

Summary of recommendations of the Entertainment Licensing Review Group and the Department's response

(Department of the Environment was the responsible Department at the time.)

No.	Recommendation of the Working Group	Further development required
1	When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.	While retaining the requirement to consult the PSNI about each application for a licence, the Department will give further consideration to whether the new entertainment licensing regime should require councils to give due consideration to minimising or preventing crime and disorder which would be directly attributable to the entertainment associated with that licence application.
2	The new licensing regime should apply to the Crown.	As matters pertaining to the Crown are an excepted matter, the agreement of the Secretary of State for Northern Ireland is required before this could be included in an Assembly Bill. Subject to that agreement, the Department proposes that the new entertainment licensing regime will apply to the Crown. The legislation will specify which categories of Crown premises are subject to the entertainment licensing regime.
3	The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.	The Department will continue to work on developing a licensing system which would permit both indoor and outdoor entertainment at the place where the entertainment will be held to be covered by a single licence.
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.	The Department will include this requirement in the future licensing system.
5	The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.	<p>The Department notes some concerns about the use of public land for entertainment, for example, there have been instances of events being held, by commercial operators, on streets with no vehicular traffic which are not included in the entertainment licensing regime.</p> <p>Legislation on public roads and streets is the responsibility of the Department for Infrastructure (DfI). The Road Traffic Regulation (Northern Ireland) Order 1997 contains provisions which allow for the restriction or prohibition of the use of a public road for the purpose of an entertainment ("special event") to the extent, and subject to conditions or exceptions,</p>

		<p>considered necessary/expedient. Those conditions may include insurance; provision of certificates on the safety of structures, equipment or other apparatus; and the erection of barriers and signs.</p> <p>The Department will liaise with the Department for Infrastructure on this issue.</p>
6	<p>The legislation should specify that any place, other than:</p> <ul style="list-style-type: none"> • 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 <p>should require a licence for the provision of regulated entertainment.</p>	<p>The Department intends to continue to exempt religious services and meetings from requiring an entertainment licence but accepts that there is an argument for requiring places of worship to have an entertainment licence where they are being used for purposes other than a religious service or meeting, for example, hosting a classical music concert.</p> <p>The Department also intends to continue the current exemption for entertainment - such as school plays, performances by musicians or actors as part of a school's outreach programme - at an educational institution while it is being used as such.</p> <p>The Department will undertake further work to develop more detailed proposals on a definition of a place or place of entertainment.</p>
7	<p>The legislation should make it clear that "place" includes a temporary structure such as a marquee.</p>	<p>The Department is not persuaded that "place" requires any further definition – place means "any place". The Department will however give further consideration to whether entertainment on vessels on inland waterways should require an entertainment licence.</p>
8	<p>Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.</p>	<p>The Department will exclude places which hire equipment to play pool, etc. from the future licensing regime.</p>
9	<p>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.</p>	<p>The Department accepts the view that an entertainment licence should only be required for matches, contests or displays of snooker, darts, etc., where the audience capacity is 200 or more people.</p>
10	<p>An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.</p>	<p>The Department takes the view that, where cinema premises are used for entertainment purposes other than showing films, it is appropriate that they are included as places which require an entertainment licence.</p>

11	An entertainment licence should be required whether or not there is an admission charge.	The Department will further consider the issue of the application of entertainment licensing to free events.
12	Regulated entertainment includes the following: <ul style="list-style-type: none"> • 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. 	<p>The Department will develop more detailed proposals on a definition of 'entertainment'.</p> <p>The Department will also further consider the issue of possible exemptions for live or recorded music events with a limited audience.</p>
13	The Department should be able to amend the list of regulated entertainment through subordinate legislation.	The Department will seek Assembly approval to amend the list of regulated entertainment by 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.	The Department will liaise with the Department of Agriculture, Environment and Rural Affairs on whether additional legislation is required to protect animals in travelling circuses and will further consult with councils, licensing bodies and circuses about the most appropriate method of implementing this 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.	<p>The Department is of the view that there may be merit in a stepped programme for increasing the duration of an entertainment licence and will bring forward more detailed proposals on such a programme, perhaps starting with a 3 year licence.</p> <p>To enable changes to the duration of a licence to be made as quickly as possible, the Department will consider including a power, in primary legislation, to enable this change to be made by subordinate legislation. The subordinate legislation would, of course, be subject to the agreement of the Assembly.</p>
16	The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.	The Department agrees to dispense with the two categories of licence. An occasional licence will, therefore, simply be for a 14 day period during the twelve months from the date the licence is granted.

17	<p>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.</p>	<p>The Department will include provision, in the future licensing regime, requiring licence holders to agree any modifications or changes to the premises with the council before any work starts.</p> <p>The Department will further consider whether this provision should also apply to occasional licence holders.</p>
18	<p>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:</p> <ul style="list-style-type: none"> • the expected audience is no more than 499 people; and • the hours of entertainment are from 9:00 to 23:00 only. <p>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.</p>	<p>The Department is of the view that while there may be merit in having a temporary entertainment further consideration needs to be given to the detail of how such a licence would operate in practice.</p>
19	<p>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.</p>	<p>The Department will give further consideration to the possible alignment of the hours of the alcohol and entertainment licensing systems.</p>
20	<p>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</p>	<p>The Department is of the view that the entertainment licensing legislation should include provision for the insolvency of a licence holder and will give further consideration to the detail of such provision.</p>

	insolvency office-holder.	
21	<p>The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:</p> <ul style="list-style-type: none"> • 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. 	<p>The Department will remove the requirement for newspaper advertisements and take forward the recommendation that applicants be required to display a notice at the place the entertainment will take place and details will be made available on council websites.</p> <p>The Department will further consider how/if the requirement to give public notice of an entertainment would impact on travelling circuses.</p>
22	On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.	The Department will include provision for this recommendation. Consultation with the PSNI and NIFRS is an essential step in a council's assessment of any licence application including an application for a temporary licence.
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.	The Department intends to make provision to that effect in the legislation.
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.	The Department will develop more detailed proposals to enable councils to vary an entertainment licence, including consideration of the time periods involved.
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.	The Department will develop more detailed proposals.
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.	While not considered appropriate to constrain a council's discretion in determining what are valid representations, the Department will consider including a specific reference to a council's power to disregard any representations which were previously made and considered, in the opinion of the council, frivolous or vexatious.
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.	This will remain a feature of the new licensing regime.
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 Department will ensure that councils have the flexibility to determine the length of any extension period on a case by case basis.

	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.	The Department considers that there would be merit in councils having a scheme of delegation for entertainment licensing as is the case for many other council functions, such as planning applications. The Department will, therefore, bring forward more detailed proposals on this issue for consideration.
30	A system of fixed penalties for breaches of the licensing system should be introduced.	<p>The Department considers that the introduction of fixed penalties would be beneficial as it would allow councils to address breaches of the legislation and licence conditions quickly and appropriately. It would also reduce the burden on the Courts.</p> <p>The Department will undertake further work on detailed proposals for a fixed penalty system, including the level of fixed penalties.</p>
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.	The Department accepts that this recommendation will assist councils in taking action against people providing unlicensed entertainment.
32	It should be an offence to refuse entry to an authorised officer of the council.	The Department accepts that it should be an offence to refuse an authorised officer of the council access to unlicensed premises in the same manner as it is currently an offence to refuse entry to premises which have an entertainment licence.
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.	The Department accepts the recommendation that councils should be able to apply for a warrant authorising forced entry to unlicensed premises, in addition to the current provision.
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.	The Department will take forward the provision that, similar to that in the Sunday trading legislation, council-appointed inspectors should have a right of entry to premises and a right to require the production of records, and to inspect and take copies of such records.
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.	Although the Department appreciates that commercial premises, such as hotels, would prefer that the model terms, conditions and restrictions for an entertainment licence were applied uniformly across the 11 council districts, it does not propose to limit councils' discretion to set terms, conditions and restrictions as the council sees fit.

		The Department does not consider that it is possible for the model terms, conditions and restrictions to cover every eventuality. Rather, the model terms, conditions and restrictions published by the Department are designed to provide examples which the council can use if it wishes.
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.	<p>The Department considers that where there is existing legislation covering an area, such as building regulations or noise pollution, it is not necessary to replicate that legislation in the model terms, conditions and restrictions for an entertainment licence.</p> <p>Officials will continue to work with local government and entertainment industry organisations to improve and enhance the model terms, conditions and restrictions for entertainment licences.</p>
Other issues arising from the consultation		
	Although the Review Group made no recommendations regarding the fees for entertainment licences, a number of respondents made comments in relation to this issue.	The Department intends to undertake further work to develop detailed proposals on the fees to apply to entertainment licences.
	Again the Review Group made no recommendations with regard to personal licences, a number of respondents were of the view that providing for such licences would provide assurance that those operating licensed venues are competent and adequately trained to undertake their duties.	While the Department appreciates that councils wish to encourage the appointment of responsible individuals to manage the provision of entertainment, it not persuaded that a system of personal licences would be suitable, or is required, for entertainment licences.