

# **PUBLIC ENTERTAINMENT**

## **CONDITIONS**

1. In these conditions, except where the context otherwise requires - the expression “the Licensing Authority” shall mean the East Ayrshire Council; the expression “the Firemaster” shall mean the Firemaster or authorised Officer of the Scottish Fire and Rescue Service; the expression “the Licensee” shall mean the person, including where applicable his employee or agent as so identified, to whom a Licence has been granted for the time being by the Licensing Authority to keep or use any building (including land) in respect of which a Public Entertainment licence is for the time being in force; and the expression “the Act” shall mean the Civic Government (Scotland) Act, 1982.
2. The Licensee shall be in charge of and upon the premises during the whole of the time that they are open to the public and shall ensure that during that time a sufficient staff of competent attendants are on duty on the premises. The Licensee shall not be engaged in any duties which will prevent him from exercising general supervision over the premises.
3. The Licensee shall require obtaining the Firemaster’s approval in all fire precautionary matters, including as appropriate the means of escape in case of fire, fire warning systems, emergency lighting systems, fire routine procedures, fire notices and fire fighting equipment. The above items shall be installed, tested and maintained to the satisfaction of the Firemaster and the fire routine procedure shall include staff instruction and drills formulated and carried out to the satisfaction of the Firemaster.
4. The Firemaster, any Constable or any authorised Officer of the Licensing Authority shall have the right of access to the premises at any reasonable time to ensure compliance with the conditions of the Licence and notwithstanding, the Licensee shall comply with all reasonable instructions of these persons to ensure compliance with the licensing conditions.
5. The Licensee shall provide a log book and shall note therein details of maintenance and testing of items referred to in paragraph 3 above. Particular note shall be made of any defect discovered and subsequent action taken, and such log book shall be made available for inspection on demand by officers of the Scottish Fire Brigade or any authorised Officer of the Police or Licensing Authority.
6. Overcrowding in such a manner as to endanger the safety of the public or unduly to interfere with their comfort shall not be permitted in any part of the premises.
7. The Licensee shall maintain good order and decency in the premises at all times, and shall not by himself or his servants permit or suffer any person in the state of intoxication or any prostitute or person of a bad character to be admitted to or remain in the premises.
8. Nothing shall be allowed, represented, recited or sung in the premises which is licentious or indecent or likely to produce riot, tumult or breach of the peace.

9. The Licensee shall not use or permit to be used a raised structure for the purpose of providing for himself or others raised seating or standing accommodation unless such use has been approved by the Licensing Authority in terms of Section 89 of the Act.
10. At the time of application, each applicant for grant or renewal of a licence shall lodge with the Licensing Authority:
  - (a) A Certificate from the manufacturers or authorised agents of the fire extinguishers installed on his premises to the effect that all extinguishers have been inspected and are in a satisfactory condition;
  - (b) A Certificate from a competent electrical engineer showing that the electrical installations have been inspected and are in a satisfactory condition;
  - (c) If there are fibrous plaster ceilings within the premises, a Certificate showing that these have been inspected and are in a satisfactory condition.
11. The Licensee shall permit no activity within the licensed premises which might endanger the safety of members of the public who may be present. In particular use of any hazardous or highly inflammable materials, or naked flame should not be permitted until the advice of the Firemaster has been obtained and the Firemaster may impose such conditions on the use of the materials as he sees fit.
12. During the time when the premises are open to the public all approaches, staircases and passages shall be kept entirely free from obstructions. No seat shall be placed in any of the gangways or passages within that portion of the premises set apart for spectators; nor shall any spectator be allowed to stand therein.
13. At all times members of the public are within the premises the means of fastening exit doors shall afford easy and immediate opening from the inside without the use of a key, for example panic type fastenings, and shall be suitably indicated to the satisfaction of the Firemaster.
14. The stage or platform, auditorium and all passages, staircases and other parts of the premises to which the public are admitted shall be adequately lighted during the whole time that the premises are open to the public.
15. The Licensee shall ensure that there is a Fire Routine Procedure for the premises approved by the Firemaster. This Fire Routine Procedure shall include adequate measures for the protection of children under the age of 16 and for disabled persons.
16. The electric installation in the premises shall always be maintained in good and safe working condition and shall at all times conform to the terms and conditions laid down in the current IEE Regulations. No alterations or additions to the permanent wiring shall be made without notice being sent by the licensee to the Head of Legal, Procurement and Regulatory Services and no such alterations or additions shall be used until they have been examined and approved by the Head of Legal, Procurement and Regulatory Services.
17. No temporary electric lighting installation shall be used in any part of the premises until written approval therefore has been obtained from the Head of Legal,

Procurement and Regulatory Services to whom intimation in writing of the proposal to undertake any such temporary installation shall be timeously made so that he may test and examine the same. All temporary connections to the permanent installation shall be disconnected immediately after each performance in which they are used.

18. Where the main electrical circuit in the building is not fitted through a Residual Current Circuit Breaker Unit, then all electrical sockets supplying power for the stage or performing area shall be sockets of a Residual Current Device type, all in accordance with the Institution of Electrical Engineers' Regulations for Electrical Installations, as amended to date, and to the satisfaction of the Licensing Authority.
19. No alteration, whether temporary or otherwise, shall be made to the structure, fixed or permanent decorative features, seating arrangements or exits of the premises without the authority in writing of the Licensing Authority.
20. When the premises are being refurbished or upholstered furniture replaced, all replacement upholstered furniture and refurbished seating shall be capable of satisfying the Smouldering Cigarette Test and the Butane Test as prescribed in BS 5852, Fire Tests for Flammatory Methods of Test for the Ignitability by Smokers Materials of Upholstered Composites for Seating.
21. The use of temporary or movable forms of heating appliances is prohibited otherwise than with the approval of the Firemaster.
22. The premises to be used must be structurally sound. They must in no way present any danger to persons frequenting the premises and must be capable of supporting the loading imposed in a building of public assembly. Any scaffolding for staging, props or seating, must be adequately designed and constructed for the loads to which it is to be subjected. Calculations/design certificates may be required as the Licensing Authority seems fit. The means of suspension of scenery, lighting grids and the like shall be to the Licensing Authority's satisfaction as regards loading, position, control and guarding of mechanisms and cables.
23. Any fixed or permanent decorative feature shall be of such material as would be permitted for wall or ceiling linings. Any decorative surface finishing, including any fabric, shall be either non-combustible, inherently non-flammable or durably flameproofed, except wall paper and similar thin surface finishing which may be accepted provided it is fixed firmly with an adhesive acceptable to the Licensing Authority.
24. All scenery, curtains and draping in the premises if not inherently fire resistant shall be rendered and maintained flame resistant. The use of stage and sound effects, including Lasers, Smoke Bombs, Smoke Generators, Flash Powder, Flash Boxes, Detonators, are not permitted unless the approval of the Firemaster is obtained in writing.
25. All upholstered furniture to be treated to comply with the Smouldering Cigarette Test and Butane Test in British Standard 5852 Part 1, 1979.
26. The Licensee or the responsible manager of the premises shall immediately communicate to the Firemaster any outbreak of fire however slight.

27. All parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority.
28. Cloakroom and sanitary accommodation for each sex, shall be provided to the Licensing Authority's satisfaction.
29. Any function involving the provision of food or drink shall be catered in accordance with the requirements of the Food Safety Act, 1990, and any Regulations made thereunder.
30. The sound levels emitted from within the premises shall not exceed 35dBA in any dwellinghouse in the proximity of the premises.
31. Conditions 2,3,5,10,12 to 25 and 31 shall not apply where the premises hereby licensed re open air concerts or any other outdoor event.
32. The licensee, who for the time being is the holder of a public entertainment licence in respect of a fairground, shall exhibit, on demand by a duly authorised Officer of the Licensing Authority, a certificate of fitness in respect of any equipment and proof of third party liability insurance.
33. The licensee shall not permit to be offered as prizes within the premises or fairground, any live fish or other animals.

#### **Conditions relating to the Performance of Stage Hypnotism.**

34. Any exhibition, demonstration or performance (hereafter referred to as "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the Licensing Authority and must comply with any attached conditions. The authority may consent either under the terms of a Public Entertainment's Licence or under the provisions of the Hypnotism Act 1952.
35. An application for consent under condition 34 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days; less where the hypnotist has previously performed at the same venue. The applicant must be at the same time forward a copy of the application to the chief officer of police; and the authority may also copy it to the local fire authority if it considers this necessary.
36. The application shall contain the following:
  - (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when); and a detailed description of the proposed performance; and
  - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of an offence under the Hypnotism Act 1952 or

of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)

37. No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere.

38. Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement:

“Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance.”

39. The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested; and it must be available for inspection at the performance.

40. The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.

41. A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.

42. Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should never volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individuals styles so long as the overall message remains the same:

“I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant.”

43. No form of coercion or inducement shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g. asking members of the audience to clasp their hands together and asking those who cannot free them again

to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.

44. If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the Licensing Authority shall be in attendance throughout to ensure their safety.
45. The performance shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;
46. The performance shall be conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:-
  - (a) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.);
  - (b) any suggestion that the subject has lost something (e.g. a bodypart) which, if it really occurred, could cause considerable distress;
  - (c) any demonstration in which the subject is suspended between supports (so-called "catalepsy");
  - (d) The consumption of any harmful or noxious substance;
  - (e) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
47. The performance shall not include giving hypnotherapy or any other form of treatment.
48. All hypnotised subjects remain in the presence of the hypnotist and in the room where performance takes place until all hypnotic suggestions have been removed.
49. All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
50. The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)
51. Where:-
  - (i) a constable; or
  - (ii) an authorised officer of the licensing authority; or
  - (iii) an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be, given he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

#### **GENERAL REQUIREMENTS**

52. The licensee shall observe and conform to these and to such additional conditions as the Licensing Authority may from time to time make and intimate to him, and shall place and keep a copy of same in view in a conspicuous part of the premises.
53. These conditions may be dispensed with or modified by the Licensing Authority in any special case.
54. That the following additional conditions are attached and shall apply in respect of the premises hereby licensed, viz:-