

Research and Library Services



Northern Ireland Assembly

**Research Paper 105/09**

**11 June 2009**

# **ENTERTAINMENT LICENCES**

This Paper makes comparison of Northern Ireland With Other GB Legislatures in Relation to Entertainment Licences. It Deals With the Inspection Procedures and the Legal Basis of How Licences are Administered.

Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

## **BACKGROUND**

This paper has been prepared for the Committee for the Environment following a briefing from the *Federation of the Retail Licensed Trade NI* on the proposals to increase the cost of entertainment licences at its meeting on *28th May 2009*. This paper details the current situation in Northern Ireland, Scotland, and England & Wales.

### **1. NORTHERN IRELAND**

#### **LIQUOR LICENCE**

##### **BACKGROUND**

- Liquor licences are issued every five years by the Court Service.
- Monitored by the PSNI.
- Frequency of inspection often based on public disruption e.g. complaints etc.
- Under the current liquor licensing regime in Northern Ireland, first time applicants for a licence to sell alcohol, applications for consent to alterations to a licensed area or applications for a certificate of registration (for registered clubs) to supply alcohol must be made to a county court.
- Applications for renewal of a licence/certificate must be made to a magistrate's court.
- Issues have emerged in recent years between the two separate licenses e.g. A Belfast nightclub with a liquor licence to serve alcohol till 1a.m. and play amplified music till 6a.m.
- A public house will need to have a Liquor Licence *and* an Entertainment Licence if it provides entertainment to the public.

#### **ENTERTAINMENT LICENCE<sup>1</sup>**

##### **THE PURPOSE OF AN ENTERTAINMENT LICENCE IS TO ENSURE:**

- Protection from an outbreak of a fire
- The structural strength of the building
- Electrical safety, e.g. portable equipment
- Potential noise disturbance
- Facilities for disabled people
- Sanitary accommodation provisions

---

<sup>1</sup> <http://www.belfastcity.gov.uk/buildingcontrol/licensing.asp>

There are generally two main types of licence:

**INDOOR**

- Theatrical performances
- Circuses
- Boxing, wrestling, karate matches or exhibitions
- Snooker or pool matches re exhibitions
- Video machines

**OUTDOOR**

This is entertainment that takes place in the open air, on private land and is of a musical nature.

**RENEWAL**

Application for renewal is expected 3 months in advance of expiry on an annual basis. A Liquor Licence is renewed through the courts every 5 years.

**LEGISLATION IN PLACE<sup>2</sup>**

*Article 3 and Schedule 1 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 in order to:*

- Make provisions for district councils in Northern Ireland to require that adequate safety measures are established in places where certain entertainments are available.

**FUNDING OF INSPECTIONS**

- When introducing fees, the objective is generally to recover the total cost of carrying out a function of providing a service, thus ensuring value for money.
- District councils are currently not fully recovering the cost of administering the system for entertainments licences.
- An analysis of administration costs (at today's prices) was carried out across the 26 councils and this exercise has confirmed that there is a serious shortfall in the income from fees.
- On average, only 14% of expenditure is currently being recovered.

---

<sup>2</sup> [http://www.doeni.gov.uk/letter\\_to\\_consultees\\_-\\_entertainments\\_licence\\_consultation\\_-\\_comments\\_by\\_30-01-09.pdf](http://www.doeni.gov.uk/letter_to_consultees_-_entertainments_licence_consultation_-_comments_by_30-01-09.pdf)

- It is accepted that the level of fees indicated would not achieve full recovery but are a first step in that direction.

### **CHANGES TO THE RANGE OF ENTERTAINMENT LICENCES (BY SIZE OF CROWD)<sup>3</sup>**

The maximum fee for indoor places of entertainment (occasional and full licences) had originally been for a capacity of more than 300 persons.

However, since 1995, there are significantly more venues in Northern Ireland capable of holding much larger numbers of people. The range has, therefore, been expanded to cater for:

- 301-500 persons
- 501-1000 persons
- Over 1,000 persons

Separate fees are proposed for applications by both voluntary and non-voluntary organisations relating to outdoor musical entertainments, where a place may hold:

- Not more than 500 persons
- Over 500 persons

#### FEE STRUCTURE:

With effect from *April 1<sup>st</sup> 2009*, the fees to accompany an application to a district council for the grant, renewal, transfer or variation of an entertainments licence shall be the amounts specified below.

An application relating to an indoor place of entertainment:

#### **OCCASIONAL LICENCE FEE/ FULL LICENCE FEE**

▪ Not more than 100 persons	£50	£100
▪ 101 to 200 persons	£75	£150
▪ 201 to 300 persons	£125	£250
▪ 301 to 500 persons	£200	£400
▪ 501 to 1,000 persons	£375	£750
▪ Over 1,000 persons.	£500	£1,000

It is anticipated that the amended fee structure and the proposed level of fees detailed in the draft determination will enable district councils to recover, on average, 52% of their costs.

Departmental officials and members of the sub group of the *Licensing Forum Northern Ireland* will undertake an exercise, after the new fees have been in place for 12 months,

---

<sup>3</sup> [http://www.doeni.gov.uk/letter\\_to\\_consultees\\_-\\_entertainments\\_licence\\_consultation\\_-\\_comments\\_by\\_30-01-09.pdf](http://www.doeni.gov.uk/letter_to_consultees_-_entertainments_licence_consultation_-_comments_by_30-01-09.pdf)

to ascertain the extent of recovery actually achieved. A further increase will be considered at that stage, if necessary.

## REVIEW OF PUBLIC ADMINISTRATION<sup>4</sup>

The process of implementing the *Review of Public Administration* is now underway and different strands will be transferred to the 11 council government model in 2011.

- Under the proposed reforms, responsibility for liquor licensing and the registration of clubs would transfer from the courts to the 11 new district councils in Northern Ireland. The Minister has stated that she is “confident that this would increase the efficiency, effectiveness and accountability of the system and make it more responsive and accessible to local residents, planners and decision makers and those, including the licensed, hospitality, retail and other business sectors, on which local economies rely”<sup>5</sup>.
- The ‘*Liquor Licensing – The Way Forward*’<sup>6</sup> consultation document highlights that councils already have responsibility for a range of alcohol-related issues, such as entertainment licences, local planning, health and safety issues, noise pollution, town centre management and community safety partnership. The paper suggested that the transfer of responsibility from the courts to councils would be consistent with the objectives of the *Review of Public Administration* and highlighted further that under RPA, councils would have increasing responsibility for related issues such as town and city centre regeneration.

## 2. SCOTLAND<sup>7</sup>

- In Scotland, a licenced liquor premises is exempt from the need to simultaneously require a public entertainment licence.
- It exempts any premises which hold liquor licence under the *Licensing (Scotland) Act 1976* from the requirement to obtain a public entertainment licence under the 1982 Act.
- It was concluded in 2004 that the exemption should be retained. This is on the basis that the proposed new liquor licences will stipulate the **nature of the entertainment** that can be provided in the licensed premises.

---

<sup>4</sup> <http://www.niassembly.gov.uk/researchandlibrary/2009/6109.pdf>

<sup>5</sup> <http://www.strabanedc.com/filestore/documents/lrt-liquor-licensing-consultation-document.pdf>

<sup>6</sup> [http://www.dsdni.gov.uk/index/publications/social\\_law/liquor\\_licensing\\_review\\_gateway.htm](http://www.dsdni.gov.uk/index/publications/social_law/liquor_licensing_review_gateway.htm)

<sup>7</sup> <http://www.scotland.gov.uk/Publications/2004/12/20391/48553>

- A *Task Group* was set up in 2004 to review the licensing provisions contained in the *Civic Government (Scotland) Act 1982*. It was concluded that there are sound environmental and safety reasons to support the retention of the public entertainment licensing exemption and that licences are best placed to determine if there is a need to licence in their area and the classes of activity this should cover.
- In the *Task Group Review* there was concern that the emergence of large-scale conference facilities and health clubs in hotels has created a category of premises which may give rise to public safety concerns but which are currently exempt from the public licensing regime by virtue of the exemption for liquor-licensed premises.
- If the exemption was repealed, it would result in a dual licensing requirement, but this was justified on the grounds of the preservation of public safety.
- However, purpose-built conference centres and health clubs make up only a small proportion of those premises which hold liquor licences and put on public entertainment. It was argued that the vast majority of such premises as pubs and hotels which will occasionally put on live music.
- Scotland is also introducing a *Social Responsibility Fee*: the Scottish Government propose to apply this fee to some licensed retailers to help off-set the costs of dealing with the adverse consequences of alcohol.

### 3. ENGLAND & WALES<sup>8</sup>

- Since the *Licensing Act 2003*<sup>9</sup> was introduced the concept of a separate public entertainment licence disappears, meaning that only a **single authorisation** will be needed to provide alcohol, provide regulated entertainment, such as performance of live music, or provide late night refreshment or any combination of these activities.
- Accordingly, under the *Act*, an authorisation will be required in order for alcohol to be supplied at a public house but the applicant will be free to **apply simultaneously** for the authorisation to cover the provision of regulated entertainment, such as music or dancing whenever desired. Generally, the authorisation in these circumstances will be a premises licence.
- The fee for a premises licence will be no different whether an applicant simply applies for an authorisation for use of the premises to supply alcohol or also decides to apply at the same time for authorisations to provide regulated entertainment.
- Any difference in fee levels, which have been set centrally to avoid inconsistencies, will largely relate to the non-domestic rateable value of the premises so that larger venues are more likely to attract a higher fee than smaller ones.

---

<sup>8</sup> <http://www.culture.gov.uk/images/publications/HOC132000publicentlicfees.pdf>

<sup>9</sup> [http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030017\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_1)