

PLANNING & LICENSING GUIDANCE

CONSULTATION BY DUMFRIES & GALLOWAY COUNCIL WITH COMMUNITY COUNCILS ON PLANNING APPLICATIONS

Since April 1996, Community Councils (CCs) have been regarded in planning legislation as a 'statutory consultee' but they have very specific roles and responsibilities which are different to other such consultees in that it is a two-way process. Please click on this link for a copy of the Scottish Government's Planning Advice Note (PAN) 47 on 'Community Councils and Planning'. <http://www.scotland.gov.uk/Publications/1996/03/18415/28371>.

Whilst this document is now rather dated in some regards, it is still on the Scottish Government's website as a current PAN. In particular, please note paras 12–14 (which set out the general notification procedures) and also the comments in para 16.

Within Dumfries & Galloway, all active CCs are sent a copy of the list of all new planning and related applications received by our Council that week. This weekly list is sent by email to the nominated email address for each CC every Thursday by a member of staff in the Stranraer office. **This is the extent of the initial consultation from Planning & Building Standards.** It is then the responsibility of each CC to look at that list, check for any applications of interest within their area and, if there are any applications which do cause them concern, they have to request a formal consultation by contacting the relevant Area office within 7 working days of the list being sent out. Any formal consultation requested is then sent out. The legislation only requires a 14 day consultation period but Dumfries & Galloway Council allows 21 days – this can normally be slightly extended on request, in order to allow matters to be considered at a forthcoming CC meeting.

The email is therefore your notification and the onus is on the CC to request a formal consultation (if required) within the appropriate timescale.

Obviously, for this process to work successfully, it is vital that we have the correct and current email addresses for each CC. **If you have not provided a contact email address or need to check who your current contact is, please contact Communities Business Management (community.councils@dumgal.gov.uk) as soon as possible.** Similarly, when/if the contact address changes, please let us know.

In terms of our Council's Scheme of Delegation, any application which is the subject of an objection from a statutory consultee (which includes CCs) and which officers are minded to approve, must be referred to the Planning Applications Committee for a decision; it cannot be determined by officers under delegated powers. You will be notified of the meeting date in advance and will have the opportunity to speak at the meeting before the application is determined.

You will hopefully be aware that since March 2010, it is possible to view planning application drawings, forms and correspondence on-line at www.dumgal.gov.uk/planning. The simplest method is to enter the reference number (e.g. 11/P/4/0345) in the Simple Search and go to the Documents screen to view the plans etc.

LICENSING – AN OUTLINE

Licensing Regulations most likely to have effect include those associated with the sale of alcohol, public entertainment and public performance.

There are many occasions where your community group or organisation may require a special or occasional licence to permit you to undertake certain activities. Our Council's Licensing Team is a hugely useful source of information and guidance.

The responsibility of ensuring the venue is licensed for an event lies with both the organiser and the venue owner.

These will typically include:

- an event where you will be selling alcohol such as at a dance
- an event open to the general public, whether or not you charge an entrance fee – this could be inside a building or outside (such as a gala or agricultural show)
- a cheese and wine type function where admission is by ticket and alcohol is included in the price
- a late-night event.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Licensing Of Public Entertainment

Dumfries and Galloway Council license the undernoted forms of public entertainment:

- Bungee Jumping/Catapulting
- Circuses
- Funfairs (5 or more mechanical rides)
- Firework Displays
- Outdoor Music Events
- Indoor Music Events (where the hall capacity is 350 or more)
- Sunbed/Tanning Centres

These events are licensable whether or not on payment of "money or monies' worth". The fee for "free events" is significantly reduced.

Any application will take time to process, so make sure that you submit it with plenty of time to spare before your event takes place – at least **8** weeks ahead if you can.

LICENSING UNDER THE LICENSING (SCOTLAND) ACT 2005

Occasional Licences

If your community group or organisation only serves alcohol at occasional events, such as the annual gala day or even one-off special fundraisers, you are probably better applying for an Occasional Licence each time.

Your group will need to apply for an Occasional Licence for each event where alcohol is being sold. This includes fundraising events such as dances and gala days. An Occasional Licence may also be required for events where you offer an alcoholic drink as part of the admission price such as 'cheese and wine' evenings.

Effectively, holding an Occasional Licence temporarily grants permission for your community group to use the venue of your event as 'licenced premises' to serve alcohol – for the specified duration of that event only.

Again, the 'licensed premises' does not have to be a building – it can be an indoor venue such as a village hall but it can also be an outside venue such as a street or field where you may be holding a gala or fayre.

Applying for an Occasional Licence

An application for an Occasional Licence should be made by either a nominated representative from your group's committee or a Personal Licence holder within the group.

Any application will take time to process, so make sure that you submit it with plenty of time to spare before your event takes place – at least **6** weeks ahead if you can.

You also need to be aware that there is a restriction on the number of times per year that your group can be awarded an Occasional Licence, and that each licence is only valid for a set number of days.

For more information about the application process in your own area, contact the Licensing Team.

Holding Raffles and Prize Draws

Fundraising activities that can be defined as lotteries come under the Gambling Act 2005 and are regulated by the Gambling Commission and local authorities. This includes any fundraising activity where:

- people have to pay to enter
- there is at least one prize on offer
- prizes are awarded purely on chance.

Raffles, prize draws, 100 clubs, sweepstakes and tombola are all types of lottery. They all include the selling of tickets at a set price and the chances of winning are the same for everyone who enters. If your community group is planning to hold a fundraising activity of this kind, you will need to be registered as a small society lottery under the Gambling Act 2005 with the licensing authority.

Public Processions

From 1 April 2007 the organisers of all public processions require to give at least **28** days' written notice of their event to our Council and police. Public processions include the full range of moving events that occur in public in Scotland. The legal requirements will therefore apply to all cavalcades, demonstrations, festivals, kirkins, marches, parades, protests, rallies, remembrance parades, ridings and walks. In fact the only exemption now is a funeral procession. Application Forms and Risk Assessments are available from the Roads Dept. on 01387 271171.

A risk assessment is only required where animals or vehicles are involved in the march/procession. There is no fee payable.

THE LICENSING TEAM

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