



**DEPARTMENTAL RESPONSE  
AND  
SYNOPSIS OF RESPONSES TO THE  
CONSULTATION ON THE REPORT BY THE  
ENTERTAINMENT LICENSING REVIEW GROUP  
ON ENTERTAINMENT LICENSING**

**February 2016**



## INTRODUCTION

1. On 22 July 2014 the Minister of the Environment, Mark Durkan MLA, announced a review of the entertainment licensing regime as the current legislation has been in place for almost 30 years. He invited representatives from various interest groups (the Entertainment Licensing Review Group) to look at the current legislation and make recommendations on changes that they considered should be made.
2. To give all interested parties the opportunity to consider and comment on the 36 recommendations made by the Entertainment Licensing Review Group (the Review Group), an 8 week consultation was held from 1 May to 26 June 2015.

### Summary of Responses

3. The Department received a total of 26 responses to the consultation. A breakdown of the responses by category is given below.

<b>Category</b>	<b>Number and % of Total</b>
Local Government (District Councils and local government organisations)	8 (31%)
Entertainment Industry Organisations	7 (27%)
Licensing Bodies	2 (8%)
Government Departments	1 (4%)
Others (Various organisations and an individual)	8 (31%)
<b>Total</b>	<b>26 (100%)<sup>1</sup></b>

<sup>1</sup> The percentages throughout the document have been rounded to the nearest whole number and consequently the total may not always be 100%.

4. The full list of respondents is given at Annex 1.
5. One of the 26 responses (a licensing body), which stated that it supported the review and the approach taken to conduct the review, did not make any substantive comments as members had agreed it was more appropriate for councils to consider and comment on the recommendations.
6. This document details the number of respondents who commented on each recommendation and the percentage of those who supported or opposed the recommendation. In order to illustrate some of the issues raised, comments made by respondents have been quoted in the document.
7. In some cases comments made have been allocated to what was considered the most appropriate recommendation. This includes comments which have not been attributed by the respondent to a particular recommendation but which, on consideration, clearly relate to that particular recommendation.
8. The Department would like to take the opportunity to thank all of the people and organisations who responded to this consultation.

### **Next Steps**

9. The Department will prepare further, more detailed, proposals which will be the subject of a public consultation later this year.
10. Copies of this document can be downloaded from the Department of the Environment website at [www.doeni.gov.uk/consultations](http://www.doeni.gov.uk/consultations) or

requested via the postal address, e-mail, fax number or telephone numbers below. This document may be made available in alternative formats – please contact us to discuss your requirements.

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## COMMENTS ON RECOMMENDATIONS

**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.**

11. A total of 16 respondents provided comments on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government	8 (50%)
Entertainment Industry Organisations	4 (25%)
Licensing Bodies	1 (6%)
Others	3 (19%)
<b>Total</b>	<b>16 (100%)</b>

12. Seven respondents (44%) indicated that they supported the recommendation. They comprised 2 local government organisations; 4 entertainment industry organisations; and one other organisation.

13. Six respondents (37%) disagreed with the recommendation. These were made up of 5 local government organisations and a licensing body.

14. Three respondents, a local government organisation and 2 others, did not indicate whether they agreed or disagreed with the recommendation.
15. One of these respondents stated that, historically, the main consideration of entertainment licensing was the safety of those attending the event, and that the concerns of neighbours and nearby residents is a more recent and secondary concern. This respondent stated that the primary concern must continue to be public safety, and the other considerations should be peripheral.
16. Another respondent confined their comments to a request that entertainment licence applicants should be required to meet the Welfare of Animals Act (Northern Ireland) 2011. This is considered under recommendation 14.
17. The third respondent, a local government organisation, suggested that “crime and disorder” should be defined to provide clarity on roles and responsibilities, levels of communication across agencies and resource implications.
18. Very few of the respondents who said they supported the recommendation gave a reason for doing so. One respondent which did, a local government organisation, commented that the current statutory consultation with agencies, including the PSNI, provides an opportunity to raise concerns about crime and disorder associated with an entertainment licence application.
19. Interestingly, the same reason was cited by three respondents, 2 local government organisations and a licensing body, which did not

agree with the recommendation. These respondents also expressed concerns about including an objective of crime and disorder in the legislation as the PSNI may attempt to expand the definition to cover other issues which are not related to the provision of entertainment. They noted that in the past, Courts have been critical of councils that have imposed conditions not directly related to the purpose and extent of the legislation.

20. The only other reason given for supporting the recommendation was by an organisation which said that this recommendation allows the conduct of the premises, and potentially the applicant, to be brought to the attention of the Court.
21. One of the local government organisations, which supported the recommendation, stated that the matters which the PSNI may be concerned about must be evidence-based, and any actions or conditions placed on an entertainment licence must be measured and proportionate.
22. Two of the local government organisations, which did not agree with the recommendation, stated that councils do not have the necessary expertise, or resources, to deal with crime in licensed premises, and that responsibility for crime should remain with PSNI. One of the two had concerns that including this in the entertainment licensing system could lead to councils becoming responsible for dealing with crime in premises with an entertainment licence.

23. A third local government respondent, which did not agree with the recommendation, was also of the view that the PSNI should deal with matters of crime and disorder.

### ***Departmental Response***

24. ***The Department notes that, although a majority of respondents supported this recommendation, a considerable number of respondents expressed concerns about requiring councils to give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.***
25. ***The current entertainment licensing legislation requires councils to consult the PSNI before deciding whether to grant an application for a licence. Councils also consider whether there have been any complaints when considering applications to renew the annual licence and if any additional conditions should be placed on the licence as a consequence. Serious breaches of an entertainment licence would be dealt with as soon as it comes to the attention of the council.***
26. ***The Department intends to retain the requirement to consult the PSNI about each application for an entertainment licence. The Department will also give further consideration as 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.***

**Recommendation 2: The new licensing regime should apply to the Crown.**

27. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

28. The majority of respondents, 93% (13), supported the recommendation. The other respondent, a local government organisation, did not indicate whether it agreed or disagreed with the recommendation but asked if there were any exceptions to the proposed application to the Crown.

29. The main reason given for supporting the recommendation was that it would be in the interest of public safety. Three respondents, two local government organisations and a licensing body, which supported the recommendation, asked for more information about which Crown premises would be included in the legislation.

30. Another local government organisation asked for clarification regarding powers of entry in relation to Crown premises with secure environments, such as security bases or Royal residences.

### ***Departmental Response***

31. ***The Department notes that the majority of respondents supported this recommendation as being in the interest of public safety. The Department has made the relevant Westminster Departments aware of this proposal and is awaiting a formal response.***
32. ***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.***

**Recommendation 3: The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.**

33. A breakdown of the 14 respondents who commented on this recommendation is given below.

<b>Category</b>	<b>Number and %</b>
Local Government	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

34. The majority of respondents, 79% (11), supported the recommendation. They were made up of 6 local government organisations, 4 entertainment industry organisations and one other organisation.
35. Two (14%) respondents, one local government organisation and a licensing body, did not agree with the recommendation. Both stated that the separate classification for outdoor entertainment must be retained and the requirement for an outdoor entertainment licence should not be restricted, as it is currently, to music. One of the two, a licensing body, did, however, note that having a licence for a 'place' which covered both indoor and outdoor was a more modern and flexible approach to regulating all entertainment provided by the business.
36. Another respondent, a local government organisation, did not indicate whether it agreed or disagreed but commented that the impact on licensing conditions, occupancy and potential noise disturbance needed to be considered.

37. The main reasons given for supporting the recommendation were that it would simplify the licensing system and reduce both the administrative and financial burden on applicants. Two local government organisations noted that the existing legislation is for indoor events and large outdoor music events but, with the smoking ban, there has been a trend for small outdoor areas, such as beer gardens, to be used for entertainment.
38. One local government organisation suggested that the licence should have a set occupancy figure for each area of the premises as this would ensure that the total maximum capacity is not exceeded when patrons in an outdoor area move to an indoor area.

### ***Departmental Response***

39. ***The Department notes that most respondents supported this recommendation and that it was considered that this recommendation should result in a simpler, less burdensome licensing system that is reflective of modern entertainment.***
40. ***The Department also notes concerns about occupancy figures and potential disturbance but is of the view that these can be dealt with in the conditions attached to a licence. It is likely that, in the interests of public safety, separate occupancy limits for the indoor and outdoor areas will be required. Such limits would be set by the council as part of the conditions of the licence.***

41. ***Minimising potential disturbance from the entertainment, whether it is held indoors or outdoors, is a major feature of the current licensing system. Equally, councils currently assess and set a safe occupancy level for the entertainment.***
42. ***The Department will continue to work on developing an entertainment 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.***

**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.**

43. 15 respondents commented on this recommendation and a breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Bodies	1 (7%)
Other	2 (13%)
<b>Total</b>	<b>15 (100%)</b>

44. The majority of respondents, 87% (13), supported the recommendation. They comprised 6 local government organisations, 4 entertainment industry organisations, a licensing body and 2 others.

45. The main reason given for supporting the recommendation was that it would clearly define to the licensee exactly which areas were covered by the licence, thereby reducing any misunderstanding by the licensee. One respondent, a licensing body, commented that this approach would also be consistent with the approach used by the current system for liquor licensing.
46. The two local government organisations which did not state whether they agreed or disagreed with the recommendation noted that the requirement was consistent with current arrangements. Paragraph 5(2)(b) of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 states that applications for an entertainment licence should be “accompanied by 3 copies of such plans, certificates or other documents as the council may reasonably require”.

### ***Departmental Response***

47. ***The Department notes that the majority of respondents supported this recommendation.***
48. ***The Department acknowledges that a requirement for an applicant to submit a plan (or plans) which clearly mark where entertainment would be held could be accommodated within the existing legislative framework. Including this as a specific requirement in future legislation would, however, have the benefit of ensuring that both applicants and councils are aware that this is an essential requirement. The Department***

**therefore proposes to include this requirement in the future licensing system.**

**Recommendation 5: The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.**

49. A breakdown of the 14 respondents who commented on this recommendation is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Others	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

50. Six (43%) respondents agreed with the Review Group’s recommendation. These comprised 2 local government organisations and 4 entertainment industry organisations.

51. Five respondents (36%), i.e. 3 local government organisations, a licensing body, and another organisation, suggested that the requirement for an entertainment licence should be expanded to include outdoor entertainment on public land provided by, or on behalf of, a licensed premises or commercial operator, if access to the public land was restricted, on a temporary or longer term basis, for the purposes of that entertainment. By way of example, the

other organisation advised that there are instances of events being held, by commercial operators, on streets with no vehicular traffic which are not included in the entertainment licensing regime. The licensing body, while suggesting that the requirement for an entertainment licence should include entertainment on public land, did, however, note that this would result in small community run events requiring licences, and this could be overly burdensome for them.

52. An entertainment industry organisation which agreed with the recommendation noted that other legislation already applies to public land.
53. The remaining three respondents, all local government organisations, did not indicate whether they agreed or disagreed with the recommendation. One of these respondents asked why a difference was being made between private and public land, and the other two requested a definition for “private”.

### ***Departmental Response***

54. ***The Department notes that the majority of respondents agreed that the licensing regime should apply to outdoor entertainment where it is on private land.***
55. ***The Department also notes the concerns of some respondents about the use of public land for entertainment. Legislation on public roads and streets is the responsibility of the Department for Regional Development (DRD). 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, 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. These provisions have not yet been commenced. The Department will liaise with DRD about this issue.**

**Recommendation 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 such should require a licence for the provision of regulated entertainment.

56. 13 respondents commented on this recommendation. A breakdown of the respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

57. The majority of respondents, 85% (11), supported the recommendation. They comprised 6 local government organisations; 4 entertainment industry organisations and a licensing body.
58. Some of these respondents also proposed amendments. Four respondents, 3 local government organisations and a licensing body, suggested that the exclusion of a private dwelling place should apply only where it was being used as such.
59. One respondent, a local government organisation, stated that an “outdoor” space should be included in the definition of place.
60. Two local government organisations, which did not indicate if they agreed or disagreed with the recommendation, stated that if an event was held in a private dwelling for financial gain, either for personal or for charitable purposes, it should require an entertainment licence.
61. Three local government organisations suggested that places of worship should be included in the places which were excluded as this would clarify that the current exempt status for such places continues.
62. A local government organisation and a licensing body stated that the exemptions need clarification and, as an example, stated that a private dwelling with large grounds holding an outdoor event that is not for private gain should be exempt. They added that a school

may still need a licence for an event that is widely advertised outside of the local community.

63. One entertainment industry organisation, while agreeing that religious gatherings should be exempt, commented that commercial events held in religious premises should be licensable. It stated that the current blanket exclusion has enabled non-commercial venues to stage events with an unfair cost structure. A licensing body commented that a place of public worship may need a licence for an event that is widely advertised outside of the local community.

### ***Departmental Response***

64. ***The Department notes that the majority of respondents supported this recommendation. Under the current entertainment licensing system, an entertainment licence is not required for any music or singing where it is in a place used wholly or mainly for public religious worship or is performed as part of a religious meeting or service. The latter exemption also applies to an outdoor entertainment licence.***
65. ***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.***

- 66. ***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.***
- 67. ***The Department will undertake further work to develop more detailed proposals on a definition of a place or place of entertainment.***

**Recommendation 7: The legislation should make it clear that “place” includes a temporary structure such as a marquee.**

- 68. A total of 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

- 69. The majority of respondents, 85% (11), agreed with the recommendation. They comprised 7 local government organisations and 4 entertainment industry organisations. The main reason given for agreeing with the recommendation was that it would clarify the position.

70. Two respondents, a local government organisation and a licensing body, did not state if they agreed or disagreed with the recommendation.
71. Three respondents, 2 local government organisations and a licensing body, stated that a single licence will resolve the current issue where the fire safety requirements for a marquee are the same as for indoor premises, but the noise reduction requirements are the same as for outdoor events. These respondents also suggested that a definition of “place” should be provided. They added that vessels (whether permanently moored or not within territorial waters); vehicles; and any other category of place might be considered for inclusion.
72. One of the two local government organisations suggested that the Department should consider whether the definition of “premises” set out in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 might be a useful model.
73. Another local government organisation stated that the current regime provides for structures such as marquees and asked that a definition of “temporary structure” is included for clarification.

### ***Departmental Response***

74. ***The Department notes that the majority of respondents supported this recommendation.***

75. ***The current system of an indoor and an outdoor entertainment licence has led to some confusion about which type of licence applies to temporary structures such as marquees. The proposed change to a single licence system should remove that ambiguity.***
76. ***The Department notes that the definition of ‘premises’ in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is ‘premises includes any place’.***
77. ***The Department is not persuaded that there is a need to include entertainment in vessels (boats), whether permanently moored within territorial waters or not; in vehicles; and any other category of place. The Department will, however, give further consideration to the possibility of including entertainment on vessels on inland waterways.***

**Recommendation 8: Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.**

78. 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

79. The majority of respondents, 92% (12), supported the recommendation. The main reasons given for doing so were that this type of premises presents very low risk to public safety, and the premises would still be subject to health & safety and fire safety legislation. Also, there was a very low risk of disturbing local residents. One local government organisation requested clarification in relation to similar games of low risk.
80. One respondent, a local government organisation, whilst supporting the recommendation, commented that the exemption should only apply for low occupancy events (i.e. below 200).

### ***Departmental Response***

81. ***The Department notes that the majority of respondents supported this recommendation. In view of the level of general agreement that such places present a low risk to public safety and are unlikely to cause disturbance to people residing nearby, the Department intends to exclude places which hire equipment to play pool, etc. from the future licensing regime.***

**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.**

82. A total of 12 respondents commented on this recommendation and a breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (67%)
Entertainment Industry Organisations	3 (25%)
Licensing Body	1 (8%)
<b>Total</b>	<b>12 (100%)</b>

83. The majority of respondents, 75% (9), supported the Review Group's recommendation. They comprised 6 local government organisations and 3 entertainment industry organisations.

84. The main reason given for supporting the recommendation was that such events with a relatively small audience pose a low risk to public safety.

85. Two (17%) local government organisations did not agree with the recommendation indicating that, in their view, safety is the prime concern and, as the number of people attending the event is irrelevant, there should be no exemption based on audience capacity.

86. A licensing body stated that, although it supported the principle, it considered that the capacity limit of up of 200 was too high and should be reduced to 50. This respondent also suggested that the recommendation should apply to a wider set of activities with similar risk profiles.

### ***Departmental Response***

87. ***The Department notes that the majority of respondents supported this recommendation.***
88. ***The Department recognises that it is not possible to eliminate risk completely from any entertainment but questions whether it is appropriate to continue to require these entertainments to have an entertainment licence when the majority of respondents considered them to be of low risk. The Department is therefore of 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.***

**Recommendation 10: An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.**

89. A breakdown of the 13 respondents who provided comments on this recommendation is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

90. The majority of respondents, 92% (12), indicated that they supported the recommendation. The main reasons given for supporting the recommendation were that cinemas have expanded their activity beyond showing films and cinemas may now be hired out as a venue for entertainment promoted by another organisation.
91. One respondent, a local government organisation, did not agree with the recommendation on the grounds that it was unnecessary because the same public safety requirements, standards, certificates, and fire risk assessments, etc. apply in both circumstances and it would result in an additional burden and cost to licensees.

### ***Departmental Response***

92. ***Although the Department appreciates concerns that requiring an entertainment licence for cinemas may present an additional burden, it takes the view that, where the premises are used for entertainment purposes other than showing films,***

***it is appropriate that they are included as places which require an entertainment licence.***

**Recommendation 11: An entertainment licence should be required whether or not there is an admission charge.**

93. 14 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

94. The majority of respondents, 79% (11), supported the recommendation. They comprised 5 local government organisations; 4 entertainment industry organisations; a licensing body; and another organisation.
95. The main reasons given for supporting the recommendation were that public safety and nuisance concerns applied whether or not the entertainment had a charge and it would clarify the legislation. As an example of a current grey area two respondents, a local government organisation and a licensing body, said there is some

uncertainty as to whether the purchasing of raffle tickets is considered to be a charge under the existing legislation.

96. One respondent, a local government organisation, which agreed with the recommendation, suggested that low risk, voluntary, community and church-based events, such as play groups and fund raising events, should be excluded.
97. Three local government organisations did not state whether they agreed or disagreed with the recommendation. Two of the 3 said there was a need to ensure that private events were not inadvertently included. One of the two suggested that if the charge element is removed, entertainment for “private or charitable financial gain” should be licensable.
98. The third local government respondent commented that the Department should consider the impact on local community clubs and on local community related entertainment events.

### ***Departmental Response***

99. ***The Department notes that the majority of respondents supported this recommendation, but some respondents had reservations about the potential impact of such a change in legislation on community organisations and events.***
100. ***The Department recognises that there is a need to balance ensuring that event organisers take the appropriate measures for public safety and limiting nuisance to people residing in the local area against adversely affecting the provision of***

**community events. The Department will give further consideration to the application of entertainment licensing to free events.**

**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.

101. A total of 15 consultees commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>15 (100%)</b>

102. The majority of respondents, 67% (10), indicated that they agreed with the recommendation. These comprised 5 local government organisations, 4 entertainment industry organisations and a licensing body.
103. Two local government organisations, which did not indicate whether they agreed or disagreed with the recommendation, queried the inclusion of “a display of hypnotism” and “a performance by a comedian” as the current legislation covers all theatrical performances. Both also restated their objection to the audience limit for boxing matches, etc.
104. Another local government organisation which did not indicate whether it agreed or disagreed with the recommendation said the definition of music should include streamed music.
105. Two other respondents, which did not state if they agreed or disagreed with the recommendation, commented on the requirement for an entertainment licence where the expected audience is under 500 people. One of these respondents stated that the entertainment licensing legislation should make a distinction between community venues and commercial venues and exempt small community venues with limited capacity.
106. This respondent explained that the vast majority of its halls are rural and only a very few have close-by residential neighbours who would be affected by any entertainment events. The halls operate within extremely limited budgets and rely on local volunteers. In

the respondent's view, entertainment licensing has stifled activity and contributed to closures. If they were exempted from the licensing requirement, whilst it would increase the number of halls holding events, this would still have a low impact on residential areas.

107. Both respondents referred to the position in England & Wales where events featuring live or recorded music (where it is in a venue with an alcohol licence or certain other premises, such as, a school), held during the hours of 08:00 and 23:00, with an expected audience of under 500 people, do not require an entertainment licence. One respondent commented that the deregulation in England & Wales had contributed to an increase in the number of live music events and highlighted the associated economic benefits. This respondent stated that music tourism in Northern Ireland sustains almost 700 full-time jobs and sees 260,000 visitors come to Northern Ireland specifically for music events. A relaxation of the licensing requirement for live music would, therefore, be financially beneficial to Northern Ireland.
108. This respondent went on to say that it is a common perception that live music performances will cause a public nuisance by way of noise, but that an estimated 90% of noise complaints relate to music from domestic premises. In addition, the PSNI and councils already have powers to provide ample protection for the public.
109. Two respondents who agreed with the recommendation sought clarification. One, a local government organisation stated that guidance is needed as the proposed definition may give rise to

issues around whether other types of entertainment should be regulated, for example fashion shows, a night at the races, a pub quiz, large screen TV sports events, clairvoyant performances, etc. The other, an entertainment industry organisation asked if a jukebox, or background music, or showing a sports match on TV is to be treated as regulated entertainment.

110. A licensing body recommended that the Department considers the definition of “entertainment” provided by the Civic Government (Scotland) Act 1982.

### ***Departmental Response***

111. ***The Department notes that the majority of respondents supported this recommendation because it will provide clarification about entertainment requiring a licence.***
112. ***The Department notes that some respondents requested further clarification and the Department will undertake further work on the definition of entertainment to be included in future legislation.***
113. ***The Department will also give further consideration to possible exemptions for live or recorded music events with a limited audience.***
114. ***The Civic Government (Scotland) Act 1982 does not define entertainment. It lists a number of exclusions to places of public entertainment. In Scotland, each licensing authority***

***(the council) must make a resolution specifying which types of entertainment require an entertainment licence. This has resulted in considerable differences in practice among councils.***

**Recommendation 13: The Department should be able to amend the list of regulated entertainment through subordinate legislation.**

115. 14 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

116. All of the respondents agreed with the Review Group's recommendation.

117. The main reasons given for supporting the recommendation were that, when appropriate, the Department would be able to add new forms of entertainment which would be beneficial to licensees and councils. A licensing body stated that the ability to move quickly will be especially beneficial where a particular risk is identified.

**Departmental Response**

118. **The Department welcomes the level of support for this recommendation. The Department proposes to seek Assembly approval to amend the list of regulated entertainment by subordinate legislation. Such subordinate legislation would be subject to the approval of the Assembly.**

**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 the site-specific checks prior to issuing the licence.**

119. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

120. The majority of respondents, 79% (11), indicated that they agreed with the recommendation. They comprised 7 local government

organisations; 3 entertainment industry organisations; and a licensing body.

121. The main reasons given for supporting the recommendation were that it would reduce the burden on circuses and result in a more streamlined system. Other reasons given were that it would remove the anomaly where some councils issue an entertainment licence for a travelling circus and other councils do not and it would make enforcement easier.
122. Two local government organisations which agreed with the recommendation stated that it should be extended to include all similar travelling shows.
123. One entertainment industry organisation did not state whether it agreed or disagreed with the recommendation but did say it would like to see a more streamlined and consistent approach by district councils.
124. Two respondents, one entertainment industry organisation and one other organisation, raised the issue of the lack of enforcement action against circuses which ignore the legislation. Often such circuses have left the jurisdiction before the council has time to take enforcement action. Both respondents said that powers are required to allow councils to impose fines and to close or remove the circus. One of the two also said that there should be a requirement for circuses to comply with the Welfare of Animals Act (Northern Ireland) 2011.

125. One local government organisation, which appeared to disagree with the recommendation, stated it would not deliver efficiencies as each council would be required to satisfy itself of standards and conditions before issuing a licence for its jurisdiction. It also stated that there is no longer a requirement for circuses to have an entertainment licence in England and Wales. This respondent suggested that further consideration is needed as this issue is addressed differently across Northern Ireland.
126. Several respondents commented on how the proposed recommendation would work in practice.

### ***Departmental Response***

127. ***The Department notes that the majority of respondents supported this recommendation.***
128. ***The Department also notes the comments by some respondents about the decision by the Coalition Government to remove the requirement in respect of travelling circuses in England & Wales for a circus to have an entertainment licence, where the circus has not been on the same site for 28 days and is not putting on an exhibition of film, boxing or wrestling entertainment. The Coalition Government did so because the requirement for an entertainment licence meant that travelling circuses were subject to a higher regulatory burden than fixed premises.***

129. ***There is a variety of practice in the other regions of the British Isles. In Scotland, some councils require travelling circuses to have an entertainment licence and others do not. In the Republic of Ireland a travelling circus requires an entertainment licence only when it will occupy the site for 15 days or more.***
130. ***The Department takes the view that the current system is overly burdensome on travelling circuses and steps should be taken to reduce that burden.***
131. ***The proposal to remove the requirement for applicants to advertise in newspapers (recommendation 21) would alleviate some of the regulatory burden. Also the proposed additional enforcement powers for council officers (recommendations 30 and 31) may help in addressing the issue of unlicensed circuses.***
132. ***The Department notes one respondent's concerns about the welfare of animals. Travelling circuses are subject to the Welfare of Animals Act (Northern Ireland) 2011 while they are in Northern Ireland and are inspected regularly to ensure that welfare standards are being met. The Department of Agriculture and Rural Development (DARD), which has primary responsibility for animal welfare issues, has put in place a protocol with the Department of Agriculture, Food and the Marine which provides for the inspection of the animals before they move back to the South. The Department will liaise with DARD on whether additional legislation is required to protect animals in travelling circuses.***

133. *The Department also notes that two respondents called for this recommendation to be extended to cover all travelling shows. Other travelling shows, such as fun fairs or pleasure fairs, can be regulated by bye-laws made under Article 67 of the Pollution Control and Local Government (NI) Order 1978. The Department is not aware of any pressing need to include pleasure fairs in entertainment licensing but will give the matter further consideration.*
134. *The Department notes that several respondents commented on how the proposed system would operate. There is a question of whether this system should be included in legislation or whether it would be more appropriate for councils to agree a working arrangement through a collective body such as the Institute of Licensing or the Licensing Forum Northern Ireland. The Department will consult with councils, the two licensing bodies and circuses about the most appropriate method of implementing this recommendation.*

**Recommendation 15: A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council. Alternatively, if this is considered too great a change, a normal licence should be valid for at least 5 years.**

135. A total of 16 consultees commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (50%)
Entertainment Industry Organisations	5 (31%)
Licensing Body	1 (6%)
Other	2 (13%)
<b>Total</b>	<b>16 (100%)</b>

136. Four respondents (25%) supported the proposal for having a normal licence that would be valid until surrendered by the licence holder or revoked by the council. They comprised 2 entertainment industry organisations; a local government organisation; and another organisation.
137. One of the entertainment industry organisations said this would be consistent with European Union Services Directive 2006/123/EC and the other organisation indicated that the removal of the costs associated with a yearly system, such as the costs of electrical installation certificates and advertising, would be of great assistance to businesses.
138. One respondent, an entertainment industry organisation, supported the recommendation, but did not indicate which option it preferred.
139. Three respondents, a local government organisation, a licensing body, and another organisation indicated that they were in favour of a normal licence that is valid for 5 years.

140. Three local government organisations stated that the licence period should be for up to 5 years, to allow for those cases where the council considers it appropriate to grant an initial licence for a shorter period.
141. Two other local government organisations expressed a preference for a 3 year licence.
142. One entertainment industry organisation stated that a licence period of 5 to 10 years would advantageous.
143. Another entertainment industry organisation said that the licence period should be extended but did not indicate a preferred duration.
144. The final respondent, a local government organisation, did not state whether it agreed or disagreed with the recommendation.
145. While no respondents suggested that the annual licence should be retained, indeed two local government organisations stated that the vast majority of licences each year are granted without issue, a considerable number (9) had reservations about a move to a permanent licence. Although some of these respondents were reasonably content to agree to a maximum period of five years, they wanted councils to have the flexibility to set a shorter duration period where it was considered appropriate.
146. A number of the respondents commented that, with a longer licence period, the provision to enable the council to review the licence at any time over that period and take the appropriate remedial action, was of particular importance.

## **Departmental Response**

147. ***The Department notes that the majority of respondents did not support a permanent licence but there was support for the introduction of a longer licensing period. There was, however, no clear preference for a particular length of time.***
148. ***The Department acknowledges 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. To enable changes to the duration of a licence to be made as quickly as possible, the Department will investigate the possibility of 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.***
149. ***The issues raised with regard to a council's ability to review the licence are discussed at recommendations 24, 25 and 26.***

**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.**

150. 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

151. The majority of respondents, 92% (12), indicated that they supported the Review Group’s recommendation but several said that, in their experience, there is no demand for an occasional licence for 14 specified days.

152. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but did query why there were two categories for a 14 day licence.

***Departmental Response***

153. ***In view of the level of support for the retention of the 14 day occasional licence the Department proposes to do without the two categories i.e. 14 specified days category or 14 unspecified days. An occasional licence would, therefore, simply be for a 14 day period during the twelve months from the date the licence is granted.***

**Recommendation 17: Licence holders (other than for an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.**

154. A total of 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

155. The majority of respondents, 92% (12), supported the recommendation.

156. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but commented that alterations are regulated under building regulations and further consideration of the process and penalty is required.

157. The main reasons given for supporting the recommendation were that, it would enable the council to assess if there any implications for the safe provision of entertainment and ensure that premises remain fully compliant with the licensing terms and conditions.

158. One entertainment industry organisation stated that councils will have a responsibility to act reasonably and without undue delay in agreeing the modifications or changes and asked if there would be a cost.
159. Two local government organisations stated that this should also apply to occasional licences.

### ***Departmental Response***

160. ***The Department notes that the vast majority of respondents supported this recommendation.***
161. ***The Department, therefore, proposes to 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.***
162. ***The Department would question the need to apply this to occasional licence holders as it is not aware that the absence of such a requirement has caused a problem to date. The Department will, however, give the matter further consideration.***

**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.

163. 15 respondents commented on this recommendation and a breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>15 (100%)</b>

164. The majority of respondents, 87% (13), supported the recommendation. The main reason given for doing so was that the current licensing system cannot accommodate those occasions, generally during a local festival or themed event, when organisations or businesses which do not usually apply for an entertainment licence, wish to do so for a short-term event. One entertainment industry organisation supported the recommendation because it would make it easier for live music events to be held and may protect the career progression of young musicians.
165. Two local government organisations did not support the recommendation. One suggested that, as there was already provision for an occasional licence, a temporary licence could only be considered on a one-off basis but it would not be appropriate to allow this to happen every year. The other local government organisation considered that the proposal was too restrictive for organisations in terms of both audience size and the permitted hours.
166. Four respondents who agreed with the introduction of a temporary licence, 3 local government organisations and a licensing body, asked about the rationale for restricting such events to finishing at 23:00. The 3 local government organisations stated that they are keen to promote the night-time economy and provide variety for citizens and tourists alike. One of these respondents also suggested that the capacity figure (no more than 499) should be lowered.

167. Three respondents, two local government organisations and another organisation, suggested that the requirement that the council make a determination by, at the latest, 24 hours before the event was scheduled to take place was too short.
168. One local government organisation said this could present difficulties as a refusal required the agreement of the council. Another organisation had concerns that deciding whether or not to grant a licence for up to 3 days for an event with an audience of up to 500 people as late as 24 hours before it was scheduled to start could present problems with it resourcing the event, public safety and traffic management. The respondent suggested a decision should be made at least 72 hours before the event was scheduled to start.
169. An entertainment industry organisation stated that there should also be a temporary licence for an event for 500 and more people. It stated that such events are the primary driver of business so the process of staging them should be simplified while at the same time regaining good practice on public safety and order.

### ***Departmental Response***

170. ***The Department notes that, while the majority of respondents supported the introduction of a temporary licence, there were a wide variety of views on the detailed provisions that should apply to such a licence.***

171. ***The Review Group suggested an audience limit of 499 because it was considered that larger events take considerable planning and the organiser would have sufficient time to make an application for a ‘normal’ or occasional licence.***
172. ***The 23:00 limit was suggested by the Review Group because entertainment finishing at that time does not present an undue disturbance to people living in the area. As the short processing time does not give local residents an opportunity to comment on the licence application, it was not considered appropriate to allow the entertainment to continue beyond 23:00.***
173. ***The Department notes the concerns raised by respondents about the relatively short time-frame for processing and determining temporary licences and acknowledges that the introduction of a temporary licence would mean some adjustment in council practices.***
174. ***The Department considers there would be merit in having a temporary entertainment licence but is of the view that further consideration needs to be given to the detail of how such a licence would operate in practice.***

**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.**

175. A total of 18 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (44%)
Entertainment Industry Organisations	5 (28%)
Licensing Body	1 (6%)
Other	4 (22%)
<b>Total</b>	<b>18 (100%)</b>

176. Eight respondents (44%) indicated that they supported the Review Group’s recommendation. They were made up of 2 local government organisations; 3 entertainment industry organisations; and 3 other organisations.

177. Another entertainment industry organisation indicated that it would support the Review Group’s recommendation, but only if the Department of Social Development amended the current licensing hours to allow a combination of a licence to sell alcohol until 2am and a 1 hour ‘drinking up time’.

178. Seven respondents (39%) indicated that they did not agree with the recommendation. The 7 respondents were 4 local government organisations; a club event promoter; an individual; and a licensing body.
179. Another local government organisation did not state if it agreed or disagreed with the recommendation but expressed concerns that the recommendation could be counter-productive to other initiatives to promote the night-time economy.
180. The final respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but stated that, if implemented, the current exemption for premises with an alcohol licence and registered clubs should be removed. This exemption means that premises with an alcohol licence and registered clubs, which also have an entertainment licence, can continue to provide entertainment after the time specified on the entertainment licence, as long as it is within the time specified on the alcohol licence. (This exemption was also raised by 2 other local government organisations and a licensing body).
181. The main reasons given for supporting the recommendation were that it would clarify the finishing time for entertainment in licensed premises, reduce the scope for illegal alcohol sales, and assist in the enforcement of alcohol licensing.
182. The main reason given for disagreeing with the recommendation was that it restricts licence holders, who also have an alcohol licence, and have no intention of permitting the sale or

consumption of alcohol beyond the permitted hours, from continuing to provide entertainment. Three respondents, two local government organisations and a licensing body, commented on the need to promote the tourism and the night-time economy, along with the demand for entertainment past 1:30 am. An individual referred to an on-line petition with 1,000 signatures calling for later alcohol and entertainment licensing hours.

183. Another respondent, a club event promoter, suggested that an alignment of the licensing hours would have a negative impact on clubs and similar venues.

### ***Departmental Response***

184. ***The Review Group's recommendation was made against the background of:***

- ***the Department of Social Development's review of the alcohol licensing hours;***
- ***the expected increase in late licensing hours; and***
- ***the agreement by the then Minister for Social Development, Nelson McCausland, and the then Minister of the Environment, Alex Attwood, that there should be an alignment of the hours of the two licensing systems.***

185. ***The Department considers that there is a balance to be struck between assisting the promotion of a night-time economy and preventing unscrupulous operators from exploiting any difference in the hours for an entertainment licence and that for the sale and consumption of alcohol. The Department will***

**give further consideration to the possible alignment of the hours of the two licensing systems.**

**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.**

186. 17 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (47%)
Entertainment Industry Organisations	4 (23%)
Licensing Body	1 (6%)
Other	4 (23%)
<b>Total</b>	<b>17 (100%)</b>

187. The majority of respondents 88% (15) agreed with the recommendation.

188. One respondent did not agree that an entertainment licence should lapse and be reinstated to another person on the occurrence of all the forms of insolvency suggested in the consultation document.

The respondent also provided some very helpful information on the insolvency process.

189. The final respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but asked for further clarification on what is meant by 'discreet period'.
190. The main reason given for supporting the recommendation was that it would provide clarification on who has responsibility for the entertainment licence in the event of insolvency.

### ***Departmental Response***

191. ***The Department notes that the majority of respondents supported this recommendation. The Department recognises that this is a complex area and is grateful for the comments made by those respondents with a detailed knowledge of insolvency law and procedures. 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.***

**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.**

192. 15 respondents provided comments on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>15 (100%)</b>

193. The majority of respondents, 93% (14), indicated that they supported the Review Group’s recommendation.

194. The other respondent, an entertainment industry organisation, suggested that circuses should be exempt from the proposed display of a notice at the place where the entertainment will be provided because, in many cases, this would be a field or site with no public access.

195. The main reasons given for supporting the recommendation were that it would be a saving to businesses and organisations and that there was no evidence to suggest that newspaper advertisements actually promoted objections. Four respondents, 2 local government organisations, an entertainment industry organisation and a licensing body, stated that a notice at the place where the entertainment will be held and on the council website would alert more people to the application.

196. One local government organisation suggested that the Department should consider a form of neighbour notification similar to that enacted under planning legislation.
197. A few respondents made comments about the need for the notice to be clear and asked what would happen if the notice was vandalised.

### ***Departmental Response***

198. ***The Department notes that there was a significant level of support for the removal of the requirement for newspaper advertisements. The Department therefore proposes to take forward the recommendation that future legislation should require applicants to display a notice at the place the entertainment will take place and details will be made available on council websites.***
199. ***The final proposals will include details of the form of the notice and what action should be taken in the event of failure to comply or vandalism.***
200. ***The Department acknowledges the proposal is not entirely suitable for travelling circuses and will give further consideration to this issue.***

**Recommendation 22: On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.**

201. A total of 15 respondents commented on this recommendation and a breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
<b>Total</b>	<b>15 (100%)</b>

202. All but one of the respondents, 14 (93%), indicated that they supported the Review Group’s recommendation. The other respondent asked for clarification on what form the consultation would take.

***Departmental Response***

203. ***The Department is of the view that consultation with the PSNI and NIFRS is an essential step in a council’s assessment of any licence application. Consultation and requests for comments on a licence application would normally be made in writing. The Department is not aware of any reason that this should not apply to consultation in the case of an application for a temporary licence.***

**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.**

204. 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

205. All but one of the respondents, 12 (92%), indicated that they supported the Review Group’s recommendation.

206. The remaining respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but queried how the licensing register was to be available for viewing control.

207. The main reasons given for supporting the recommendation were that it was a positive step in alerting the public to details of licensed entertainment and it could prove useful in terms of tourism and promoting the night-time economy.

**Departmental response**

208. *The Department welcomes the level of support for this recommendation and intends to include provision to that effect in the future licensing regime. Usually when the public are granted access to written registers it is at the organisation’s offices (in this case the council) during normal business hours. The Department intends to make provision to that effect in the legislation.*

**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.**

209. 15 respondents provided comments on this recommendation. A breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
<b>Total</b>	<b>15 (100%)</b>

210. The majority of respondents, 87% (13), indicated that they supported the Review Group’s recommendation.

211. The other two respondents, a local government organisation and another organisation, did not indicate if they agreed or disagreed with the recommendation.
212. The main reason given for supporting the recommendation was that it would give an effective means of addressing issues during the proposed longer licensing period, rather than waiting to the renewal stage. It would also allow councils to amend the terms and conditions of all licences, collectively, when circumstances dictate.
213. Three respondents, two local government organisations and a licensing body, suggested that it would be more appropriate to refer to a power to “review”, rather than “vary”, a licence at any time.
214. These respondents also said stronger powers are essential and suggested that the grounds to vary and revoke licences are reviewed to ensure they compliment all of the proposed regime and cover, for example, serious misconduct on the part of the licensee.
215. One respondent, a local government organisation, advised the Department to consider the conditions for variation and the process for objection. It added that consideration should also be given to the impact of an extended objection process.
216. Another respondent stated that variation of a licence requires NIFRS to be notified and given an opportunity for any fire safety concerns to be raised.

## **Departmental Response**

217. ***The Department notes that the majority of respondents supported this recommendation.***
218. ***The Department agrees that councils need an appropriate range of powers to deal with issues that arise during the licensing period. The power to vary (or review) a licence is designed to give all parties the opportunity to consider the complaint and take the necessary remedial action. It is expected that in most cases this would be through an amendment to the conditions of the licence.***
219. ***The Department will undertake further work on more detailed proposals, including the time periods for dealing with these reviews.***

**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.**

220. 14 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

221. All but one of the respondents, 13 (93%), supported the Review Group’s recommendation. The main reason given for supporting the recommendation was that it would give an effective means of addressing any issue during the licensed period, rather than waiting to the renewal stage.
222. The other respondent, a local government organisation, which did not indicate whether it agreed or disagreed with the Review Group’s recommendation, asked about the penalty process for non-notification.
223. Three respondents, two local government organisations and a licensing body, stated that the notification must not detract from a council’s ability to request an application for the transfer of the licence where it sees fit.
224. One entertainment industry organisation stated that “material” must be defined.

## **Departmental Response**

225. **The Department notes the level of support for this recommendation and will undertake further work on more detailed proposals.**

**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.**

226. A total of 14 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

227. The majority of respondents, 86% (12), supported the recommendation.

228. The other 2 respondents, both local government organisations, did not indicate if they agreed or disagreed with the recommendation.

One of these organisations asked the Department to consider variations and objections and the impact of vexatious objections and multiple objections on the administrative process. It recommended that there should be a period of protection against such objections. The other organisation stated that measures would have to be put in place to manage this process and prevent vexatious objections.

229. Three of the respondents who agreed with the recommendation, two local government organisations and a licensing body, also raised the issue of vexatious complaints. They suggested that the Department should develop clear guidance on what does, and does not, constitute a representation; and how and when they may be received. They stated that this would ensure that valid representations - namely those that are not repetitious, malicious, or vexatious - are remedied.
230. Two of these respondents suggested that the Department draw on the definition of “interested parties” in place in other parts of the United Kingdom. One of the two added that the Department should follow the example of Scotland where only the council or the police can ask for a review, and noted that this was to stop repetitious, malicious, or vexatious requests.
231. One local government organisation stated that any allegations connected to crime, disorder and anti-social behaviour must be supported with evidence from PSNI.

## **Departmental Response**

232. ***The Department notes the concerns about vexatious objections but considers that it is essential that people residing or carrying on business in the vicinity of the place of entertainment have the opportunity to bring forward complaints at any time during the licensing period.***
233. ***The Department acknowledges that there would be merit in including a definition of who could complain along the lines of that used in the Licensing Act 2003. It defines an interested party as:***
- ***a person living in the vicinity of the premises,***
  - ***a body representing persons who live in that vicinity,***
  - ***a person involved in a business in that vicinity,***
  - ***a body representing persons involved in such businesses,***  
***and***
  - ***a member of the relevant licensing authority.***
234. ***The Department does not consider it appropriate to constrain a council's discretion in determining what are valid representations but will consider including a specific reference to a council's power to disregard any representations which were previously made and considered or, are in the opinion of the council, frivolous or vexatious.***

**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.**

235. 12 respondents commented on this recommendation. A breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (67%)
Entertainment Industry Organisations	3 (25%)
Licensing Body	1 (8%)
<b>Total</b>	<b>12 (100%)</b>

236. All of the respondents indicated that they supported the Review Group’s recommendation.

***Departmental Response***

237. ***The Department notes that all of the respondents were in favour of retaining the ability to grant a provisional licence to premises which are under construction and will ensure that this remains a feature of the licensing regime.***

**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.**

238. A total of 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

239. All but one of the respondents, 12 (92%), who provided comments on this recommendation agreed with the Review Group's recommendation.

240. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but asked for further clarification on 'discreet period' and how this fitted with the process of transferring a licence.

241. One local government organisation commented that its experience suggests that a period of 3 months may be insufficient, and it is important that any period of extension is at the discretion of the council.

## **Departmental Response**

242. *The Department acknowledges that there is a wide variation in the time that may be required to complete the winding up of an estate and 3 months may not be sufficient to do so. The Department takes the view that councils should have the flexibility to determine the length of any extension period on a case by case basis.*

**Recommendation 29: Councils should be required to have a scheme of delegation of decisions in relation to entertainment licences.**

243. 13 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

244. The majority of respondents, 85% (11), supported the recommendation. The main reason given for doing so was that this recommendation would ensure that the licensing system runs smoothly and effectively, with as few hold ups as possible.

245. Two local government organisations disagreed with the Review Group's recommendation on the grounds that it is for each council to decide how to fulfil its licensing functions, and indicated that additional legislation is not required.
246. Some respondents commented on how the system should operate in practice. One respondent, a licensing body, suggested that each council should have a separate licensing committee with full delegated powers to deal with the proposed fast track approach.
247. An entertainment industry organisation stated that, where a decision is delegated, there must be provision for appeal, or representations, to a higher authority within the Council.

### ***Departmental Response***

248. ***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.***
249. ***As a matter of good practice councils should have an appeal mechanism (or complaint procedure) already in place which can be adapted as appropriate for entertainment licensing.***

**Recommendation 30: A system of fixed penalties for breaches of the licensing system should be introduced.**

250. 15 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
<b>Total</b>	<b>15 (100%)</b>

251. The majority of respondents, 13 (87%), indicated that they supported the Review Group's recommendation.

252. One respondent, a licensing body, disagreed with the recommendation because it was unconvinced of the effectiveness of fixed penalties and suggested they have never been a deterrent in other licensing regimes, such as street trading.

253. The other respondent, a local government organisation, did not indicate if it agreed or disagreed but stated that any revenue should be returned to the council. This point was also made by another local government organisation which supported the recommendation.

254. The main reasons given for supporting the recommendation were that fixed penalties will reduce the enforcement burden on councils, limit legal costs and offer an appropriate graduated approach towards enforcement against those guilty of more minor offences.
255. One respondent stated that the introduction of a penalty system would appear to be in the public interest as it could potentially reduce costs, and enable offences to be dealt with in an expedient manner. This respondent suggested that, as well as monetary penalties, a graduated points system should be included along with provision for the potential withdrawal of the licence.
256. Some general points were made about a fixed penalty system. One local government organisation stated that the fine must be proportionate to the breach and act as a deterrent. It also suggested that further discussions are needed in relation to an adequate level of fine associated with breaches.
257. Three respondents, two local government organisations and a licensing body, stated that provision must be made to ensure that, if a licensee has paid a fixed penalty, the council should have regard to this at the subsequent renewal.

### ***Departmental Response***

258. ***The Department notes that the majority of respondents supported this recommendation.***

259. ***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.***
260. ***In view of the level of support for the introduction of fixed penalties, the Department will undertake further work on the detail of a fixed penalty system including the level of fixed penalties.***
261. ***It is usual for the legislation on a fixed penalty system to include provision to enable the fines to be used to meet the cost of enforcement. The Department would propose that, if fixed penalties are introduced, councils would be able to use the fines to assist in financing entertainment licensing enforcement.***

**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.**

262. A total of 14 respondents commented on this recommendation. A breakdown is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

263. All of the respondents supported this recommendation. The main reasons given for supporting the recommendation were that it would address the difficulties councils have had with unlicensed entertainment and it will complement the existing powers of entry to licensed premises. Also, that it would enable councils to gather evidence and determine whether or not an offence has been committed.

***Departmental Response***

264. ***The Department notes that all of the respondents were in favour of the recommendation as it will assist councils in taking action against people providing unlicensed entertainment.***

**Recommendation 32: It should be an offence to refuse entry to an authorised officer of the council.**

265. 14 respondents commented on this recommendation and a breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

266. All of the respondents indicated that they supported the Review Group's recommendation.

267. The main reasons given for supporting the recommendation were that it would enable effective enforcement and similar provision exists for other licensing areas.

### ***Departmental Response***

268. ***The Department notes that all of the respondents were in favour of the recommendation.***

269. ***The Department considers 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.***

**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.**

270. A total of 14 respondents commented on this recommendation. A breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

271. All of the respondents agreed with this recommendation. The main reason given for doing so was that it would enable effective enforcement of the legislation.

272. Two local government organisations stated that the provision should also be available in any circumstances in which a council believes an offence has taken place, and that it should not be restricted to unlicensed entertainment.

***Departmental Response***

273. ***The Department notes that all of the respondents were in favour of the recommendation.***

274. ***The current legislation already allows an authorised officer to enter any licensed premises where the officer has reason to suspect that an offence is being committed. If entry is refused, the licence holder has committed an offence and the authorised officer can seek a warrant authorising forced entry, if necessary. The recommendation that councils should be able to apply for a warrant authorising forced entry to unlicensed premises is, therefore, in addition to the current provision.***

**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.**

275. A total of 14 respondents commented on this recommendation. A breakdown of respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

276. All but one, 13 (93%), of the respondents indicated that they supported the Review Group's recommendation. The main reason given for this was that it would assist with effective enforcement of the legislation.
277. The other respondent did not indicate whether it agreed or disagreed with the recommendation but sought clarification on legislative powers.
278. Three respondents, two local government organisations and a licensing body, suggested that the Department should consider incorporating similar powers of entry and seizure to those in the Sunday trading legislation.

### ***Departmental Response***

279. ***The Department welcomes the level of support for this recommendation and will give consideration to the suggestion of having similar provision to that in the Sunday trading legislation. The Shops (Sunday Trading) (Northern Ireland) Order 1997 gives a council-appointed inspector a right to enter any premises within the district, at all reasonable hours, to ascertain if an offence has been committed. The inspector is also permitted to require the production of records, inspect, and take copies of records that the inspector considers relevant to determining whether the trader has contravened the Sunday trading legislation.***

**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.**

280. A total of 13 respondents commented on this recommendation. A breakdown of the respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
<b>Total</b>	<b>13 (100%)</b>

281. All of the respondents agreed with the recommendation. The main reasons given for doing so were that a review of the model terms, conditions and restrictions for an entertainment licence will ensure that they are up-to-date and suitable for the current types of entertainment.

282. Three respondents, two local government organisations and a licensing body, suggested that the tailored model terms, conditions and restrictions should not be restricted to circuses, charity boxing matches and acts of hypnotism.

283. One local government organisation stated that guidance is needed for applicants and premises management.

284. An entertainment industry organisation stated that model terms, conditions and restrictions should be uniformly applied throughout Northern Ireland.

### ***Departmental Response***

285. ***The Department notes that all of the respondents were in favour of the recommendation.***

286. ***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. The Department does not, however, propose to limit councils' discretion to set terms, conditions and restrictions as the council sees fit.***

287. ***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.***

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

288. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

<b>Category</b>	<b>Number and %</b>
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Others	1 (7%)
<b>Total</b>	<b>14 (100%)</b>

289. All of the respondents indicated that they supported the Review Group’s recommendation.

290. One respondent, a local government organisation, asked for a full review of the model terms, conditions and restrictions for entertainment licences.

291. Some respondents made comments on areas which the model terms, conditions and restrictions should include such as British Standards and Codes of Practice, and enabling fire safety matters to be dealt with without being contrary to the Fire Services (Northern Ireland) Order 2006.

292. One respondent commented that the Fire and Rescue Services (Northern Ireland) Order 2006 and changes in subsequent years have resulted in confusion about fire safety. It stated that clear recommendations linked to a solution are needed.

293. Two local government organisations stated that any new model terms and conditions should have regard to Building Regulations.
294. One respondent, a licensing body, suggested that the Department should consider that body's draft Guidance on Premises Licence Conditions for the Licensing Act 2003. It explained that the aim of the document is to provide clear guidance on the proper and effective use of conditions, with guiding principles and precedent conditions designed to provide appropriate wording that can be considered for inclusion on a licence.

### ***Departmental Response***

295. ***The Department notes that all of the respondents were in favour of the recommendation.***
296. ***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.***
297. ***The Department will continue to work with local government and entertainment industry organisations to develop a set of model terms, conditions and restrictions for entertainment licences.***

## General Comments

298. Although the Entertainment Review Group did not make any recommendations with regard to the fees for entertainment licences, a number of respondents made comments

### Fees: Capacity-based

299. Two local government organisations stated that fees should be determined by capacity.

300. An entertainment industry organisation, however, took the view that fees should not be determined by capacity, as capacity-based fees will unfairly penalise rural premises with large venues. Changes in consumer behaviour and a growth in home drinking has left these premises under-used and struggling to survive and such venues may only reach full capacity once a year. An additional cost, based on capacity, will result in closures of rural premises which will impact on local jobs and local family businesses.

301. One local government organisation stated that a new fee structure is needed.

### ***Departmental Response***

302. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

### Fees: Costs and Cost Recovery

303. Two local government organisations were of the view that the implementation of the recommendations was unlikely to result in a reduction in council costs.
304. Another local government organisation was of the view that, although the Review Group had suggested that the recommended changes to the licensing regime should result in decreased costs for councils, it was unclear as to where the decreased costs would occur.
305. Three respondents, two local government organisations and a licensing body, stated that there must be provision to enable councils to levy fees on an annual basis to ensure the administration is cost neutral.
306. One of the two local government organisations stated that fees should be set locally by the relevant district councils to enable councils to recover the full cost of administering the licensing function.
307. The other local government organisation and the licensing body stated that fees should be set by the Department to ensure that there is a consistent charging mechanism across Northern Ireland at a level that will enable the full cost of administering the licensing function to be recovered.

308. An entertainment industry organisation stated that the structure of fees and inspection could be altered to allow entertainment and other licences to be issued and inspected at the same time. It also stated that if the licence duration was extended, for example to 5 years, then a tick-box exercise could be put in place at a minimal fee with inspection by exception. It also said there should be a uniform fee structure throughout Northern Ireland.
309. Another entertainment industry organisation encouraged the Department not to impose a substantial increase of fees.
310. Another respondent stated that if small community events are to require a licence, there should be a concessionary rate of fee.

### ***Departmental Response***

311. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

### **Fees: Voluntary Organisations**

312. A local Government organisation stated that the current definition of 'voluntary organisations' is inadequate and needs further clarification. Clear guidance will provide for a consistent approach in relation to such organisations across the 11 district councils.

### ***Departmental Response***

313. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

#### Personal licence holders

314. Another issue raised by two respondents, a local government organisation and a licensing body, was that of personal licences. These respondents were concerned that there was no suggestion that licensees should be required to become personal licence holders, and recommended that the Department revisits this. They added that providing for personal licence holders will provide assurance that those who are responsible for operating licensed venues are competent and adequately trained to undertake their duties.

### ***Departmental Response***

315. ***The Licensing Act 2003 and the Licensing Act (Scotland) 2005 requires that the manager of each licensed premises hold a personal licence. The personal licence authorises the individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence. Personal licence holders must hold an accredited qualification. This is designed to ensure that anyone running or managing a***

***business that sells, or supplies, alcohol will do so in a responsible fashion.***

316. ***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 similar to the personal licence would be suitable, or is required, for entertainment licences.***

## Annex 1

CATEGORY	NUMBER
<p><b>District Councils and Local Government Organisations</b></p> <ul style="list-style-type: none"> <li>• Antrim and Newtownabbey Borough Council</li> <li>• Ards and North Down Borough Council</li> <li>• Armagh City, Banbridge &amp; Craigavon Borough Council</li> <li>• Belfast City Council</li> <li>• Fermanagh and Omagh District Council</li> <li>• Mid Ulster District Council</li> <li>• Newry, Mourne and Down District Council</li> <li>• Northern Ireland Local Government Association (NILGA)</li> </ul>	8
<p><b>Entertainment Industry Organisations</b></p> <ul style="list-style-type: none"> <li>• Club Event Promoter</li> <li>• Tom Duffy's Circus</li> <li>• Hospitality Ulster</li> <li>• Musicians' Union</li> <li>• Northern Ireland Drinks &amp; Industry Group</li> <li>• Northern Ireland Hotels Federation</li> <li>• Odyssey Arena</li> </ul>	7
<p><b>Licensing Bodies</b></p> <ul style="list-style-type: none"> <li>• Institute of Licensing</li> <li>• Licensing Forum Northern Ireland</li> </ul>	2
<p><b>Government Department</b></p> <ul style="list-style-type: none"> <li>• Department of Enterprise Trade and Investment (the Northern Ireland Insolvency Service)</li> </ul>	1
<p><b>Others</b></p> <ul style="list-style-type: none"> <li>• Chartered Accountants Ireland, Insolvency Technical Committee</li> <li>• Grand Orange Lodge of Ireland</li> <li>• Institute of Chartered Accountants in England and Wales</li> <li>• Individual</li> <li>• Northern Ireland Fire &amp; Rescue Service (NIFRS)</li> <li>• Northern Ireland Says NO To Animal Cruelty</li> </ul>	8

CATEGORY	NUMBER
<ul style="list-style-type: none"><li>• Police Service of Northern Ireland (PSNI)</li><li>• Police Service of Northern Ireland, Fermanagh &amp; Omagh District (PSNI, Fermanagh &amp; Omagh District)</li></ul>	
<b>TOTAL</b>	<b>26</b>