

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Head of Legal, Democratic and Regulatory Services**

#### **Licensing Committee – 1 May 2013**

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**Subject: Proposal for the Council to implement a scheme of licensing under the Theatres Act 1968**

#### **1. Purpose**

- 1.1** The Council are required to implement a licensing regime for theatres or any other premises that may be used as a theatre at any time. A regime has been in place however no conditions have ever been approved by Committee. Accordingly members are requested to approve conditions which holders of a Theatre Licence will have to comply with.

#### **2. Recommendations**

- 2.1** It is recommended that the committee approve: -
- (i) the conditions as stated in appendix 1;
  - (ii) the annual fee which will be initially set at £250.

#### **3. Background**

- 3.1** Section 12 (1) of the Theatres Act 1968 provides that:-

*'Subject to the following provisions of this Act, no premises, whether or not licensed for the sale of intoxicating or exciseable liquor, shall be used for the public performance of any play except under and in accordance with the terms of a licence granted under this Act by the licensing authority.'*

#### **4. Main Issues**

- 4.1** Theatres are required to be licensed under the Theatres Act 1968 however it would appear that licensing conditions and fees have never previously been approved by the Council hence this report.
- 4.2** A Theatre Licence when issued will have the duration of 1 year being the maximum permitted under the Theatres Act 1968.
- 4.3** The Licensing team is currently reviewing the fee structure for all licences and we hope to present a detailed report to the committee in August. However the committee needs to agree an interim fee for a theatre licence application. The closest analogy would be a cinema licence which currently costs £249.85. An interim fee for a theatre licence of £250.00 is recommended. Members should note that licensable theatres are likely to be council-owned, therefore the payments will be in the form of internal recharges

## **5. People Implications**

- 5.1** There are no personnel issues.

## **6. Financial Implications**

- 6.1** There may be a small increase in income generated by the introduction of a fee for the issuing of such licences.

- 6.2** Paragraph 3(1) of Schedule 1 to the Theatres Act 1968 also states that no fee will be applicable where an application for the grant or transfer of a licence under this Act relates to a play or plays to be performed which are of an educational or other like character or are to be performed for a charitable or other like purpose.

## **7. Risk Analysis**

- 7.1** There is no increased risk to the Council associated with the contents of this report.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** The Equality Impact Assessment shows a minor positive impact concerning race and religion/belief as a proposed condition ensures no offensive advertisement can take place.

- 8.2** There will be a possible minor impact concerning disability as a proposed condition relating to all persons being able to exit via all doors. This condition may not be applicable to all premises in line with disabled egress. Premises to which this condition is not applicable should apply to have this condition removed/not applied when submitting their application.

- 8.3** There will be a possible minor negative impact concerning age where a premises has a balcony/upper floor. The proposed conditions stipulate that children may only be permitted entry to this area when accompanied by an adult. The purpose of this condition however is to prevent the risk of serious injury resulting from a fall from height.

## **9. Consultation**

- 9.1** No consultation was carried out in relation to the contents of the report.

## **10. Strategic Assessment**

- 10.1** The purpose of licensing is to protect the wellbeing of communities and protect the welfare of vulnerable people.



Head of Legal, Democratic and Regulatory Services

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**Appendices:** Proposed Conditions

**Background Papers:** N/A

**Wards Affected:** N/A