

ENTERTAINMENT LICENSING REVIEW

REPORT BY THE ENTERTAINMENT LICENSING REVIEW GROUP

February 2015

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ENTERTAINMENT LICENSING

THIS CONSULTATION DOCUMENT SEEKS VIEWS ON THE REPORT BY THE ENTERTAINMENT LICENSING REVIEW GROUP ON THE LICENSING OF ENTERTAINMENT IN NORTHERN IRELAND.

COMMENTS SHOULD BE SENT BY 26 JUNE 2015 TO:

LOCAL GOVERNMENT POLICY DIVISION

DEPARTMENT OF THE ENVIRONMENT

LEVEL 4

CAUSEWAY EXCHANGE

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SUMMARY OF RECOMMENDATIONS

- 1 When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.
- 2 The new licensing regime should apply to the Crown.
- 3 The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.
- 4 Applicants should be required to submit a plan of the premises or place which has the area(s) where entertainment will be provided clearly marked on the plan.
- 5 The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.
- 6 The legislation should specify that any place, other than:
 - premises used only as a private dwelling house (including the garden and yard of the dwelling); and
 - an education establishment while it is being used as suchshould require a licence for the provision of regulated entertainment.
- 7 The legislation should make it clear that place includes a temporary structure such as a marquee.

SUMMARY OF RECOMMENDATIONS

- 8 Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.
- 9 Matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games where the audience capacity is 200 or more should require an entertainment licence.
- 10 An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.
- 11 An entertainment licence should be required whether or not there is an admission charge.
- 12 Regulated entertainment includes the following:
- a theatrical performance (including a display of hypnotism, and a performance by a comedian);
 - dancing, singing or music, or any entertainment of a like kind;
 - a circus;
 - any entertainment which consists of, or includes, any public contest, match, exhibition or display of boxing, wrestling, judo, karate or any similar sport; and
 - any match, public contest, exhibition or display of darts, pool, snooker, billiards or similar game where the audience capacity is 200 or more people.

SUMMARY OF RECOMMENDATIONS

- 13 The Department should be able to amend the list of regulated entertainment through subordinate legislation.
- 14 One council should be responsible for carrying out all the standard tent checks for a travelling circus. When a travelling circus locates to a district council area, that council will be responsible only for carrying out site-specific checks prior to issuing the licence.
- 15 A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council. If this is considered too great a change, a normal licence should be valid for at least 5 years.
- 16 The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.
- 17 Licence holders (other than an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.
- 18 Provision for a temporary licence should be introduced which would apply to one event in a 12 month period from the date the licence is granted. The licence should be restricted to events of no more than 3 consecutive days where:
 - the expected audience is no more than 499 people; and
 - the hours of entertainment are from 9:00 to 23:00 only.

SUMMARY OF RECOMMENDATIONS

An application may be submitted up until 21 days prior to the event, but the council should have discretion to accept a late application if it considers it reasonable to do so. The council would have to make a determination by, at the latest, 24 hours before the entertainment is scheduled to begin. A person should not be permitted to apply for a temporary licence for an event where the council has already refused to grant a normal or occasional licence for the same event.

- 19 Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises. This change should be made at the earliest available opportunity.
- 20 On the insolvency of a licence holder, the licence may be reinstated to another person and remain in force for a discrete period of time. The legislation should clarify the accountability for any breach of an entertainment licence that has been transferred to an administrator or other insolvency office-holder.
- 21 The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:
 - applicants displaying a notice for 21 days at the place where the entertainment will be provided; and
 - councils making details of all applications received available on their websites.

SUMMARY OF RECOMMENDATIONS

- 22 On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.
- 23 Councils should be required to keep a register of all entertainment licences and make this available for inspection by the public. Councils should be encouraged to make the licensing register available on their websites.
- 24 Councils should have the power to vary a licence at any time. Licence holders, the PSNI and the NIFRS must be notified of the council's intended variation, and must be given the opportunity to be heard by the council.
- 25 Licence holders should be required to notify the council of any material change affecting the licence holder, or the entertainment specified in the licence.
- 26 Interested parties must be able to make representations about a licence in effect, at any time throughout the duration of the licence. Licence holders must be notified of the details of the representation and given the opportunity to be heard by the council.
- 27 The current provision allowing councils to make provisional grant of a licence for premises which are to be, or are in the process of being, constructed should be retained.

SUMMARY OF RECOMMENDATIONS

- 28 On the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months. The council should have the discretion to extend this period if the estate has not been settled.
- 29 Councils should be required to have a scheme of delegation for decisions in relation to entertainment licences.
- 30 A system of fixed penalties for breaches of the licensing system should be introduced.
- 31 Authorised officers of the council should have a power of entry to places where there is reasonable cause to suspect that unlicensed entertainment is being provided.
- 32 It should be an offence to refuse entry to an authorised officer of the council.
- 33 Councils should also be able to obtain a warrant authorising forced entry to a place where it is suspected that unlicensed entertainment is being provided.
- 34 Authorised officers of the council should have the power examine and take copies of records relating to the maintenance of safety at places providing entertainments.

SUMMARY OF RECOMMENDATIONS

- 35 Model terms, conditions and restrictions for entertainment licences should be provided by the Department. Tailored model terms, conditions and restrictions should be produced for circuses, charity boxing matches and acts of hypnotism.

- 36 Councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the entertainment and the terms and conditions may be such as to involve alterations or additions to the venue.

CHAPTER 1 – INTRODUCTION

BACKGROUND

1. Organisations and businesses in Northern Ireland offer a wide range of entertainment which is enjoyed by both local people and visitors. As well as contributing to the local economy the provision of entertainment makes a significant contribution towards making Northern Ireland a holiday destination that people would recommend to others.
2. The current entertainment licensing system was introduced in 1985. Given the fact that the legislation has been in place for almost 30 years and there have been many changes in the range of entertainment on offer in Northern Ireland over that period, the Environment Minister, Mark H Durkan, announced a review of entertainment legislation on 22 July 2014.
3. Mark H Durkan said: “As the Minister responsible for entertainment licensing, I want to make sure that Northern Ireland has a sensible system in place which does not put undue obstacles in the way of businesses but ensures that the public are not put at risk, and the entertainment does not create an unreasonable nuisance to residents in the area.”
4. The Minister invited representatives from various interest groups, including entertainment businesses, local government, the Police

Service of Northern Ireland (PSNI) and the Northern Ireland Fire and Rescue Service (NIFRS), to look at the current legislation and make recommendations on any changes needed by the end of the year.

TERMS OF REFERENCE AND MEMBERSHIP

5. The terms of reference of the Entertainment Licensing Review Group were as follows.

To review the legislation and associated model terms and conditions for entertainment licences and make recommendations to the Minister on any changes required to the current system. This would include the structure and level of fees for entertainment licences.

6. Membership of the Entertainment Licensing Review Group (“the Review Group”) was as follows.

Liz Loughran (<i>Chairperson</i>)	Local Government Policy Division
Colin Neill	Chief Executive, Pubs of Ulster
Rodney Gillis	Licensing Forum (N I)
David Brown	Licensing Forum (N I)
Kevin O'Neill	Group Commander NI Fire and Rescue Service
John Davidson	Chairperson, NI Federation of Clubs
Harry Beckinsale	Public Relations Officer, NI Federation of Clubs
John Conner	Police Service of Northern Ireland
Nigel Goddard	Superintendent, Police Service of Northern Ireland
Liam Quinn	Social Policy Unit, Department of Social Development
Gary Maxwell	Public Health, Department of Health, Social Services and Public Safety
Trevor Martin	Belfast City Council
Nora Largey	Belfast City Council
Andrew Irvine	City Centre Manager, Belfast City Centre Management

7. The Review Group was supported in its work by:

Marie Cochrane	Secretariat, DOE
Brenda Kelly	Secretariat, DOE
Mark Mulholland	Secretariat, DOE

8. The Review Group would also like to thank officials in the Economic Policy Unit of the Department of Enterprise Trade and Investment (“DETI”), the Health and Safety Executive Northern Ireland, the Insolvency Service (DETI), and the Department of Justice for their assistance during the review.

APPROACH TO THE REVIEW

9. The Review Group considered the systems for entertainment licensing which apply in Scotland; England and Wales; and the Republic of Ireland.
10. The findings from the DETI Business Red Tape Review of the Hospitality Sector also contributed to the final outcome of the review.

CHAPTER 2 – REGULATED PUBLIC ENTERTAINMENT

PURPOSE OF A LICENSING REGIME FOR PUBLIC ENTERTAINMENT

11. Some types of public entertainment, such as singing and dancing, have been subject to licensing for a very long time. When the current legislation was being considered by Parliament in 1985 the stated object of the licensing powers was to secure adequate standards of safety in places where large numbers of people congregate in confined spaces.

12. The purpose of the licensing regime could be broken into 2 main areas:
 - to ensure the safety of the individuals attending the entertainment; and
 - to avoid the entertainment causing undue disturbance to people in the surrounding area.

GENERAL

13. The Department of the Environment (“the Department”) is responsible for the legislation governing entertainment licensing and district councils (“councils”) are responsible for the administration of the licensing system. The legislation

determines, amongst other things, which types of entertainment are regulated, the duration of licences and the penalties for breaches of the licensing system.

14. Applications for an entertainment licence are considered and, if appropriate, approved by each council. It is for each council to determine what conditions should apply to each licence but the legislation does require the council to have regard to any model terms, conditions and restrictions published by the Department.

15. A wide variety of businesses and organisations provide entertainment in Northern Ireland. In the calendar year 2012 councils issued some 2,600 entertainment licences. To get some more up to date information, the Review Group asked councils for information about the entertainment licences they had granted in the past year. Seven councils responded to the request. These 7 councils had granted a total of 936 licences. A breakdown of the licences by type of premises is given below.

TYPE OF PREMISES	LICENCES GRANTED
PUBLIC HOUSE	322
HOTEL	43
RESTAURANT	39
SNOOKER/POOL HALL	15
AMUSEMENT ARCADE	25
CHURCH/PARISH HALL	83
ORANGE ORDER/RBP HALL	24
EDUCATIONAL INSTITUTION	28
COMMUNITY CENTRE	93
GAA CLUB	33
GOLF CLUB	28
SOCCER CLUB	18
RUGBY CLUBS	7
MARQUEE EVENTS	15
CIRCUSES	12
OTHER*	151

*OTHER includes libraries, theatres, various types of clubs such as cricket and bowling clubs, recreational centres, etc.

LEGISLATION IN OTHER JURISDICTIONS

16. In England and Wales entertainment licensing is governed by the Licensing Act 2003 (“the 2003 Act”), and in Scotland by the Civic Government (Scotland) Act 1982.

17. In the Republic of Ireland the licensing of outdoor entertainment events where the audience is over 5,000 fall under the Planning and Development Act 2000. The Licensing of Indoor Events Act 2003 is an addition to the Fire Services Act 1981 (which covers all aspects of fire safety and is applicable to both outdoor and enclosed venues) and is intended to ensure the safety of persons attending events taking place wholly or mainly in a building. Outdoor events are licensed by local authorities and indoor events are licensed by the fire authority.

LEGISLATION IN NORTHERN IRELAND

18. Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (“the NI Order”) provide for entertainment licensing in Northern Ireland. Councils may grant, renew, transfer and vary entertainment licences regarding:
 - indoor places of entertainment; and
 - outdoor musical entertainment.

INDOOR ENTERTAINMENT

19. An entertainment licence is required for the following types of indoor entertainment:
 - a theatrical performance;
 - dancing, singing or music or any entertainment of a like kind;
 - a circus;
 - any entertainment which consists of, or includes, any public contest, match, exhibition or display of:
 - boxing, wrestling, judo, karate or any similar sport;
 - billiards, pool, snooker or any similar game;
 - darts;
 - any other sport or game prescribed by the Department.

20. Music or singing in a place used wholly or mainly for public religious worship, or performed as an incident of a religious meeting or service is exempted from the requirement of a licence.

21. Machines for entertainment or amusement, or equipment for playing billiards, pool, snooker or other similar games cannot be provided except in accordance with the terms of a licence unless the entertainment machines or equipment provided are incidental to the main purpose or use of the place, or the machines or equipment provided are wholly or mainly in the open air.

22. Gaming machines (machines with slots/apertures for cash/tokens for playing games of chance) are also excluded because they are regulated under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
23. An entertainments licence is required at any place where on payment of a charge:
- persons are admitted for entertainment or amusement;
 - meals or refreshments are supplied to the public; and
 - persons may use any machines or equipment for entertainment or amusement.
24. Charge includes any form of charge whenever paid and whether paid by money or money's worth.
25. Anywhere licensed under the Cinemas (Northern Ireland) Order 1991 is excluded from requiring an entertainment licence.

OUTDOOR ENTERTAINMENT

26. Outdoor musical entertainment is defined as entertainment that is wholly or mainly in the open air, is on private land, and contains music or singing as a substantial ingredient.

27. A number of outdoor events where there may be some element of music or singing are excluded from the licensing regime. These are a pleasure fair; garden fete; bazaar; sale of work; sporting or athletic event; exhibition, display or other function or event of a similar character; or a religious meeting or service. Outdoor entertainment such as pleasure fairs and funfairs are excluded because councils can control these through bye-laws made under article 67 of the Pollution Control and Local Government (Northern Ireland) Order 1978.

28. An entertainment licence, whether for indoor or outdoor entertainment, is valid for a maximum of 12 months.

AIMS OF THE ENTERTAINMENT LICENSING REGIME

29. The Review Group agreed that the main purpose of the licensing regime was still ensuring the safety of the individuals attending the entertainment and avoiding undue disturbance to people in the surrounding area.

30. The Review Group also agreed that when considering a licence application, councils should give due consideration to preventing,

or minimising, any crime and disorder issues associated with the entertainment.

Recommendation 1

When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.

APPLICATION TO THE CROWN

31. The Review Group also discussed whether land owned by the Crown or government Departments should be included in the entertainment licensing regime. The general rule is that legislation does not apply to the Crown unless specifically stated in that piece of legislation. There was no provision about application to the Crown in the 1985 Order.

32. The corresponding legislation for England & Wales, the Licensing Act 2003 does apply to the Crown but entertainment licensing in Scotland does not. The Review Group considered that the new licensing regime should apply to the Crown. This would result in both Northern Ireland and Westminster Departments, such as Her Majesty's Revenue and Customs, requiring an entertainment licence for any regulated entertainment provided on land or in buildings owned by them.

Recommendation 2

The new licensing regime should apply to the Crown.

INDOOR AND OUTDOOR ENTERTAINMENT

33. The differentiation between the licensing of indoor and outdoor entertainment has resulted in businesses and organisations requiring two licences if they want to, for example, have music in the beer garden of a pub or a children's disco in the grounds of a community centre. The Review Group considered that this dual system places an undue administrative and cost burden on businesses and organisations which provide entertainment.

34. The Review Group recommended that the dual licensing system for indoor and outdoor events should be removed. This would have the advantage of allowing a business or organisation that may provide entertainment in an indoor and an outdoor part of its premises to have both covered in one licence, thus reducing the burden on both applicants and councils. A further advantage is that any entertainment which is considered regulated entertainment would require a licence irrespective of whether the event takes place indoors or outdoors.

Recommendation 3

The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.

35. To enable both indoor and outdoor areas to be specified in one licence applicants would be required to provide a plan of the premises or place which clearly showed the area or areas which would be used for the provision of entertainment. This will allow authorised officers of the council to consider and inspect the area(s) for suitability and the council to hold a record of which area is licensed for entertainment.

Recommendation 4

Applicants should be required to submit a plan of the premises or place which has the area(s) where entertainment will be provided clearly marked on the plan.

36. The current legislation for outdoor entertainment, which provides for musical entertainment, was influenced by the growth in outdoor pop music festivals which prior to 1985 were not regulated. Since 1985 there has been a change in the types of outdoor entertainment.
37. Other outdoor entertainment events, which do not contain music or singing as a substantial ingredient, such as the 2014 boxing match at the Titanic Quarter, Belfast, have become popular in recent years. These events are not subject to the licensing regime.

38. Responsible organisers and businesses will take the necessary precautions to ensure the safety of the people attending the event and take steps to minimize any nuisance to people in the local area. But, given the potential risk to public safety and nuisance to others, it would not be appropriate to rely on the assumption that all events will be properly run.
39. The current legislation for outdoor entertainment applies only to entertainment that takes place on private land. The Review Group discussed whether this should be retained and concluded that it would not be appropriate to include areas of public land as there already legislation governing the use of public land such as roads.
40. The Review Group therefore proposed that the requirement for a licence would only apply to outdoor events on private land.

Recommendation 5

The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.

PLACE OF ENTERTAINMENT

41. The legislation should be framed in such a way as to include any place, other than:

- premises used only as a private dwelling house (including the garden and yard of the dwelling); and
 - an education establishment while it is being used as such.
42. The Review Group recommended that the legislation should continue to specify that music or singing in a place used wholly or mainly for public religious worship or performed as an incident of a religious meeting or service should not require a licence.
43. The current exemptions for:
- a garden fete;
 - a bazaar;
 - a sale or work;
 - a pleasure fair; and
 - all sporting or athletic events, exhibitions or similar other than boxing, wrestling, karate, judo or similar sport,
- should continue to apply in the future.
44. Anecdotal evidence suggests that there is some confusion among the public about whether entertainment in a temporary structure, such as a marquee, is an indoor or an outdoor entertainment. The Review Group's recommendation for a single licensing system covering both indoor and outdoor entertainment should lessen this confusion. In the interests of clarity the Review Group also recommended that "place" should be defined to include

temporary structures and noted that this will clarify that temporary structures are included in the licensing system.

Recommendation 6

The legislation should specify that any place, other than:

- a. premises used only as a private dwelling house (including the garden and yard of the dwelling); and
 - b. an education establishment while it is being used as such
- should require a licence for the provision of regulated entertainment.

Recommendation 7

The legislation should make it clear that “place” includes a temporary structure such as a marquee.

DEFINITION OF REGULATED ENTERTAINMENT

45. The Review Group considered the types of entertainment currently regulated and concluded that there was no need to retain the need to licence places which hire equipment to play pool, billiards, snooker or similar games as these places did not represent a significant risk to public safety.

Recommendation 8

Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.

46. The Review Group noted that some matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games were for very small numbers and posed little risk to public safety. The Group recommended that such events should not require a licence. Members concluded however that where events were for a larger audience, the risk to public safety would be higher, as would the potential for undue disturbance. The Review Group therefore recommended that where the capacity is 200 or more people, a licence should be required. The Group agreed that capacity should refer to capacity of the audience of that entertainment event, and not the capacity of the building.

Recommendation 9

Matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games where the audience capacity is 200 or more should require an entertainment licence.

47. There were a number of areas where it was unclear whether certain types of entertainment were included in the current licensing system. The Review Group recommended that the new definition of regulated entertainment should make it clear that comedy events such as stand up comedians, and hypnotism acts

were considered as theatrical performances and are, therefore, included in the licensing regime.

48. At the moment any place licensed under the Cinemas (Northern Ireland) Order 1991 does not require an entertainment licence. Some of the premises used for film exhibitions are also used for other types of entertainment. In view of this, the Review Group recommended that the blanket exemption for places licensed under the Cinemas (Northern Ireland) Order 1991 should be removed, and places licensed under the Cinemas Order should be required to have an entertainment licence where the place is being used to provide regulated entertainment.

Recommendation 10

An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.

49. The Review Group considered the current restriction of the licensing requirement to a place of entertainment where a charge is made. The Group noted that free events pose the same risks to public safety, and may cause the same undue nuisance as charged events, and therefore recommended the removal of this restriction.

Recommendation 11

An entertainment licence should be required whether or not there is an admission charge.

50. The Review Group proposed that the definition of regulated entertainment for the future licensing regime should include the areas listed at recommendation 12.

Recommendation 12

Regulated entertainment includes the following:

- a theatrical performance (including a display of hypnotism, and a performance by a comedian);
- dancing, singing or music, or any entertainment of a like kind;
- a circus;
- any entertainment which consists of, or includes, any public contest, match, exhibition or display of boxing, wrestling, judo, karate or any similar sport; and
- any match, public contest, exhibition or display of darts, pool, snooker, billiards or similar game where the audience capacity is 200 or more people.

51. At the moment any change in the types of entertainment included in the licensing system requires primary legislation, except where the Department wishes to add another sport or game which may be done through subordinate legislation.

52. The Review Group were of the view that it would be preferable for the Department to be able to amend the list of regulated entertainment as quickly as possible, and should investigate the possibility of using subordinate legislation to do so in the future.

Recommendation 13

The Department should be able to amend the list of regulated entertainment through subordinate legislation.

TRAVELLING CIRCUSES

53. Currently a travelling circus has to obtain an entertainment licence in each district council area it visits, for each site in that district council area. Before granting the entertainment licence each council must check:
 - tent issues such as the structural integrity, fire resistance, and seating areas in the tent; and
 - issues specific to the site such as emergency egress, noise to neighbouring premises, and public objections.

54. The Review Group noted that different councils will be carrying out the same checks of the tent even though the tent does not change. When considering the issue the Review Group drew on examples of more streamlined systems in other areas such as that for building control approval of standard house designs.
55. The Group recommended that one council (to be determined by all the councils on agreement) should be responsible for carrying out all standard tent checks for a travelling circus, and that the approval for those matters should be accepted by other councils. When a travelling circus locates to a district council area that council should check only the site-specific issues before granting the entertainment licence. This more streamlined system should lessen the burden on travelling circuses and councils.

Recommendation 14

One council should be responsible for carrying out all the standard tent checks for a travelling circus.

When a travelling circus locates to a district council area, that council will be responsible only for carrying out site-specific checks prior to issuing the licence.

56. Concerns have been raised in the past about the content of some entertainment and the potential for it to give rise to disturbance at the venue. It is, however, difficult to accurately determine whether

the content of a proposed entertainment, for example songs performed by a group of musicians, will cause a disturbance.

57. The Review Group noted that restricting content might be perceived as censorship, and interference with freedom of speech and artistic expression. The Review Group therefore concluded that this was not an issue for the future licensing regime.

TYPES AND DURATION OF LICENCES

58. The legislation allows councils to grant two types of licence. One applies to an unspecified number of entertainment events over a period of 12 months, or such shorter period as the council may think fit. This 'normal' licence would be used by, for example, commercial venues which offer a regular programme of entertainment throughout the year.
59. The other licence, known as an occasional licence, is valid for entertainment held on a maximum of 14 days specified in the licence or any 14 unspecified days within 12 months following the grant of the licence. An occasional licence is often used by community groups which organise a small number of events each year.

60. The European Union Services Directive 2006/123/EC (“the Services Directive”) requires that any limit on the duration of a licence may only be retained if it can be justified by an overriding reason relating to the public interest.
61. Since 2003 there has been no limit on the duration of a premises licence in England & Wales, the licence lasts until revoked or surrendered by the licence holder. In Scotland an entertainment licence is valid for a maximum of 3 years and in the Republic of Ireland a licence for an outdoor event is valid for the duration of the event(s), while a licence for indoor events is valid for one year.
62. Given the Services Directive, the Review Group was of the view that Northern Ireland should have permanent licences. It was, however, recognised that the public may have some reservations about an apparent major change from a system where the licence is valid for one year to a system where the licence remains valid until surrendered by the licence holder or revoked by the council. The Review Group considered that a possible half-way step would be for a licence to be valid for at least 5 years. This would significantly reduce the administrative burden on businesses and organisations which regularly provide public entertainment. It would also reduce the burden on councils.
63. To ensure that safety standards are maintained during the longer period for a normal entertainment licence, councils would conduct

an annual inspection of premises throughout the duration of the licence.

64. The Review Group recommended that the current provision for occasional licence should be retained without change as it is a useful option for some organisations, such as community groups, which tend to plan for the provision for events which may include regulated entertainment on a more short-term basis.

Recommendation 15

A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council.

If this is considered too great a change, a normal licence should be valid for at least 5 years.

Recommendation 16

The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.

65. With a longer licensing period it is also likely that the owner of a building may wish to make some alteration to the premises. As such modifications may have implications for the safe provision of entertainment it is proposed that licence holders would be required to agree any modifications or changes to the premises

with the council before the work starts. This would allow the council to consider if the proposed change would make the premises unsuitable for the types of entertainment covered by the licence or if the conditions of the licence should be amended. A failure to do so would be considered an offence.

Recommendation 17

Licence holders (other than an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.

66. At the moment the entertainment licensing system cannot respond quickly to requests for a licence to cover what may be a one-off occasion for smaller businesses or community groups. In England & Wales organisations can apply for a temporary licence to cover regulated entertainment offered over a limited period. The Review Group was of the view that a temporary licence would be welcomed by both businesses and councils.
67. The legislation should make provision to allow for a temporary licence which would be valid for one event in a period of 12 months from the date of the licence being granted. The licence should only apply to an event:
- which lasts no more than 3 consecutive days;
 - licensed for 499 or less people; and
 - where the entertainment is only provided during the hours of 9:00 and 23:00.

68. The audience size has been restricted because events where there is an expected audience of 500 or more require considerable advance planning. The duration and hours of entertainment have been restricted to try and reduce the potential nuisance to residents in the locality.

69. It is proposed that an application for a temporary licence could be submitted up until 21 days before the event is scheduled to be held. It is also proposed that the council can accept a late application if it decides that it is reasonable to do so. The council would have to consider and determine whether to grant the licence by, at the latest, 24 hours before the entertainment is scheduled to begin. As short turn-around times would apply to such licences there would have to be some variation in the normal requirements for advertising and consultation with interested parties. This is discussed further in Chapter 3.

70. The legislation should prevent people from applying for a temporary licence where the council has already refused to grant a normal or occasional licence for the same event.

Recommendation 18

Provision for a temporary licence should be introduced which would apply to one event in a 12 month period from the date the licence is granted. The licence should be restricted to events of no more than 3 consecutive days where:

- the expected audience is no more than 499 people; and
- the hours of entertainment are from 9:00 to 23:00 only.

An application may be submitted up until 21 days prior to the event, but the council should have discretion to accept a late application if it considers it reasonable to do so.

The council would have to make a determination by, at the latest, 24 hours before the entertainment is scheduled to begin.

A person should not be permitted to apply for a temporary licence for an event where the council has already refused to grant a normal or occasional licence for the same event.

ALCOHOL AND ENTERTAINMENT LICENSING

71. The Review Group discussed entertainment in premises where an alcohol licence is also in effect. Alcohol licensing policy is the

responsibility of the Department for Social Development (DSD), and is dealt with by the Courts.

72. Alcohol licensing provides that premises may remain open until 11.00pm on weekdays and 10.00pm on Sundays. Late opening hours are available to pubs, hotels, restaurants and higher education establishments which provide food and/or entertainment to the public, enabling them to remain open until 1.00am on weekdays and 12.00am on Sundays. In both instances, the premises may remain open for an additional 30 minutes for drinking up time.

73. The Review Group noted that this means that premises must stop serving alcohol at 1.00am but may also have an entertainment licence that extends to 3.00am. Members commented that this has led to illegal sales of alcohol and caused difficulties for the PSNI. The Review Group recommended that where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol.

74. It was noted that in 2012 DSD had consulted on proposed changes to the law regulating the sale and supply of alcohol. With the agreement of the then Minister for Environment, the DSD consultation document proposed that the grant of late opening hours will require that an associated entertainment licence must

not extend beyond the latest time alcohol can be consumed on the premises. This proposal was generally met with agreement with 53% of respondents agreeing/strongly agreeing that licences should be aligned. 16% of respondents stated that they disagreed/strongly disagreed and almost 31% neither agreed nor disagreed.

75. Members noted that DSD plans to make various changes to alcohol licensing through a Licensing Bill before the end of the current Assembly mandate in May 2016.

76. The proposal to align the hours of an entertainment licence and an alcohol licence can be accommodated either, by the Department, or by DSD, with the Minister of Environment's approval. The Review Group recommended that this change should be made at the earliest opportunity as it would help to dispel any ambiguity and confusion that currently exists.

Recommendation 19

Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises.

This change should be made at the earliest available opportunity.

INSOLVENCY

77. Currently, an entertainment licence lapses in the event of insolvency. The recent economic downturn highlighted some difficulties over where the legal responsibility lies for a breach of an entertainment licence where a business has become insolvent and an administrator is managing the business while trying to dispose of it as a going concern. It is possible that other businesses covered by an entertainment licence will become insolvent in the future.
78. In England and Wales the premises licence will lapse on the insolvency of the licence holder but may be reinstated to another person, thereby allowing licensable activities to continue to take place pending an application for the transfer of the licence.
79. An individual becomes insolvent on:
- the approval of a voluntary arrangement proposed by him;
 - being adjudged bankrupt or having his estate sequestrated;
or
 - entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors.
80. A company becomes insolvent on:
- the approval of a voluntary arrangement proposed by its directors;

- the appointment of an administrator in respect of the company;
- the appointment of an administrative receiver in respect of the company; or
- going into liquidation.

81. The Review Group recommended that the legislation should contain special arrangements for the continuation of an entertainment licence, for a discrete period of time, when the licence holder becomes insolvent. This would enable the business to continue to operate as a going concern and provide entertainment.

82. The Group recommended that the legislation should contain provision to deal with accountability for any breach of an entertainment licence following its transfer to an administrator or other insolvency office-holder, and noted this would bring a level of certainty for both regulators and those appointed to carry on the business during a period of insolvency.

Recommendation 20

On the insolvency of a licence holder, the licence may be reinstated to another person and remain in force for a discrete period of time.

The legislation should clarify the accountability for any breach of an entertainment licence that has been transferred to an administrator or other insolvency office-holder.

CHAPTER 3 – APPLICATION PROCESS

83. An application for an entertainment licence has to be made, in writing and in triplicate, to the council for the district where it is proposed to hold the entertainment. It is also possible to submit an application via an on-line portal to most councils.
84. Each council determines the form and details required on the application. The applicant also has to send 3 copies of any plans, certificates or other documents that the council requires and the appropriate fee as set by the Department.
85. The applicant also has to give public notice of the application by placing an advertisement in the local newspapers specified by the council within 7 days of the application. The requirement to advertise in a local newspaper does not apply to an application for an Occasional Licence for an educational institution or a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship.
86. The advertisement has to state:
- that an application for the grant, renewal or transfer of a licence has been made;

- the nature of the entertainment and the address or location of the place where the entertainment will take place;
- the name and address of the applicant; and
- that representations in relation to the application may be made to the council by a set date.

87. The applicant has to send a copy of the advertisement to the council. Failure to do so will result in a delay in the processing of the application.

APPLICATION FORM

88. The amount of information applicants are required to give about the proposed entertainment varies from council to council. In some cases the applicants have to give details of the type of entertainment and the days and times on which it will be provided. Requiring all applicants to provide such information would seem to be a sensible approach, particularly if the normal licence period is increased to permanent or at least 5 years.

89. In England & Wales applicants are required to complete an operating schedule which must give a description of the premises, the types of regulated entertainment and the days and hours during which it is proposed that each type of regulated entertainment will be provided.

90. The Review Group did not think it appropriate to adopt a similar approach to England & Wales but there may be merit in a model application form and guidance notes which councils could use as a template for the proposed licensing regime.

PUBLIC NOTICE

91. The requirement to give public notice of an application through an advertisement in local newspapers is not popular because it adds a significant cost for the applicants. Also many councils and businesses question the value of advertising at a time when the total newspaper readership is falling.
92. Information was not readily available on whether advertising prompted any representations about licensing applications, however, 17 (65%) of the 26 councils responded to an ad hoc survey about advertising. Those 17 councils issue approximately 2,000 licences each year. Each of those applications would have to be advertised in at least one local newspaper but only 8 representations could be identified as having been made as a result of the advertisement. This does not suggest the advertising is fulfilling the desired purpose. The requirement to advertise an application for an entertainment licence also applies in England & Wales but there is an additional requirement to place a notice on,

or near, the place where the entertainment would be provided, advising the passing public about the application. In Scotland, however, the only requirement is to place a notice on, or near, the place where the entertainment would be provided. It is the licensing authority (the council) which must advertise the application in a local newspaper.

93. In the Republic of Ireland, an applicant must advertise the intention to apply for a licence for an outdoor event in one local newspaper and in one national newspaper 2 weeks before making the application. The notice must state, the applicant's name; that the applicant is applying for a licence to hold an event in accordance with Part XVI of the Planning and Development Act; the location and date of the proposed event; the type of event and the expected size of the audience. The notice also has to advise that people can inspect the application for a period of 4 weeks from the date of application at the named local authority offices and submissions or observations about the application should be made within 4 weeks of the date of application. There is no requirement for an applicant for an indoor event licence to advertise.

94. The Review Group recommended that the requirement to advertise in local newspapers should be removed. In future applicants should be required to place a notice on, or near, the place where the entertainment would be, for a fixed period. The notice has to be of at least A4 size, printed or typed in font size 16

and displayed in a place where it can conveniently be read by the public. The notice would give the following details:

- the name of the applicant and the type of the licence applied for;
- a postal address or description of the premises or place where the entertainment would be provided;
- a note advising the public that a map of the area to be used for entertainment is available on the council website;
- the hours of the entertainment; and
- particulars regarding representations (i.e. the address of the council and the closing date for submitting representations in writing).

95. As in Scotland applicants would be required to complete a declaration stating that the notice was displayed for the required period. If the applicant does not complete and submit the declaration to the council, the council should have the power to require the applicant to display the notice again for the required period. To give people in the surrounding area a reasonable opportunity of seeing the notice, it should be displayed for at least 21 days.

96. The requirement to display a notice would not apply to applications for a temporary licence. In the case of a temporary licence the council would only consult with the PSNI and the NIFRS.

Recommendation 21

The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:

- applicants displaying a notice for 21 days at the place where the entertainment will be provided; and
- councils making details of all applications received available on their websites.

Recommendation 22

On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.

LICENSING REGISTERS

97. In Great Britain licensing authorities have to hold a register giving details of all applications for licences and those that it has granted. The register must be available for inspection by a member of the public during normal business hours. In practice most licensing authorities make these details available to the public on their websites.

98. Licensing authorities in the Republic of Ireland are also required to hold licensing registers. These must give details of applications and the subsequent decisions; licences granted; appeals; revocations; and notices of cessation served. The Review Group recommended that licensing registers should be introduced in Northern Ireland. Councils should be required to make the register available to the public, and encouraged to make it available on the council website.

Recommendation 23

Councils should be required to keep a register of all entertainment licences and make this available for inspection by the public. Councils should be encouraged to make the licensing register available on their websites.

VARIATION OF LICENCES

99. Currently a licence holder may apply to the council to vary the terms, conditions or restrictions that have been placed on the licence. The council has the discretion to:
- make the variation of licence as requested in the application;
 - make such variations, other than those requested in the application, as it considers fit; or
 - refuse the application.

100. In Scotland, licensing authorities may vary a licence at any time, even if the licence holder has not applied for a variation. In such cases, the licensing authority must notify the licence holder and other relevant authorities, and must give them an opportunity to make representations on the matter.
101. Given the longer licensing period proposed for Northern Ireland, the Review Group considered that there may be a greater need for variation as councils may need to take action if, for example, there have been a number of minor infringements of the licence conditions.
102. It is proposed that the future licensing system should make it clear that councils may vary the terms of a licence at any time whether or not an application has been made by the licence holder.
103. It is also proposed that if a council decides it is necessary to vary the terms, conditions or restrictions of a licence, it must notify the licence holder, the PSNI and the NIFRS, all of whom must be given the opportunity to be heard by the council.
104. Councils would also have the power, as now, to suspend or revoke an entertainment licence.

Recommendation 24

Councils should have the power to vary a licence at any time.

Licence holders, the PSNI and the NIFRS must be notified of the council's intended variation, and must be given the opportunity to be heard by the council.

105. Licence holders should be required to notify the council of any material change affecting the licence holder or the entertainment specified in the licence. This will enable authorised officers of the council to review the licence and, if necessary, vary that licence.

Recommendation 25

Licence holders should be required to notify the council of any material change affecting the licence holder, or the entertainment specified in the licence.

REPRESENTATIONS ABOUT ENTERTAINMENT LICENCES

106. Currently when an application is made for the grant, renewal, transfer, or variation of a licence, public notice must be given. The notice must advise that any persons wishing to make representations about the application must advise the council,

within 28 days. In considering the application, the council must then have regard to the representation, and allow the person to appear before, and be heard by, the council. The council will also give the entertainment licence holder, or licence applicant, the same opportunity of appearing before, and being heard by, it.

107. In England and Wales an interested party or responsible authority can request, at any time, a review of a licence. An interested party is someone living or involved in a business in the vicinity or a group representing residents or businesses in that vicinity. A responsible authority includes, amongst others, the chief officer of the police authority for the area, the fire authority and the enforcement authority for the Health and Safety at Work etc. Act 1974. The request must be made to the licensing authority and the applicant must give the licence holder and responsible authorities a copy of the application. The licensing authority must give public notice of the review of the licence and invite representations.

108. The Review Group took the view that with the longer licence duration, members of the public should be given the opportunity to make representations throughout the term of the licence, and not just in response to an application made by the licence holder/applicant. The Group commented that members of the public may, for example, wish to complain about a noise problem that has developed during the period of the entertainment licence. The Group therefore recommended that the legislation should

provide that interested parties can make representations about an entertainment licence in effect, at any time. The licence holder must be informed of the details of the representation, and both the licence holder and all interested parties who make representations must be given the opportunity to be heard by the council.

Recommendation 26

Interested parties must be able to make representations about a licence in effect, at any time throughout the duration of the licence.

Licence holders must be notified of the details of the representation and given the opportunity to be heard by the council.

109. The Review Group noted in England and Wales licensing authorities only consider representations relevant to the licensing objectives. The licensing authorities then reject any representations that are:
- not relevant;
 - frivolous or vexatious; or
 - a repetition of an earlier representation (in the case of a member of the public making representations requesting a review of a licence).
110. The Group discussed adopting a similar approach by providing that councils in Northern Ireland should consider only those representations that are relevant to the main purpose of licensing in Northern Ireland i.e. –

- the safety of individuals attending the entertainment;
- avoiding undue disturbance to people in the surrounding area; and
- crime and disorder issues associated with that entertainment.

111. The Review Group took the view that it would not be appropriate to adopt such a restricted approach and recommended that the current arrangements, where councils determine whether a representation can be considered should continue it.

PROVISIONAL GRANT OF A LICENCE

112. The Review Group recommended that the current arrangements to allow councils to make a provisional grant of a licence for premises which are to be, or are in the process of being, constructed should continue.

Recommendation 27

The current provision allowing councils to make provisional grant of a licence for premises which are to be, or are in the process of being, constructed should be retained.

DEATH OF A LICENCE HOLDER

113. Currently if a licence holder dies the licence will be deemed to be transferred on application to a person carrying on the business until:
- a personal representative of the deceased has been duly constituted; or
 - the licence is transferred to some other person.
114. While this arrangement has worked well for a licensing period of 12 months it may not be suitable for a permanent licence or one of at least 5 years duration.
115. In England and Wales the licence has to be formally transferred in the event of the death of the licence holder. In Scotland the entertainment licence is deemed to have been granted to the executor on application. The licence remains in force until 3 months after the date of death but the council is able to extend the period on the request of the executor if it is satisfied the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

116. The Review Group recommended that on the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months, with the option for the council to extend this period if the estate has not been settled.

Recommendation 28

On the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months.

The council should have the discretion to extend this period if the estate has not been settled.

THE COUNCIL

117. The legislation vests the power to grant, vary or revoke a licence in the council. It is for the council to determine whether that power will be subject to the approval of the council at its monthly meeting or delegated to a committee or officers. In Great Britain the legislation requires councils to have a licensing committee which deal with a range of licensing activities including the sale of alcohol. The licensing committee may delegate some decisions to officers.

118. While the licensing system is different in Northern Ireland and councils would not necessarily deal with the volume and range of applications as their counterparts in Great Britain, the general principle of it being good practice to delegate decisions to the appropriate level would apply. The Review Group therefore, proposed that the legislation should require councils to have a scheme of delegation specifying the types of applications, etc. that can be dealt with by a committee and/or a person appointed by the council rather than the full council.

Recommendation 29

Councils should be required to have a scheme of delegation for decisions in relation to entertainment licences.

CHAPTER 4 – SANCTIONS

119. The 1985 Order makes it an offence to provide entertainment without a licence or to provide entertainment which is in breach of the terms, conditions or restrictions under which a licence is held. A penalty is subject to summary conviction. This leaves the council with the decision of whether to pursue court action which can be costly and time consuming.
120. Councils have the power to suspend a licence but it is limited to where the provision of entertainment is causing, or is likely to cause, a serious threat to public order or public safety.
121. The Review Group proposed the introduction of fixed penalty notices for breaches of the system to give councils the ability to deal with a problem quickly, reduce the cost to the council and lessen the burden on the Courts. As with other fixed penalties the person would have the option of paying or challenging the imposition of the fine in the Magistrates Court.
122. The level of fines associated with the fixed penalties is still to be agreed. However, the Group recognise that it is essential that the levels of penalties which are set are proportionate to the breach which has been committed. Discussions shall therefore continue

within the Group, and with the Department of Justice on the details of the scheme.

Recommendation 30

A system of fixed penalties for breaches of the licensing system should be introduced.

123. Although it is an offence to provide entertainment without a licence, the power of entry for an authorised officer of the council is limited to licensed premises. The Review Group therefore suggested that the existing powers of entry be extended to places where unlicensed entertainments are being provided or there is reasonable cause to suspect that this is the case.

124. While the council may receive a report of a case where it is suspected that entertainment is being provided without a licence, the council requires its authorised officers to have gathered evidence that will meet the standard of proof, before it could take the person to court. The lack of a power of entry makes it very difficult for councils to enforce this aspect of the legislation. Providing public entertainment without a licence poses a potential threat to public safety because the place has not been assessed for risks, suitability of the type of entertainment or for the number of people admitted. Over-crowding of a place presents a serious risk if an emergency evacuation is required.

125. The Review Group proposed that an authorised officer of the council should have a power of entry to any place in order to check if the entertainment is licensed. It is expected that councils would exercise this power only where there is reasonable cause to suspect that unlicensed entertainment is being provided.
126. As it is likely that unlicensed premises would try to prevent the entry of an authorised officer of the council, it is proposed to make it an offence to refuse entry to an authorised officer of the council. It is also proposed to give an authorised officer a power of forced entry provided the officer has obtained a warrant from the Magistrates Court.

Recommendation 31

Authorised officers of the council should have a power of entry to places where there is reasonable cause to suspect that unlicensed entertainment is being provided.

Recommendation 32

It should be an offence to refuse entry to an authorised officer of the council.

Recommendation 33

Councils should also be able to obtain a warrant authorising forced entry to a place where it is suspected that unlicensed entertainment is being provided.

127. The Review Group also suggested that the current powers of inspection be enhanced to enable authorised officers of the council, to examine records relating to the maintenance of safety at a place providing entertainments and the power to take copies of such records.

Recommendation 34

Authorised officers of the council should have the power to examine and take copies of records relating to the maintenance of safety at places providing entertainments.

CHAPTER 5 – MODEL TERMS AND CONDITIONS FOR LICENCES

128. Councils may impose terms, conditions and restrictions on each licence as it deems appropriate. In doing so councils must have regard to model terms, conditions and restrictions published by the Department (“model terms”).
129. The model terms comprise:
- model terms, conditions and restrictions for indoor entertainments, published in 1986;
 - model terms, conditions and restrictions for indoor entertainments technical requirements, published in 1988; and
 - additional conditions for places of entertainment providing dance events, published in 1998 (the technical requirements).

There are no model terms for outdoor entertainment events.

130. The Review Group noted that the model terms contained obsolete and out-of-date content, and did not reflect current entertainments. The content of the technical requirements is also out-of-date and councils refer instead to other information such as Building Regulations, British Standards, etc.

131. The Review Group discussed various options regarding the model terms, including removing the requirement for the Department to provide model terms. This would mean that each council would be responsible for preparing and maintaining licence conditions. Alternatively, councils could ask one of the professional groups such as, the Institute of Licensing or the Licensing Forum to produce model terms, conditions and restrictions. Members considered that it would be useful for the Department to continue to provide model terms.
132. The Review Group discussed revising the model terms to ensure the content is current, and reflects current types of entertainment. To this end, members agreed that tailored model terms, conditions and restrictions should be produced for events such as:
- circuses;
 - charity boxing matches; and
 - acts of hypnotism.
133. The revised model terms, conditions and restrictions are still to be agreed, however the Review Group suggested that the final document should be a single document which would refer to current versions of Building Regulations, British Standards, etc. rather than duplicating the actual detail of these in the document.

Recommendation 35

Model terms, conditions and restrictions for entertainment licences should be provided by the Department.

Tailored model, terms, conditions and restrictions should be produced for circuses, charity boxing matches and acts of hypnotism.

134. The Review Group also commented that the Fire and Rescue Services (Northern Ireland) Order 2006 (the 2006 Order) and changes in subsequent years have resulted in confusion about fire safety. The 2006 Order is the responsibility of the Department of Health, Social Services and Public Safety.
135. The model terms include model fire safety terms but the 2006 Order provides that any term, condition or restriction in connection with fire safety, other than those imposed by the 2006 Order, shall have no effect.
136. The Review Group considered the approach taken in the Safety of Sports Grounds (Northern Ireland) Order 2006 and concluded that this could be a suitable model for entertainment licensing. The Review Group recommended that councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the

entertainment and the terms and conditions may be such as to involve alterations or additions to the venue. The legislation should however, also make it clear that the conditions of an entertainment licence would have no effect to the extent that they would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.

Recommendation 36

Councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the entertainment and the terms and conditions may be such as to involve alterations or additions to the venue.

CHAPTER 6 – FEES

137. When setting a fee or charge for a publicly provided service the norm is to charge at full cost. In the 2007 - 2008 year councils achieved an estimated recovery rate of less than 20%. The Department revised the level and structure of the fees for entertainment licences in September 2009 with an aim of recovering 52% of council expenditure with the intention to move towards full cost recovery. In the 2009-2010 year the rate of recovery had increased to 45%.
138. The subsequent economic downturn had a considerable impact on entertainment businesses and in the light of the difficult trading situation the Minister of the Environment decided not to increase the level of fees any further. It is estimated that councils currently achieve a recovery rate of around 50%.
139. The fees for a normal licence, an occasional licence and an outdoor event licence are payable on application and there are no other fee requirements for the duration of the licence.
140. The structure reflects the two types of licence i.e. indoor or outdoor and varies according to the capacity of the venue or

entertainment. A different level of fee applies to a normal and an occasional licence.

141. For indoor entertainments there are 6 capacity bands, and subsequently 6 fees for each type of licence. For outdoor entertainments there are 2 capacity bands, and subsequently 2 fees for each type of licence. An entertainment with a higher capacity attracts a higher fee. A concessionary rate applies to indoor entertainment organised by a charity or other non-profit making organisation. The current fees for indoor entertainment licences are given below.

TABLE 1 - INDOOR ENTERTAINMENT LICENCE FEES

Capacity of Premises/Location	Licence Fee	
	Normal	Occasional
Up to 100	£100	£50
101 - 200	£150	£75
201 - 300	£250	£125
301 - 500	£400	£200
501 – 1,000	£750	£375
More than 1,000	£1,000	£500

142. There are also flat-rate fees for specific entertainments, for example a circus, or an educational institution while not being used as such.

TABLE 2: OTHER FEES

	Rate
a circus	£50
a snooker hall, gaming centre etc	£100
an occasional licence for a church hall, school etc.	£50
Variation of a licence	£80

143. The level of fee for an outdoor entertainment licence varies according to whether the entertainment has a capacity of up to, or greater than 500 persons. The fee for a licence for an outdoor entertainment for up to 500 persons is £1,000 and for a capacity of over 500 persons, the fee is £2,000.
144. A concessionary fee rate for an outdoor entertainment licence of £125, where capacity is up to 500 persons, and £250, where capacity is greater than 500 is charged to charities and other non-profit making organisations.

APPROACH TO THE REVIEW

145. In England and Wales, where licences last for more than one year, fees for a premises licence are set according to 5 bands

determined by the rateable value of the premises, with additional fees where the capacity of the venue is over 5,000. The capacity fee varies across 11 bands where capacity ranges from 5,000 to 90,000 and over. An application fee (i.e. the fee determined by rateable value) and a capacity fee, where applicable, is paid upon application. An annual fee together with capacity fee, if applicable, is paid in every subsequent year of the licence.

146. No fee is charged for regulated entertainment in a case of an application by a proprietor of an educational institution in respect of premises that are, or form part of, an educational institution (i.e. a school or college) and the provision of entertainment is carried on by the educational institution for and on behalf of the purpose of the educational institution. An application in respect of premises that are, or form part of, a church hall, chapel hall or other similar building or a village hall or community hall or other similar building is also not charged a fee.

147. In Scotland licensing authorities (councils) determine their own fees, ensuring that the fees meet the costs of their licensing functions. Most councils charge an application fee and a yearly fee if the licence is granted. Many licensing authorities will offer a concessionary fee rate for community events. In the Republic of Ireland the fee for a licence for an outdoor event is a flat rate fee.

FUTURE FEES

148. The Review Group considered that its recommended changes to the licensing regime should result in decreased costs for councils. It also considered that the fees should reflect changes to costs incurred by councils.
149. The Review Group agreed that as it was recommending a single system covering both indoor and outdoor entertainment, the fees structure should reflect this.
150. Various options for the future fee structure were discussed including:
- fees based on capacity;
 - a flat-rate fee;
 - fees based on the rateable value of the premises;
 - a standard fee unless the capacity exceeds 1,000; and
 - councils setting their own fees.
151. Although the Group preferred fees based on capacity, final agreement was not reached. Members noted that further discussion is needed to reach an agreed position on the structure of fees.

152. As the Review Group is recommending permanent licences, it agreed that there may be merit in having a fee payable on application, plus a yearly fee. The Group noted that this would reflect the fact that while the bulk of the administration work will be done at application, there will also be work throughout the duration of the licence such as the councils' annual inspection of premises.

VARIATION OF A LICENCE

153. The current fee for an application for variation of the terms, conditions or restrictions of an entertainment licence is a flat-rate fee.
154. The Review Group noted that with a longer licensing period it is more likely that there will be requests to vary the licence in some way. It is proposed that a fee for the variation of a licence should continue in the new licensing regime. It is also proposed that a fee for the variation of a licence should apply to transfers of licences to other persons on the insolvency or death of the licence holder.

TEMPORARY EVENT LICENCE

155. Members discussed whether the fee for a temporary licence would be lower than the annual fee for a normal licence to reflect the limited work which would be undertaken by the councils before determining whether to grant the application or whether account should be taken of the fact that the time period for consideration of the application is much shorter and could require quite a lot of work by the council.