, a licence will be required only where admission is on payment of money or monies worth. The two exceptions to this are firework displays and certain types of outdoor concerts and music performances (see paragraphs (c) and (v) below). In each of these two cases a licence is also required where there is no charge for entry to the event.

(a)billiard, snooker and pool halls;

(b)premises used for exhibitions; (From 1st January 2017 only exhibitions, which take place outdoors or which involve the use of a temporary structure and where there is an admission fee or charge to the public will require a public entertainment licence).

(c)premises used for fireworks displays (includes where there is no admission fee or charge).

(d)premises used for health and fitness activities, including gymnasia and saunas;

(e)premises used for laser displays and war games;

(f)premises used for agricultural shows;

(g)premises used for Highland Games;

(h)premises used for Go-Karting;

(i)premises used for bungee-jumping and bungee-running;

(j)premises used for bouncy castles or similar structures;

(k)discos and dances;

(l)musical performances;

(m)lectures and illustrated talks (From 1st January 2017 only lectures and illustrated talks which take place outdoors or which involve the use of a temporary structure and where there is an admission fee or charge to the public will require a public entertainment licence).

(n)concerts;

(o)circuses;

(p)fairgrounds;

(q)travelling shows;

(r)travelling funfairs;

(s)Sun Tanning Premises.

(t)Trampolines and bungee trampolines

(u)Entertainment/Variety shows

(v)Outdoor concerts and musical performances where there is no admission fee or charge and which have a capacity of over 250 and where amplified music, or use of a public address system, is the principle activity of the event.

Theatre Licensing consultation responses

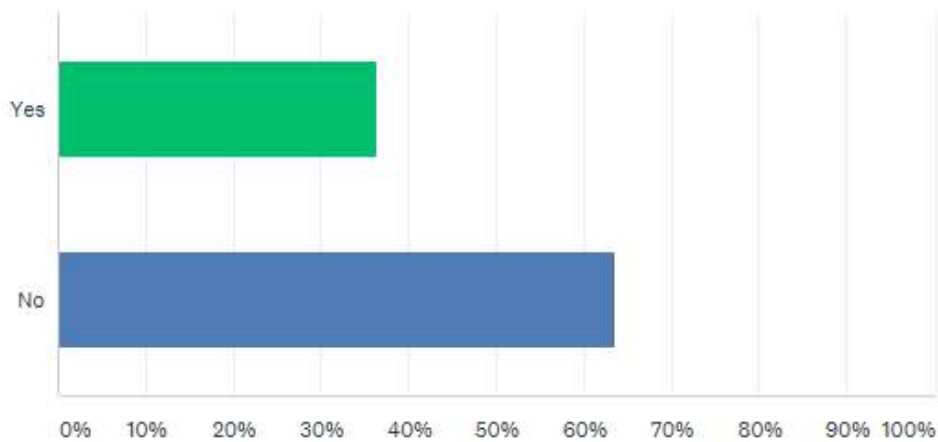
Open 1	Draft 0	Total responses 11	Average completion rate 100%	Typical time spent 00h:06m:00s
--------	---------	--------------------	------------------------------	--------------------------------

Q1

[Customize](#) [Save as](#)

Do you think that premises that are used for the public performance of plays should be licensed under the public entertainment licensing regime?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	36.36% 4
No	63.64% 7
TOTAL	11

[Comments \(10\)](#)

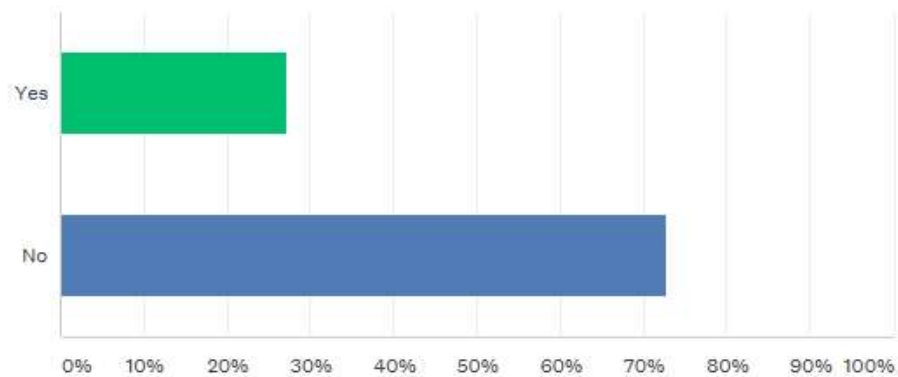
Comments received

- Licensing venues is a good way to ensure appropriate standards are maintained for public safety
- The provision of theatrical performances is already an expensive and in some areas elitist activity. In the Highlands there are multiple small venues some owned and operated by charities, who, contribute to our communities, our youth development and our support of an inclusive social plan for the areas they serve. To use that licensing model would be punitive and lead to potential reduction in the support they can create for our local communities in terms of making the arts accessible to as many people as possible at reasonable/minimal cost. It may also lead to some being unsustainable and some areas losing their access to local theatrical events entirely.
- Yes as we are a mixed use venue with only occasional theatre (play) performances - this makes perfect sense and PEL H&S requirements are sufficient.
- At times when theaters and venues are finding it difficult to continue operating, due to cuts in public support for the arts, this is a cost that could be done away with.
- Local theatre groups would suffer and the young people who attend them would end up suffering too. Theatres already have to fund themselves by putting on shows without this as well.
- Most of the plays performed in the Highland council area are done so by amateur clubs which run as a charity and are there for the community. A lot of which have a junior contingent, giving kids something to do if a night. Even these amateur clubs already have strict rules and are able to operate safely. There is no need to enforce this to “reduce crime” and it will just cause an administrative headache for these clubs, probably resulting in these clubs becoming less active within the community.
- No, I think this would impose an unnecessarily restrictive burden on the amateur theatre organisations and small amateur groups throughout the highland region that currently put on production in schools and village halls. Currently those premises that have a theatre license only need to apply for a license once a year if the requirement to have an entertainment license for each production was imposed them they would have to pay the application fee and obtain a license for each individual production. I believe that this would be an excessive burden in both time and cost which would reap no benefit
- It's an existing scheme therefore no most in setting up something new
- Creating another administrative burden for amateur groups will make it harder for small theatrical and drama groups.



Do you think that it is necessary to license the public performance of plays for the preservation of public order and safety and the prevention of crime?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ Yes	27.27%	3
▼ No	72.73%	8
TOTAL		11

- They should be accountable in terms of health and safety, fire safety and any other applicable legislation - by licensing, this keeps it simple and in one place and ensures compliance

Comments received

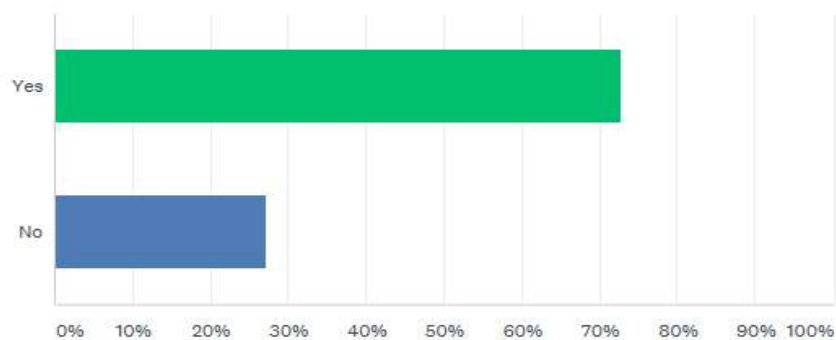
- Venues should be able to demonstrate that they can cope with public attendance in a safe way
- Yes it is necessary to license, but, a simple annually renewable license, priced to reflect the commercial/charitable nature of the body applying, the venue capacity and the amount of community input/payback the body creates could be fair.
- I have yet to hear of public order issues / crime as a result of a performance of a play in recent history in the Highlands....all other H&S issues should be well covered by a PEL.
- Having the licence does not affect public order or the prevention of crime: that comes from good governance within the venue.

- All clubs have to do this anyway. They risk assess for this.
- Clubs already operate safely, PVG check every member and run full risk assessments for every production.
- I have been involved in staging both professional and amateur drama productions across Caithness for over 40 years and have never come across any issues with public order of any sort. With regard to the issue of safety, each organisation that stages plays has a duty of care to do this in a safe manner. I suggest that this duty could be imparted on those organisations by an annual check similar to the theatre license check. This would ensure that a fire Scotland risk assessment was in place for each venue etc.
- Needs to be under same regulations ATM nudity in Eden Court is acceptable but in Private Eyes it's not!
- There is no evidence to suggest plays are a threat to public safety in Highland.



The definition of a play currently given in the Theatres Act 1968 is:(a) any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role; and (b)any ballet given wholly or in part by one or more persons actually present and performing, whether or not it falls within paragraph (a) of this definition. Do you agree that if public performances of plays were licensed under the public entertainment regime that this definition could be used?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	72.73%
No	27.27%
TOTAL	11

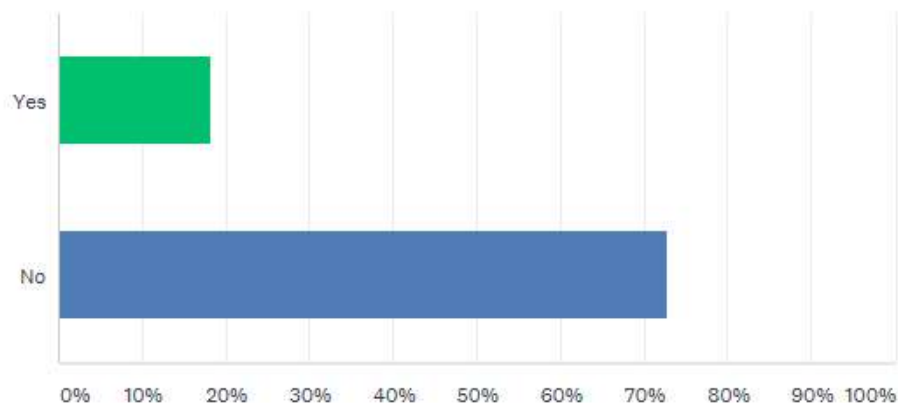
Comments received

- This doesn't encompass all that a theatre may do as a show
- You could use this definition if you wished to impose the burden of individual licenses for each production, but as stated previously, I am not in favour of this proposed change
- It should only apply if at all to professional groups.



If public performance of plays were licensed under the public entertainment regime, should this only apply to plays where there is a charge to the public?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	18.18% 2
No	72.73% 8
TOTAL	11


[Comments \(9\)](#)

Comments received

- If non-paying events are not licensed, there is a risk that unsuitable venues could attract large numbers of people with no responsible for their safety being taken by organisers
- There is a need for an overarching licensing regime which helps ensure venues maintain the same standards in all areas for every production they present/host. Licensing individual performances/events would NOT be a fair and equitable way to proceed, The Annual cover all license is essential to the preservation of small venue arts support in the Highlands.
- No - as free or paid for it is still Public Entertainment and should fall under the guidelines of PEL
- Again, venues need to control costs and any charges against performances make it difficult to provide anything free. Also, costs inevitably add to ticket costs for the general public.
- It should not be

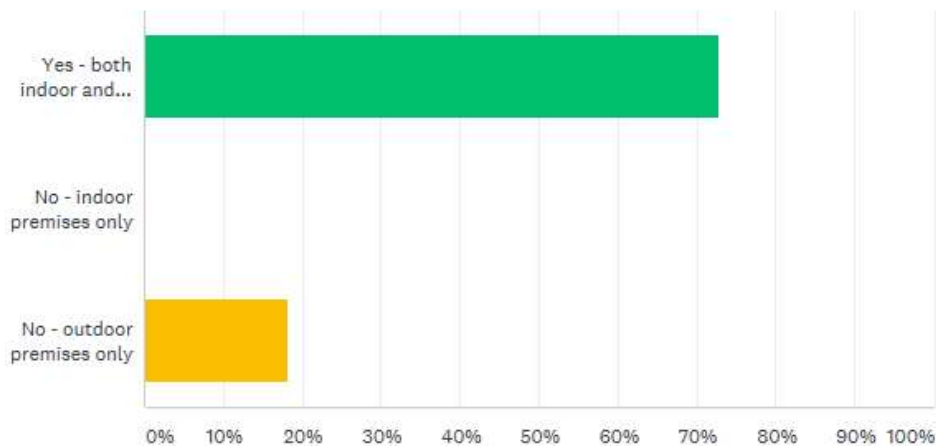
- Clubs need to fund the administration!
- If there is a need to manage public safety then The license requirement should apply regardless of whether the entrance fee is being charged or not. As stated previously, I don't believe using the licensing regime is the best way to manage any safety requirement and I don't believe it is necessary from a public order point of view.
- Paid or free /no difference in content
- This question is not good as it implies acceptance.

Q5

 [Customize](#) [Save as](#) ▼

If public performance of plays were licensed under the public entertainment licensing regime, should this apply to both indoor premises and outdoor premises used for the performance of plays?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ Yes - both indoor and outdoor premises	72.73% 8
▼ No - indoor premises only	0.00% 0
▼ No - outdoor premises only	18.18% 2
TOTAL	11

[Comments \(8\)](#)

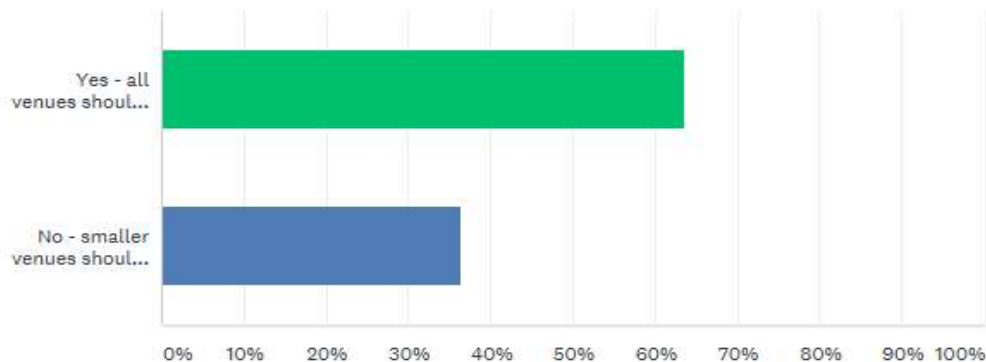
Comments received

- Standards and public safety should be maintained by all venues and organiser of events, irrespective of where they take place.
- If you must license it must be fair and equitable and apply to all. The definition of an outdoor venue is problematic when you consider some of the largest and most successful outdoor theatrical events of the last 20 years in the Highlands were promenade street performances that used multiple venues and multiple open air public spaces throughout the towns they took place in. e.g. The Highland Council sponsored "Burning Knight" in Thurso Caithness. You must create a system that looks at all of these possibilities and keeps the costs well within the means of the potential producers or you will kill arts performances.
-Unless there are additional H&S reasons or concerns for public safety in a temporary outdoor venue. (permanent venues totally outdoors or with outdoor areas should already be covered by the guidelines of a PEL)
- Outdoor
- A lot more could go wrong with an outdoor performances!
- As stated previously, if you have a safety concern that needs addressed, then you have to manage it by whatever means you think appropriate. Weather this is by means of a license or otherwise. If there isn't some issue that needs managed then there is no benefit in having a license, this applies regardless of whether the production is indoor or, outdoor free or otherwise.
- No difference in the content
- No.



If public performance of plays were licensed under the public entertainment licensing regime, should all venues be required to have a licence or should smaller venues (based on audience capacity) be excluded?

Answered: 11 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes - all venues should be included	63.64% 7
No - smaller venues should be excluded	36.36% 4
TOTAL	11

[Comments \(8\)](#)

Comments received

- All venues should be licensed, though the standards to which venues and organiser are held could be varied so that the licensing in place is appropriate to the venue and events
- You should consider that all venues need the protection that licensing might offer, but, small venues and venues where they are owned and operated for charitable ends to support the local community, where policies showing clear charitable aims (OSCR registration etc.) a record of providing development opportunities for local youth, a commitment to developing the arts for the benefit of their local residents, should qualify for licensing where Highland Council provide the license, but, waive any charges as a charitable act, thus providing support for small venues and charitable venues. As to small venue size I would say anything below 90 seats would be reasonable. There are some charitable groups who create large community events e.g. annual pantomime performances in local schools, Highland Council should consider that these events where the funds raised support the charitable giving through youth work etc for the ongoing year might also be deserving of having any costs waived.

- My understanding is that all public access venues offering mixed entertainment to the public including plays etc (or that hold an alcohol licence) should hold a PEL. Where the provision of 'Theatre' is the main purpose of the venue / business (eg Eden Court and similar) then I would imagine that these venues would be treated differently as they will have additional H&S / capacity issues that smaller venues would have alongside of specific additional fire regs eg Fire Curtains, etc
- For the same reasons as given above.
- Smaller venues with less than 100 people should not be charged
- Smaller venues bring in less revenue and there's less chance of something going wrong posing a risk to public safety.
- There may be an argument to be made to exempt smaller premises which tend to be the ones run by charities and have a smaller profit margin etc. The big issue with this approach is that it is not very fair for those who have a seating capacity just over whatever threshold you set. If the threshold you set exempted all school premises and productions in venues under, say 200 seats, that would still leave scope for smaller productions to be financially viable.
- If small venues are excluded that leaves a loophole to be exploited! Fees need to be on a sliding scale based on capacity

REPORT TO HIGHLAND LICENSING COMMITTEE INVITING MEMBERS TO GO OUT TO PUBLIC CONSULTATION

(6 August 2019)

- Should the Council license theatres under the public entertainment licensing regime
 - If so, what types of premises should be included



CONSULTATION PERIOD

(12 August – 23 September 2019)



HIGHLAND LICENSING COMMITTEE

(5 November 2019)

- Report back to HLC with consultation responses
- Produce draft conditions for Members to consider should they resolve to license theatres
- Draft resolution under section 9 of the 1982 Act for Members to consider should they resolve to licence theatres



(If Members resolve to licence)

STATUTORY CONSULTATION

(8 November 2019 – 6 December 2019)

- Newspaper publication and consultation period for resolution and conditions



HIGHLAND LICENSING COMMITTEE

(January 2020 meeting date -tbc)

- Report back to HLC at the end of the statutory consultation period to allow any modification to be made to the resolution and conditions in light of the representations received.



FINALISE AND PUBLISH RESOLUTION

(January 2020 – date tbc)



PREPARE APPLICATION FORMS AND GUIDANCE NOTES

(January – February 2020)



ABOLISHMENT OF THEATRES ACT 1968 AND IMPLEMENT RESOLUTION

(27 January 2021)

POTENTIAL DRAFT ADDITIONAL CONDITIONS FOR
PUBLIC ENTERTAINMENT LICENSING – THE PERFORMANCE OF A PLAY
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

STAGE AREA

1. The area below the stage must not be used for the storage of any inflammable or combustible liquids, gases or materials of any kind
2. A first aid kit which complies with the requirements of the health and safety first aid regulations shall be provided on the premises
3. Seating arrangements for the auditorium or other area of the premises shall be in accordance with the management policy stemming from the fire safety risk assessment
4. All doors and barriers shall not be fastened or locked except by emergency bolts when the premises are open
5. Any person sitting in a wheelchair as part of the audience shall be placed in a position where they will not cause an obstruction in the event of an emergency and where a ready means of exit is available.

MANAGEMENT

6. The licence holder shall appoint a manager and a management committee to manage the premises. The manager or his appointed deputy shall be in charge and present during the whole time the premises are open to the public and shall be kept free of work that would prevent him from being immediately available in the event of an alarm of fire or other incident.
7. The licence holder shall ensure that there are a sufficient number of competent and adequately trained attendants to cover any emergency situation. These attendants shall be on duty the whole time that the public are on the premises. These attendants will require to have been specifically instructed as to their essential responsibilities in the event of fire or another emergency. They must also take account of any additional responsibilities caused by the attendance of disabled persons or children.

8. The primary duty of attendants is to ensure that safe conditions are maintained on the premises at all times and to achieve this they shall:-
 - a) ensure that no overcrowding occurs in any part of the premises;
 - b) keep all gangways and exits clear at all times;
 - c) prevent standing on seats or furniture; and
 - d) be aware of any special requirements needed to ensure the safe evacuation of the audience/patrons.
9. All attendants shall be readily identifiable to the public by the means of some conspicuous clothing or marking system which is visible under all lighting conditions.
10. The number of attendants on duty on the premises to assist persons entering or leaving the premises shall be not less than [2]. Where most of the audience at an event are under the age of 16 the number of attendants on duty shall be not less than [3].
11. A public address method which can override any performance and can be clearly heard in all parts of the premises shall be provided.
12. Where the licence holder hires the premises to another person or organisation that person or organisation shall appoint a person as being responsible for ensuring that the conditions of this licence are met in relation to the hire. In particular the licence holder shall ensure that any hirer of the premises:
 - a) is aged 18 years or over;
 - b) signs a written undertaking to accept responsibility for being in charge of and on the premises at all times when the public are present and for ensuring that all conditions of the licence relating to management or supervision of the event are met;
 - c) possesses a full copy of the licence conditions for the premises;
 - d) ensures that he receives instruction and training in respect of fire precautions and evacuation procedures;
 - e) provides the number of attendants required by this licence and instructs them as to their responsibilities in the event of fire.

LIGHTING

13. All parts of the premises to which the public have access and all external exits and exit ways shall be provided with normal lighting capable of providing sufficient illumination of those parts of the premises for the public to use and leave the premises safely. A minimum standard of illumination shall be maintained so that the premises cannot be plunged into total darkness deliberately or accidentally.
14. Whenever the public are on the premises normal lighting shall be kept on, in the absence of adequate daylight and shall provide the level of illumination required to ensure that the public may use or leave the premises safely. Such lighting shall be capable of illuminating all exit fire safety signs unless these are self-luminous fire safety signs.
15. No laser, strobes or forms of high intensity lighting shall be installed or used without approval of the Council.

FIRE

16. The licence holder must ensure that the premises are fully compliant with the requirements imposed by the Fire (Scotland) Act 2005. This places a duty on the licensee to undertake a Fire Risk Assessment and produce a Management Policy to ensure the safety of persons (whether they are employees, occupants, residents, tenants, visitors or others) in the premises in respect of harm caused by fire.
17. The Licence holder shall ensure that there are a sufficient number of competent and adequately trained attendants to cover any emergency situation. These attendants shall be on duty the whole time that the public are on the premises. These attendants will require to have been specifically instructed as to their essential responsibilities in the event of fire or another emergency. They must also take account of any additional responsibilities caused by the attendance of disabled persons or children.

ELECTRICITY

18. The electrical installation to the premises shall be kept in proper working order. No alterations or additions to the electrical installation shall be made without the Council's written consent.
19. No temporary electric lighting installation shall be used in any part of the premises without written consent.

20. One or more earth leakage circuit breakers must be installed if live amplified music is to be performed in the premises. The installation should comply with the current Institute of Electrical Engineers Regulations.
21. Electrical installations shall be installed, tested and maintained in accordance with the provisions of the current IEE Regulations for electrical installations.
22. The use of long trailing flexes to portable electrical appliances and all multi-purpose adapters shall not be permitted on the premises.
23. The licence holder shall ensure that all persons providing their own electrical equipment within the premises certify that such equipment meets the requirements of the current IEE regulations and any British Standard relevant to its use in the premises.