

**LIST OF OFFENCES UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER
1985**

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: a) a theatrical performance; b) a circus c) an entertainment consisting of, or including, any public match, exhibition or display of- 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 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.

Appeals

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 with 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.