

# Public Entertainment Licence Conditions

## Orkney Islands Council

### Civic Government (Scotland) Act 1982

#### Definitions

1.
  - “the Council” means Orkney Islands Council as licensing authority in terms of the Civic Government (Scotland) Act 1982 as amended.
  - “the equipment” means the items of funfair or fairground equipment specified in the licence.
  - “Chief Officer” means the Chief Officer of the Scottish Fire and Rescue Service or his/her authorised depute within the Orkney Islands Area.
  - “the licence holder” means the person named on the licence, including, where the licence holder is a non-natural person, the employee or agent also named on the licence.
  - “police officer” means any officer of Police Scotland.
  - “the Act” means the Civic Government (Scotland) Act 1982 as amended from time to time.

#### General Conditions

2. The licence is not transferable.
3. The operation of equipment is restricted to the following items:  
[equipment identified here]
4. The premises may be open for the purposes of recreation or entertainment only in accordance with this licence.
5. The licence holder shall maintain and exhibit to the Council on demand certificates of suitability issued by or on behalf of certified independent examiners in relation to each piece of equipment.
6. The licence holder shall maintain and exhibit to the Council on demand evidence of public liability insurance with a reputable insurance company for a sum acceptable to the Council – £5 million in respect of amusements, including inflatable equipment and small rides; and £10 million in respect of larger rides and equipment.
7. The offering or giving of live prizes is expressly prohibited.

8. The licence holder shall provide access to the premises and any items of equipment at any reasonable time for the purpose of inspection and examination by any authorised officer of the Council, any police officer or the Chief Officer and shall comply with any reasonable order or instruction given by any such officer, including any order or instruction:
  - for the prevention of obstruction or annoyance to the public or to the occupiers of any premises;
  - in connection with any emergency or disturbance; or
  - for the maintenance of good order and decency.
9. Good order and decency shall be maintained on the premises and in relation to the operation of the equipment and the licence holder shall ensure that such operation is conducted in a peaceful and orderly manner and in such a way as not to cause annoyance, nuisance or damage to any neighbouring occupiers or otherwise constitute a noise nuisance in terms of the Environmental Protection Act 1990.
10. The licence holder shall ensure:
  - that the premises and any items of equipment are maintained in a clean and tidy condition; and
  - that there are sufficient suitable refuse collection receptacles provided.
11. The licence holder shall retain occupational control of the premises, except with the prior written consent of the Council, such consent always to be conditional on any occupier complying with the conditions of the licence.
12. The premises shall be kept and, in due course, left in a clean and tidy condition to the satisfaction of the Council, with arrangements being made for the storage, collection and disposal of waste or refuse during and after use of the premises all to the satisfaction of the Council.
13. The licence holder shall comply with the requirements of the Health and Safety at Work Act 1974 and all relevant legislation, byelaws and statutory instruments to ensure the safety of employees and the public in general.
14. Use of the premises for pyrotechnics, lasers, other potentially hazardous special effects, firearms or any exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1952, shall not take place without the prior written consent of the Council. Application for such permission must be made in writing at least 14 days in advance of the planned entertainment and give full details of the proposed use. Further, in any event, the licence holder shall not exhibit any light which:
  - by reason of its glare is liable to endanger aircraft or road traffic; or
  - by reason of its liability to be mistaken for an aeronautical ground light or navigational ground light.
15. The licence holder shall ensure the safety of any electrical or mechanical installation and of any items of equipment.
16. The licence holder shall not provide, construct or erect any seating, platform stand, staging or similar structure without the prior written authority of the Council in terms of section 89 of the Act (raised structure permission).

17. The licence holder shall ensure that an effective system is maintained for the management of the premises, and all events held therein, to ensure the health and safety and welfare of the public.
18. Where applicable, the licence holder shall complete a Fire Safety Checklist for the premises and ensure that arrangements with regard to measures for the detection and fighting of fire are in place in accordance with the relevant Fire Safety Checklist, as confirmed acceptable by the Chief Officer.
19. The licence holder must display the licence and, with reference to Condition 5 above, the valid certificate of third party liability insurance in the premises so that it can be read by any person entering the premises.
20. The licence must not be altered, erased or defaced and must be kept clean and legible. Should the licence be lost or become defaced or illegible the licence holder must obtain a replacement from the Council on payment of the appropriate fee. The licence holder must produce this licence within 5 days when required to do so by a police officer or authorised officer of the Council or authorised officer of the Chief Officer.
21. The licence holder and any agent of the licence holder shall ensure that no fly posting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place in respect of the premises.
22. Any request for any authorisation required in terms of this licence shall be made to the Head of Corporate Governance, Council Offices, School Place, Kirkwall, KW15 1NY.

### **Operators of Fairground and Funfair Rides**

23. Operators of fairground and funfair rides shall provide, erect and maintain suitable barriers (at least 1000 mm high) around each fairground ride to prevent members of the public being struck by moving parts of the equipment. All barriers must keep people outside the safety envelope of the device. If parts of the device swing out over public areas, these must be enclosed where any part of the ride or a passenger will be less than 2.5 m above the ground.  
Access points to allow safe loading and unloading are to be provided.

#### **Exemption:**

Slow moving devices designed solely for use by children with a raised platform of less than 300 mm high, no access underneath and no part of the ride projects beyond the platform while in motion, are exempt from this requirement unless their motion presents a danger.

### **Permanent Premises**

24. The licence holder shall not make or cause or permit there to be made any material change to the premises, without the prior written consent of the Council.
25. The licence holder, having regard to the likely numbers frequenting the premises, shall make adequate provision, to the satisfaction of the Council, with regard to sanitary accommodation and drainage facilities.

26. The licence holder shall ensure that all toilet requisites are provided and that all toilets are kept clean and in an orderly condition and shall designate a suitable person or persons for those purposes.
27. Facilities shall be provided in all female toilets for the hygienic disposal of sanitary towels.
28. Means of locking or otherwise securing doors to all water closets or individual shower rooms shall be provided.
29. The licence holder shall ensure that the premises shall be provided with an adequate supply of wholesome water. The supply of drinking water shall be available during the course of an event, at all times free of charge, and any drinking vessels provided must be clean.
30. The licence holder shall return the licence to the Council within 7 days of the following whereupon it shall cease to have effect:
  - ceasing to use the premises as a place of public entertainment permanently; or
  - on being notified of a decision by the Council to vary the terms of or suspend the licence or the decision of a court to revoke it.
31. The licence holder must notify the Council as soon as is reasonably practicable of any material changes of circumstances affecting the licence holder, the premises or the licensed use, including any particulars referred to on the application for a grant or latest application for a renewal of a licence and in any event not later than 7 days of the date of any said material change of circumstances.

**It is a criminal offence in terms of section 7 of the Act to fail to comply with any condition imposed on this licence.**

Orkney Islands Council

2012

2014

Version: 2018-05-25