



**DUNGANNON
& SOUTH TYRONE**



Borough Council

**Information on Public
Entertainments and the Local
Government (Miscellaneous
Provisions)(Northern Ireland)
Order 1985**

Contents

Topic	Page number
Introduction	3
Indoor Entertainment	3
Information for Schools	5
Outdoor Musical Entertainment	6
Downloads, Information and Application forms	7
The Licensing Process	7
Applications for a Licence	8
Certificates and paperwork	9
How long does it take?	10
Public Notices and consultation	10
Dealing with representations	11
Appealing a decision	12
Offences	14
Powers of entry	15
Contacts	16

Introduction

The main purpose of entertainment licensing is to permit people to enjoy themselves in safety and in reasonable comfort whilst in defined places of entertainment. Other points of concern include: the availability of disabled facilities; regular testing and maintenance of electrical & mechanical installations; the provision of suitable sanitation; the prevention of noise pollution; the provision of sufficient fire-fighting facilities; and the prevention of over-crowding.

Any premises used for entertainment ranging from small community halls to large purpose-built, multi-use complexes may require an Entertainment licence. This will include bars, clubs, restaurants, snooker halls, leisure centres, open-air musical entertainment venues etc; in fact, wherever a specific type of entertainment is provided.

Licensing of these premises is dealt with by The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, which defines two basic types of entertainment: Indoor and Outdoor.

Indoor Entertainment

An entertainment licence will be required for any place where, on payment of a charge, whenever paid and whether in money or money's worth, people are admitted for:

- a) the purpose of entertainment or amusement;
- b) meals or refreshments;
- c) the playing of pool, snooker, billiards and similar games, or the playing of machines for amusement (eg video arcade games) except where such machines/ equipment are provided incidentally to the main purpose of the place (such as a video game in a chip shop).

If persons are admitted to a place for these purposes, and any of the following entertainment is provided, then an Entertainment Licence will be required:

1) Music, singing and dancing, or entertainment like it

This includes discos and DJs playing recorded music, as well as entertainment from a live band/ artist or performer, whether amplified or unamplified.

However, live or recorded music that is simply incidental to the main activity or reason for visiting the premises may not need a licence. There is no definition of 'incidental', nor is this exemption specifically

referred to in the legislation. However, in most cases it is a matter of common sense whether what is provided is 'entertainment' and one factor that may be taken into account is the volume. Background music in a shop or restaurant, for example, would in many cases not require a licence.

Furthermore, a licence is not required for any music or singing in a place used wholly or mainly for public religious worship or performed as an incident of a religious meeting or service.

2) A Theatrical performance

Any performance of any dramatic piece or play, whether scripted or improvised, to an audience who have been 'charged' for entry, (whether on the night, or by advance ticket, or who can buy refreshments at the premises,) will require an entertainment licence.

3) A Circus

This applies only to circus type entertainment which is held indoors, such as in a tent type structure. Circus type entertainment taking place wholly or mainly in the open air would not require an entertainment licence. Applicants wishing to hold a circus type entertainment should contact the council at the earliest opportunity as there are strict application requirements that mean the application **must** be received **at least 28 days in advance** of the performance.

4) Public contests, matches, exhibitions and displays

This covers a range of specific indoor sporting events:

- a) boxing, wrestling, judo, karate or any similar sport (such as kickboxing and mixed martial arts);
- b) billiards, pool, snooker or similar game;
- c) darts

If there is to be a public contest, match, exhibition or display of any of the above sports then an entertainment licence is needed. This means that any pub with a team playing in other teams in pool, snooker and darts competitions would require a licence.

A licence is not required for any other sporting event not listed above. Indoor bowls do not require a licence and Pub Quizzes are also excluded from licence requirements.

5) The provision of snooker, pool and billiards tables, or machines for amusement.

Any premises providing such equipment or machines will need an entertainment licence, unless such equipment is incidental to the main purpose of the place. Youth clubs, for example, with a pool table provided would not require a licence (unless of course there are public competitions!). Similarly, an arcade type game in a taxi office would not require a licence.

(This requirement is only for those machines which are not 'gaming' machines, which are dealt with by different legislation.)

An Indoor Entertainment Licence will also be required where any of the above activities take place in a tent, marquee or other similar temporary structure.

Information for Schools and Educational Institutions

There is a general exemption from the requirement to have an entertainment licence for educational institutions **while being used as such.**

While there is no definitive description of what this actually means, it is assumed that activities which are carried out as an extension of the school curriculum would be exempt from licensing requirements, for example, concerts and plays performed for fellow pupils.

However, where plays/ concerts/ pantomimes are widely advertised and open to the general public a licence will be required.

Similarly, end of term dances/discos for pupils during the school day (or in the evening) would not require a licence, UNLESS it was open to the general public and a charge made either for entry or refreshments.

If the premises is used by any other bodies or groups (i.e. hired or loaned) for licensable activity then an entertainment licence will be required.

Of course, if there is no entry charge to an event and any refreshments/ drinks are also free of charge then there is no need to licence the event.

Other events that may be held in schools such as sports days, treasure hunts, wine and cheese evenings, coffee mornings would not require a licence.

If you are in doubt as to whether a licence is required for an event to be held in an educational institution please contact the council at the earliest opportunity to discuss what licence, if any, is required.

Outdoor Musical Entertainments

A licence for entertainment that takes place outside is only required for public musical entertainment.

The entertainment must take place wholly or mainly in the **open air** and must be on **private land**. Any events held in marquees, tents and similar structures will need an Indoor Entertainment Licence.

Entertainment is musical if music or singing is a substantial ingredient. Land is private if the public has access whether by payment or otherwise only by the permission of the owner, occupier or lessee.

Basically, then, an Outdoor Licence is usually only required if people have been privately invited to, or who pay entrance fees or buy a ticket to an event, taking place in something like a field or open space, to listen to a band/ singer/ artiste or DJ performing.

Examples of some activities which **DO NOT** require an Outdoor Entertainment Licence:

Garden fetes

Bazaars

Sale of work

Sporting or athletic exhibition

Religious meetings or Services

Street Carnivals

Free to access open air Public events (eg Christmas Events)

Historical re-enactments

Street performers

Barbecues

Anything held in a tent, marquee or similar structure (which may require an Indoor Entertainment Licence)

There may still be a musical element to many of these events but a licence will not be required merely because music or singing is incidental to the main reason for people attending.

Downloads, Information and application forms

The information in this document and more is available on the council website: www.dungannon.gov.uk in the Environmental Health Section and the Apply Online section, where there will be links to provide further guidance, information and access to application forms and the ability to apply online for a licence:

- Entertainment Licence Application Pack
- Entertainment Licence Application Fees
- Entertainment Licence Application Guidance Notes
- Information on Enforcement of Entertainment Licensing
- Application Pack for One Off Events in Tents/ Marquees
- Apply Online for an Indoor or Outdoor Entertainment Licence

The Licensing Process

The 1985 Order sets out the procedure for applying for a licence, if one is required, which is summarised in the following pages.

A licence will only be issued once a premises complies with all legal and technical requirements; there are no objections from residents, the police or any other body (or these have been dealt with); and the premises has been satisfactorily inspected by a council officer.

If a licence is granted (or renewed) it will be on such terms and conditions and subject to such restrictions as the council may specify.

These terms, conditions and restrictions are based on a standard template published by the Department of the Environment, which are made to:

1. Regulate the conduct, days and hours of use and the general arrangement of the place;
2. Secure adequate fire precautions
3. Secure the provision of facilities for the disabled
4. Secure the provision of adequate sanitary appliances

5. Prevent persons in the neighbourhood being unreasonably disturbed by noise
6. Make sure that there is a suitable policy of insurance in force in respect of any liability of any injury or death to persons on the premises

The Council can also add any condition or restriction outside of the 'standard' conditions, provided that it would tie in with the principles noted above.

Licences can be granted for a period of up to 12 months, but may be for a shorter period where council considers this necessary.

A licence may also be granted (an Occasional Licence) which permits up to 14 days (whether specified or not) of entertainment.

In certain circumstances a licence may also be granted Provisionally (usually where premises are being built or altered), however you cannot provide entertainment until this provisional licence has been confirmed (when the premises is finished and meets all the requirements).

Applications for a Licence

Applications can be made in person, by post or by electronic means.

The application must be made on the appropriate application form and must be accompanied by the correct fee.

The fees for Entertainment Licences are based on capacity of the premises applied for and are as follows:

CAPACITY OF PREMISES	OCCASIONAL LICENCE (NO MORE THAN 14 EVENTS) £	FULL LICENCE £
Not more than 100	50	100
101 – 200	75	150
201-300	125	250
301-500	200	400
501-1000	375	750
Over 1000	500	1000

Application for a circus £50

Application for premises to be used as snooker/ pool room £100

Application for a fourteen day licence in respect of an educational institution or a church/chapel hall or other similar building occupied in connection with a place of religious worship £50

Application for a 14 day licence by voluntary group/charity £50

Outdoor Licences

Application by voluntary group/ charity:

Events for up to 500 persons £125

Over 500 persons £250

Application by non voluntary group/ charity

Events for up to 500 persons £1000

Events with over 500 persons £2000

Application to vary the terms or conditions of an existing licence £80

Certificates and paperwork to support applications:

The following certificates and information will be required to support an application for a licence:

1. A periodic inspection report for the electrical installation
2. Annual test certificate for the Emergency Lighting system
3. Annual test certificate for the Fire Alarm system
4. Annual test certificate for fire fighting equipment
5. Certificates in relation to the flammability of curtains, drapes, carpets, seat and floor coverings etc.
6. Up to date details of Public Liability Insurance
7. Copies of two Public Notices of the application (see below)

In certain circumstances other supporting certification may be required. The most common of these will be the requirement for

three copies of plans of the premises which will be needed for a first time application, or where there have been alterations to the premises.

Failure to provide all the above documentation within three months of the date of the application will, in accordance with council policy, result in the application being automatically recommended for refusal.

However, the council may in certain circumstances (for example where remedial works must be carried out) extend this three month period.

How long does it take before I receive my Entertainment's Licence?

For the majority of applications no decision can be made until a statutory period of 28 days has elapsed. During this time, persons may object about the application and the Council must consult with other statutory bodies. Normally the minimum time period would be approximately 6-8 weeks, however a great deal depends on the building/venue being technically up to standard and all the relevant certificates being in order.

Public Notice of Application and consultation

It is a legal requirement that no later than 7 days after the date of the application the applicant is required to place a Public Notice of the application in two newspapers circulating in the district.

However, this does not apply to an educational institution or place associated with public religious worship where the application is for an occasional licence.

The applicant can choose any two newspapers they wish, provided they circulate in the council area and the notices appear within 7 days of the application.

Copies of these notices must be supplied to the council as soon as possible after they are printed.

The Council provides a template notice in the application pack that can be used which includes all the information that is required to go into such a notice, namely:

- That an application has been made for a licence

- The nature of the entertainment and the address or location of the place in respect of which the application is made
- The name and address of the applicant
- That representations in relation to the application can be made to the council.

Members of the public may make a representation about the application provided it is received within 28 days of the date of the application.

How these representations are dealt with is discussed below.

The Council will also consult with, and send a copy of the application to, the PSNI and the Northern Ireland Fire and Rescue Service, and ask for their comments.

Dealing with representations

Where an application is made and all certificates supplied and the premises has been satisfactorily inspected, and there are no objections or adverse comments from the police or fire service, a licence will be issued as soon as possible once all these criteria have been met.

However, there are certain circumstances when the Council must meet to discuss an application and provide the opportunity for certain persons to appear before the council before a decision is made.

These circumstances are:

- 1) Where PSNI provide information or object to the grant of the licence
- 2) Where Fire Service have provided an objection to the grant of the licence
- 3) Where representations have been received as a result of the public notices placed
- 4) Where the applicant wishes to make a representation to the council
- 5) Where the council proposes to refuse an application.

Should any of these circumstances arise then the persons wishing to make the representation will be asked to attend the next practical meeting of the Full Council.

Persons who are entitled to make a representation will be notified that they may do so in person and asked if they wish to attend or be represented at the appropriate meeting.

At that meeting the representations may be given in person or in writing.

If anyone entitled to appear before the council does not attend or provide a representation, or fails to attend without informing the council, then the application may be determined in their absence, unless the council decides that it is in the public interest not to do so.

All representations, if made appropriately, will be taken into consideration by the council when determining an application. Representations made appropriately must:

- Be made within the specified time for lodging them
- Be relevant to the application and the proposed entertainment
- Not be frivolous, vexatious or irrelevant

Having taken into consideration all representations and material matters the council may either:

- grant the licence;
- refuse to grant the licence; or
- issue the licence subject to additional terms, conditions and restrictions over and above the standard terms and conditions.

However, if either of the latter two options is chosen then the applicant has a right to appeal such a decision.

Who can appeal a decision of the council?

- 1) an applicant who has been refused the grant, renewal or transfer of a licence

- 2) an applicant who has applied to have a term, condition or restriction on their licence varied and has been refused
- 3) the holder of an entertainment licence who is aggrieved with any of the terms, conditions or restrictions on which the licence is held
- 4) the holder of an entertainment licence whose licence has been revoked or suspended

Persons who have made representations in relation to an application for the grant, renewal or transfer of an entertainment licence DO NOT have the right to appeal the decision of a council under the Local Government (Miscellaneous Provisions)(NI) Order 1985, but may have redress by other means, for example judicial review.

Any person who wishes to appeal a decision should seek legal advice.

How do I appeal a decision of the council?

An appeal must be made within 21 days of the applicant or licence holder being notified of the refusal of the application, revocation or suspension of the licence, or the imposition of the condition of which they are aggrieved.

The appeal must be made to the county court for the county court division in which the place is situated.

The appeal court may make an order as it sees fit and such an order shall be final. It is the duty of the council to give effect to an order of the county court.

What happens to my licence/ application if I appeal?

Where you have applied for the grant of an entertainment licence and the application is refused you should not provide entertainment until such times as the appeal is determined.

Where an Entertainment Licence has been revoked, or an application to renew a licence has been refused the licence shall remain in force until:

- 1) the time for bringing an appeal has expired; or
- 2) if an appeal is brought, until the determination or abandonment of the appeal; and

- 3) where the appeal relates to the refusal to renew a licence and the appeal is successful, until the licence is renewed by the Council.

Where an application has been made to vary the terms, conditions or restrictions which a licence is subject to and the council or imposes a different term, condition or restriction than specified in the application then the licence is not subject to it until the time for bringing an appeal has expired.

Where an appeal is brought against any of the terms, conditions or restrictions to which a licence issued is subject then the licence will be free of that term, condition or restriction until the appeal is determined or abandoned.

Offences under the Local Government (Miscellaneous Provisions) (Ni) Order 1985

There are a number of offences that a person can be guilty of under this Order, regardless of whether a licence has been granted or not.

The details of these offences are listed in the table below:

OFFENCE	PENALTY
WHERE THERE HAS BEEN NO ENTERTAINMENT LICENCE ISSUED	
Provision of dancing, singing or music or any entertainment of a like kind held indoors	Fine of up to £20,000 and/ or a maximum of 6 months imprisonment
Provision of public musical entertainment held wholly or mainly in the open air on private land	Fine of up to £20,000 and/ or a maximum of 6 months imprisonment
Provision of: <ul style="list-style-type: none"> a) a theatrical performance; b) a circus c) an entertainment consisting of, or including, any public match, exhibition or display of- <ul style="list-style-type: none"> 1) boxing, wrestling, judo, karate or similar sport 2) billiards, pool, snooker or similar game 3) darts 	Fine of up to £5,000

Provision of machines for entertainment or amusement and equipment for the playing of billiards, pool, snooker or other similar games	Fine of up to £5,000
WHERE A LICENCE HAS BEEN GRANTED SUBJECT TO TERMS, CONDITIONS AND RESTRICTIONS	
Breach of Indoor Entertainment Licence condition which imposes a limit on the number of persons permitted on the premises during the provision of dancing, singing or music or any entertainment of a like kind	Fine of up to £20,000 and/ or maximum of 6 months imprisonment
Breach of Outdoor Entertainment Licence condition which imposes a limit on the number of persons permitted to attend	Fine of up to £20,000 and/ or a maximum of 6 months imprisonment
Breach of any other condition of either and Indoor or Outdoor Entertainment Licence	Fine of up to £5,000
Where a person has been convicted for breach of licence condition	1)The Licence currently in force may be revoked; 2) The person convicted may have any future application refused for a period of up to 5 years after the conviction
Where entertainment is causing or likely to cause a serious threat to public order or public safety	The licence may be suspended

Powers of Entry

The following persons have the right to enter premises to ensure that the terms and conditions of an Entertainment licence are being complied with:

- 1) Members of the Police Service of Northern Ireland;
- 2) Authorised Council officers;
- 3) Authorised officers of the Northern Ireland Fire and Rescue Service.

Officers of the NIFRS can also enter licensed premises to ensure that there are adequate fire precautions in place and that the terms and conditions of the licence relating to fire precautions are being complied with, provided at least 24 hours notice is given of the intention to do so.

Members of the PSNI or an authorised officer of the Council may enter any premises where it is suspected that any offence (as listed in the List of Offences table) are taking place, if authorised to do so by a warrant.

Anyone who without reasonable excuse refuses to permit an inspection either to ensure terms and conditions of the licence are complied with, or that an offence has not been committed, is guilty of an offence and may be liable to a fine of up to £1,000.

Contacts

Should you have any further queries or seek further information you can:

1. Contact the Licensing Unit: Licensing Unit
Dungannon and South Tyrone Borough
Council
Council Offices
Circular Road
DUNGANNON
BT71 6DT

Tel: 028 8772 0300

Email: rodney.gillis@dungannon.gov.uk

2. Go Online:

www.dungannon.gov.uk

The information on licensing is currently found in the Environmental Health – Licensing and Regulations section