



ENTERTAINMENT LICENCE POLICY

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SECTION 1

1.1 Policy Statement

This policy details how Mid and East Antrim Borough Council will regulate entertainment licensing activities within the Borough and how application of the legislative provisions will be proportionate and fair.

It has been produced to provide, insofar as is possible, transparent, accountable and consistent decision making to develop, and thereafter maintain, public confidence in Mid and East Antrim Borough Council's performance of its duties.

1.2 Policy Objective

The purpose of this policy is to provide a single set of basic rules which will be used to inform the various decision-making processes for entertainment licensing within Mid and East Antrim.

The Council understands that entertainment is enjoyed by both local people and visitors to the Borough. Entertainment impacts on the local economy and provides a significant contribution towards making the Borough an attractive destination for tourists.

This policy document has been produced to consolidate and develop earlier decisions and resolutions that have been made to regulate and improve entertainment licensing in our Borough. Mid and East Antrim Borough Council strives for continuous improvement in the provision of the service thereby linking with the strategic theme in the Corporate Plan 2019 – 2023, to be a high performing Council. Our desired outcome is to address the need for safety and wellbeing by putting local people and visitors first, thereby contributing to the Council's vision of being "a strong, vibrant, safe and inclusive community where people work together to improve the quality of life for all".

SECTION 2

2.1 Why do we have Entertainment Licensing?

Council licence and inspect places of entertainment to make sure high standards of safety are maintained within premises and that there are suitable arrangements in place for managing fire and other safety risks.

Another key purpose of the licensing regime is to avoid entertainment causing undue disturbance to people in the surrounding area. Council licencing officers make checks to ensure premises to be licenced are suitable for their intended use and have appropriate levels of insurance, provide access arrangements for emergency services and have adequate sanitary and hygiene facilities.

The licensing requirements generally apply to private or public property, including Council owned premises. Further details are outlined in section 2.2 which sets out the legislative framework.

2.2 Legislative Framework

Entertainment licences are issued by District Councils under the Local Government (Miscellaneous Provisions) (NI) Order 1985 as amended. Article 3 of, and schedule 1 to, the above legislation provide for Councils to grant, renew, transfer and vary entertainment licences regarding indoor places of entertainment and outdoor musical entertainment.

The type of licence depends on the entertainment that is provided. Although Council issue licences for both indoor and outdoor events, the licence conditions vary depending on matters such as the numbers attending and the type of premises in which it will take place.

The type of entertainment and size of venue can vary greatly. An entertainment licence is required for the following types of indoor entertainment:

- a theatrical performance;
- 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;
 - billiards, pool, snooker or any similar game;
 - darts;
 - any other sport or game prescribed by the Department for Communities.

Machines for entertainment or amusement, or equipment for playing billiards, pool, snooker or other similar games cannot be provided except in accordance with the terms of a licence unless the entertainment machines or equipment are incidental to the main purpose or use of the place, or the machines or equipment provided are wholly or mainly in the open air.

Licensing of outdoor entertainment is restricted to musical entertainment wholly or mainly in the open air, on private land, and contains music or singing as a substantial ingredient. Examples include outdoor concerts and tattoos.

Applicants may need to apply for both indoor and outdoor entertainment licences; for example they may be organising temporary events connected with space outside their premises.

Fire Safety Measures

In addition to the requirement for entertainment licensing, a duty exists for employers, owners and persons with control of premises to carry out a fire risk assessment and to record the significant findings. Fire safety measures to ensure the safety of persons on the premises from fire are also required, in order to satisfy the requirements of the relevant legislation, the licencing authority and the NIFRS.

In 2012, the Northern Ireland Fire and Rescue Service Board conferred responsibility to Councils to enforce fire safety duties relating to licensing by granting them powers under Article 13 of the Fire and Rescue Services (NI) Order 2006. The purpose was to reduce the burden placed on businesses arising out of dual enforcement and to allow for the effective performance of Councils in relation to their licensing function.

As a consequence, a Memorandum of Understanding (MOU) between Councils and the Northern Ireland Fire and Rescue Service (NIFRS) was developed to enable Council licensing officers to identify and address fire safety issues under the 2006 Fire and Rescue Services (NI) Order and the Fire Safety Regulations (NI) 2010, within places of entertainment, on behalf of the NIFRS. Council officers are required to be trained, qualified and assessed, to confirm competency to carry out audits and enforcement in licensed premises.

SECTION 3

3.1 Who needs an Entertainment Licence?

If premises are used as a place of public entertainment the proprietor must hold a public entertainment licence. This applies to private functions and any events admitting members of the public where a charge is being made. Charge includes any form of charge whenever paid and whether paid by money or money's worth.

The types of charge has been defined by the Dept. and include:

- a) an admission charge
- b) a charge for meals or refreshment (this provision would apply to a bar with a piano player)
- c) a charge for using machines or equipment for entertainment or amusement.

Whilst certain scenarios are relatively straightforward, others are less so, and Council will assist businesses in this determination. Council recognises the changing face of public entertainment; in recent times it is more common place for entertainment to take place in premises not traditionally associated with live music events.

Ultimately, Council will endeavour at all times to provide a fair and consistent approach. Each case will be determined on its own merits in order to establish whether it meets the relevant criteria for licenced entertainment set in legislation.

Reference will also be made to supplementary guidance provided by the legacy Department of Environment.

Some outdoor events, where there is an element of music and singing, are excluded from the licensing regime. These are a pleasure fair; garden fete; bazaar; sale of work; sporting or athletic event; exhibition, display or other function or event of a similar character; an educational institution; a religious meeting or service.

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” is exempted from the requirement of a licence.

However other forms of entertainment such as dancing or theatrical performances do require a licence.

3.2 Granting, Renewal or Transfer of an Entertainment Licence

Reference should be made to the information booklet produced by Mid and East Antrim Council entitled “Guidance notes for the Grant, Renewal or Transfer of an Entertainments Licence” and available on Council website.

Applicants can use the forms on Council website or from Council offices to apply for a new entertainment licence. The forms can also be used to apply for renewal or transfer of an existing licence. If there are changes to the premises or to the type of entertainment provided, application for a variation to the existing licence or conditions is also possible using the forms in the appendices.

The grant of all NEW entertainment licence applications must be approved by Committee and subsequently ratified by full Council. In order to facilitate this process, as well as the necessary public and statutory consultations, applicants should make full and complete application a minimum of **12 weeks** in advance of their proposed entertainment event.

All applications will be determined as soon as reasonably practicable, and tacit consent will NOT apply. It is in the public interest that the Council undertake all the necessary checks on each licence application before it can be granted. Whilst tacit consent does not apply, Mid and East Antrim Borough Council will strive to notify all applicants of the outcome of the application, including issuing the licence, within 5 working days of a decision made in relation to the application.

No entertainment can be provided at a premises until a licence to provide entertainment has been granted (please refer to section 3.12 Enforcement).

For the granting of entertainment licences to newly build or refurbished buildings confirmation that the relevant Building Control and Planning permissions have been obtained may be required before licence can be granted.

3.2.1 Documentation Required with Licence Application

The following documentation and certification is required for the Grant, Renewal and Variation of licences

- Satisfactory periodic electrical inspection report (at least every 3 years)
- Annual inspection of fire alarm
- Annual inspection of emergency lighting
- Annual maintenance of fire fighting equipment
- Suitable public liability insurance
- Fire risk assessment
- In certain circumstances the Council may also ask for structural certificates relating to floor or ceiling structures in buildings
- Council may also require the applicant to provide a report by an acoustic consultant

Renewal Procedure

The Council will send out renewal application reminders 2 months in advance of the expiry date, to allow applicants ample time (3 months) to submit the required documentation electronically, by post, or in person.

Licence renewal applications will not be granted until all necessary documentation is received. Applicants have a maximum of 4 weeks from the date of licence expiry to submit all the required accompanying documentation for a licence renewal. Exemptions from the 4-week time limit may only be made at the discretion of the Environmental Health Manager for legitimate reasons, such as carrying out extensive repair work to a premises.

Applications that after the 3 month period have still not submitted all the required documentation will be considered not duly made and will be returned along with any fee to the applicant. Should this happen the premises will no longer have a valid entertainment licence and will be required to apply for the grant of a new licence.

The decision to renew existing entertainment licences has been delegated to the Head of Service for Public Protection, Health and Wellbeing Department within council.

3.3 Variation of Licences

It is possible to vary a licence after it has been issued this may be carried out for the following reasons -

- Change the times or days that entertainment is licensed to take place on
- Change the types of entertainment that is covered by the licence
- The addition of new areas or buildings where entertainment can take place on the premises

The Variation procedure is similar to that done for the grant of a licence and includes:-

- Submission of application form, fee and any applicable certification and documentation.
- Public consultation for 28 days advertised in local newspaper

- Statutory consultation with PSNI and NIFRS

The approval of a Variation of a licence is normally delegated to Head of Service except in the cases of requests to vary licences with finishing times on licences past 1am. In these cases, the decision will be made by Council Committee

3.4 Transfer of Licences

It is possible to Transfer an entertainment licence to another person (such as where a business has been sold). The following procedure for transfer of licence should be followed:-

- Submission of application form, fee and any applicable certification and documentation.
- Public consultation for 28 days advertised in local newspaper
- Statutory consultation with PSNI and NIFRS

The approval of the Transfer of an Entertainment Licence is normally delegated to Head of Service

3.5 Objections and Appeals

Where Council receives objections to an application which are not resolved through mediation or other informal means, the matter will be referred to Council for further consideration. This will give the applicant and the objectors an opportunity to present their case to Council.

If an application is refused, or where terms, conditions or restrictions are imposed, or where a licence is revoked or suspended, applicants have the right to appeal the Council's decision. Appeals must be lodged to the County Court within 21 days of the applicant being informed of the decision. The decision of the County Court is final.

Following the statutory consultation with the PSNI and NIFRS the Council will ensure that any issues or observations made in their responses are followed up. The Council would only proceed to grant a new licence once responses from PSNI and NIFRS had been received.

If the PSNI or NIFRS object to the grant or renewal of a licence the issues raised will be further investigated and a report prepared for Direct Services Committee to consider the most appropriate action. All objections will be considered on case-by-case basis.

If following the public consultation in local newspapers an objection is received within the 28-day period, the substance of the objection(s) will be further investigated. A report on any objections will be made to Direct Services Committee for a decision on how to proceed with the licence renewal. Both the objector and the licence applicant will be entitled to make oral or written submissions to the committee.

Council may, in certain circumstances, consider accepting objections made after the 28-day period (for example between the close of formal consultation and the meeting of committee to consider same). Council members may also be appraised of other complaints or enforcement issues (eg noise or antisocial complaints) that have come to Council's attention in the previous 12 months.

3.6 Types of licence (duration)

Mid and East Antrim Borough Council issue two types of licences, dependent on the proposed frequency of proposed entertainment;

a) Annual Licence

The first type is an annual licence which applies to an unspecified number of entertainment events which can take place over a period of 12 months. An annual entertainment licence unless previously cancelled, revoked or suspended shall remain in force for one year or such shorter period specified in the licence as the Council may think fit. In practice this will be one of the following:

- A 6-day annual application which allows entertainment to take place from Monday to Saturday
- A 7-day annual application which allows entertainment from Monday to Sunday

The majority of licences issued by Council fall within the category of an annual licence and are generally renewed on an annual basis.

b) Occasional Licence

The second type is an occasional licence. Council may issue occasional licences that are valid for entertainment to be held on a maximum of 14 days specified in the licence, or any 14 unspecified days within 12 months, following the grant of the licence.

Council cannot respond quickly to requests for a licence to cover what may be a 'one-off' event. Such applications are generally resource intensive due to the technical demands presented by temporary events, the consultation process with relevant statutory and other parties and the undertaking of site visits prior to bringing the application before full Council for a determination.

The necessary checks, consultations and determinations mean that it can take up to 4 months for Council to grant a licence. Consequently, Mid and East Antrim Borough Council will take the following steps to improve targeting of resources and enhance the capacity of service delivery where dates for entertainment provision are not specified:

- Holders of an occasional licence will be required to return to Council a list of dates where entertainment was provided at the end of the term for which the licence was granted.

Extension of licence to include areas ‘Substantially Enclosed’

The Department for Communities (DfC) is currently looking at legislation to allow for a licence that will cover both indoor and outdoor areas. Until this new legislation comes into place to give some flexibility, the Council have developed a policy covering the extension of an indoor entertainment licence to suitable outdoor areas.

Premises interested in extending their indoor licence to include an outdoor area, such as a beer garden or outdoor dining, must make application to Council for a variation to their existing entertainment licence. Variation requests have a set fee of £80.

The key issue for each premises applying for variation to extend the indoor licence is whether the area falls within the definition of an outdoor area i.e. “*wholly or mainly in the open air.*”

In other words, to be able to grant an extension to an existing **indoor** licence, Council must be satisfied that the area/audience is **substantially covered by a roof and the sides of the area must also be substantially enclosed.**

Due to the complexities that may arise, premises will be considered on a case-by-case basis.

The premises will be required to provide the following information to accompany a variation application:

- Set of scale, fire-marked plans showing the proposed area that an extended licence will cover.
- A revised fire risk assessment covering the use of this area for entertainment. It will be necessary to clearly demonstrate that use of any outdoor area for entertainment purposes does not affect any of existing fire escape routes from the premises.
- If an applicant wishes to extend the total capacity of a building with an additional outdoor entertainment area, they must calculate and submit proposed occupancy numbers and demonstrate there is adequate emergency exiting capacity for increased occupancy.

The Council will consult with the PSNI and NIFRS for all applications. The PSNI will also be asked if they wish to comment on the status of liquor licensed area/boundary at the premises.

The Council also reserves the right to consult with Planning Department where deemed appropriate and in some circumstances it may be necessary for a planning application to be made to cover the potential extended area.

For certain applications we may ask for a noise impact assessment to cover the provision of entertainment in the proposed area.

If the variation results in an increase in the overall capacity and an increase in licence fee, this will be taken account of at the point when the licence is next renewed.

For those outdoor areas which are determined to be wholly or mainly in the open air, and which cannot be considered an extension of the indoor area, a separate outdoor entertainment licence will be required. Council will also reserve the right to conduct the same consultations and request additional information such as a noise impact assessment to enable all relevant information to be considered in their determinations under the outdoor licensing process.

Outdoor Licence

For concerts and other musical events that take in mainly or wholly in the open air on private land an outdoor entertainment licence is required. These licences have the same approval and consultation process as indoor licences.

Unless specifically agreed otherwise all outdoor Entertainment Licences will be issued as Occasional Licences with the days when entertainment will take place listed at time of application, this be for up to 14 days.

We will normally ask for an event safety plan for outdoor events and will have specific licence conditions for outdoor licences. The Event Safety Plan specific to your event should be received by the Council **at least 4 weeks** before the event is due to take place.

It is recommended that an Event Safety Plan should consist of the following detailed information:

- Site plan layout
- Crowd management provisions
- Means of escape provisions
- Stewarding details
- Special effects including information on the use of lasers
- Temporary structures
- Electrical systems being installed and testing arrangements
- First aid provisions
- Sanitary accommodation, including provisions for disabled people
- Traffic management arrangements
- Ticket sales for the event and details of outlets where they are being sold
- Noise Management Plan
- Fire Risk Assessment and details of suitable fire fighting equipment
- Waste disposal provisions
- General information, such as disabled provisions, access for the Emergency Services and site telephone number and event organisers lead contact numbers
- Health and Safety Risk Assessment
- Liaison with Emergency Services

- Evacuation procedure

Certification will be required confirming:

- The design of the stage and that it has been erected in accordance with the manufacturer's instructions
- Any fabric and linings are non-flammable or of durably flame retardant material
- The electrical installation is maintained and will prevent danger arising therefrom
- All fire extinguishers are properly maintained
- Any tiered seating has been erected in accordance with manufacturer's instructions
- A valid policy of insurance shall be held by the licensee throughout the period of the event insuring in respect of any liability, which may be incurred by him in respect of the death of or bodily injury to any person while in or about the site.

The Council will also expect organisers to notify neighbouring premises with details of the event and provide a contact phone number of the organisers.

3.7 Duration and Timings of a Licence

An entertainment licence, whether for indoor or outdoor entertainment, will be valid for a maximum of 12 months. The duration is prescribed in the legislation and cannot be varied by Mid and East Antrim Borough Council.

All entertainment licences will state the hours each day that entertainment is permitted to be held in that premises.

For indoor licences the latest finishing time for entertainment is normally set at 1am.

For outdoor licences the latest finishing time for entertainment is normally set at 11pm

For temporary events held in marquees the Council may consider these to be equivalent to an outdoor event and reserve the right to limit the finishing time on these licences to earlier than 1am.

Any premises can apply to extend the finishing time past these times (such as for an extension to Liquor licence to 3am) this can either be at renewal or by way of a variation. Decisions on extending a licence finishing time past 1am are normally made by Council committee.

3.8 Licence Conditions

It is for Mid and East Antrim Borough Council to determine what conditions should apply to each licence, but the legislation does require the Council to have regard to any model terms, conditions and restrictions published by the Department of Environment. Model conditions for indoor entertainment were published in 1986, 1988 and 2022. Additional conditions for places of entertainment providing dance events were published in 1998. Furthermore Council shall have regard to the DFP

Building Regulation Guidance Technical Booklet E (2012), IOL et al, Technical Standards for places of Entertainment (2015) and DHSSPS 'Fire Safety Risk Assessment for Small and Medium Places of Assembly'.

3.9 Fees

Details of fees are contained within the guidance produced by Mid and East Antrim entitled "Guidance for the Grant, Renewal or Transfer of an Entertainments Licence" which is available on Council website.

Fees are set by the Department and have not been reviewed for several years. Council have no discretion in relation to the application of fees.

In general, an entertainment venue which can accommodate a higher number of patrons attracts a higher fee.

A concessionary rate applies to indoor entertainment organised by a charity or other non-profit making organisation.

3.10 Premises Profile

At any point in time, there are approximately 150 premises with a current entertainment licence within the Borough of Mid and East Antrim. Almost half of the venues that require licences are bars, social clubs and restaurants. The majority have limited entertainment, and most do not approach their licensed patron capacity.

Council will make an assessment, on an annual basis, as to the likely risk presented by applications for an entertainment licence. Venues, including outdoor venues, will be awarded a rating of High, Medium or Low risk.

The purpose of this is to improve targeting of resources firstly to those premises that present safety risks, and secondly to those events which may cause unnecessary disturbance.

The following criteria will be applied to allow venue rating:

High risk:

- Venues where maximum patron capacity is often reached or
- There is low confidence in general safety management at premises or
- Temporary premises or occasional events such as events in marquees or
- Venues which represent an increased risk to safety in relation the type of entertainment provided or
- Venues where relevant complaints have been substantiated

Medium risk:

- Premises or venues that come close to maximum capacity where officers have reasonable confidence in management, or
- Any venue which represents a medium risk to safety or
- Venues where relevant complaints have been substantiated

Low risk:

- Premises or venues that attract low numbers, or
- officers have high confidence in management,
- Venues with minor safety risks
- Venues where no relevant complaints have been received/substantiated

Officers will assess safety risk in terms of:

- the nature and safety record of the event,
- the audience profile,
- expected numbers,
- whether the event is regularly held or is a 'one-off'

Officers will assess confidence in management in terms of:

- the maintenance of high standards of safety; and
- the provision of suitable arrangements for managing fire and other safety risks; and
- the avoidance of entertainment causing undue disturbance to people in the surrounding area.

New applications (excluding temporary events) will not be classified in terms of risk until after an inspection has taken place, as an assessment of confidence in management cannot be adequately carried out prior to then.

Premises categorised as high risk will be required to produce an event safety plan, detailing the event risk assessment and associated safety measures required to ensure the safety of patrons attending.

All temporary events will be classified in terms of risk as high, as experience has shown that the potential for safety risks and disturbance concerns is considerably higher. For such events the onus will be on the applicant to prove that the event can be run safely in the location or venue they have applied for.

Table Summarising Risk Categories

	High Risk	Medium Risk	Low Risk
Definition (section 3.8)	<ul style="list-style-type: none">• Venues where maximum patron capacity is often reached or• There is low confidence in general safety management at premises or• Temporary or occasional events or	<ul style="list-style-type: none">• Premises or venues that come close to maximum capacity where officers have reasonable confidence in management, or• Any venue which represents a medium risk to safety	<ul style="list-style-type: none">• Premises or venues that attract low numbers, or• officers have high confidence in management,• Venues with minor safety risks• Venues where no complaints have been received

	<ul style="list-style-type: none"> Venues which represent an increased risk to safety in relation the type of entertainment provided or Venues where complaints have been received 	<ul style="list-style-type: none"> Venues where complaints have been received 	
Proportion of premises (approximate)	10%	30%	60%
Additional licence condition	Requirement to provide additional information on controls and risk assessments for high risk events		
Monitoring (section 3.10)	Minimum of two visits per year, one of which is following application and one 'during performance'	Minimum of one visit per year, either following application or 'during performance'	Minimum of one visit per year (following application)

3.11 Inspections

The licencing process, although streamlined, is resource intensive. It consists of two stages, namely the administration stage, where an application along with associated certifications are submitted and assessed, followed by the technical determination stage, which also includes public and statutory consultation and consideration of objections as appropriate.

Mid and East Antrim Borough Council is aware that resources need to be balanced between the application process and the inspection process.

Venue inspections will therefore be carried out in the following circumstances:

- new applications;
- premises, venues or events that apply for renewal of licence;
- fire safety audit
- premises or venues that have previously been licensed and notify the Council of wanting to vary their licence, for example adjustments to premises or a novel type of entertainment;
- premises, venues or events that are currently unlicensed and officers become aware of entertainment taking place that requires a licence. This may also include 'during performance' visits.
- 'During performance' inspections for premises rated as high risk or medium risk where deemed necessary.

3.12 During Performance Monitoring

Monitoring is necessary to establish compliance with conditions and to assess the overall management of risks. Information gained informs decision making in terms of risk categorisation and allows for interaction with those who have responsibility for management activities.

Monitoring activities will take the form of 'during performance' visits. The majority take place in the evening or at night-time due to the nature of the entertainment provided. Council will target 'during performance' monitoring to all high-risk premises, venues or events as defined in section 3.6 of this policy. Those that are medium or low risk, as defined in section 3.6 will be monitored periodically, as deemed necessary.

Monitoring will also take place where officers become aware of conditions being breached periodically for example through information supplied by colleagues working in other core functions. In addition, monitoring may be necessary when a serious complaint is received or when officers become aware of unlicensed entertainment taking place that requires a licence.

Council officers may be accompanied by officers from the Police Service and/or Fire Service to assess crowd control and fire safety during performances.

3.13 Enforcement and Complaints

Mid and East Antrim Borough Council adopts a positive approach towards ensuring compliance by encouraging regulated entities to understand and meet requirements more easily and by responding proportionately to breaches. However, the ultimate responsibility for safety in licensed venues rests with the licence holder.

The following actions will therefore be taken in relation to failures and breaches.

3.13.1 Unlicensed Entertainment

Unlicensed entertainment will be investigated where identified. Anyone found to be organising entertainment without having been granted an entertainment licence will be provided with a written warning, advising the applicant to cease all unlicensed activities until a licence is applied for and granted.

If unlicensed entertainment continues, a final warning will be issued. If further unlicensed activities take place subsequent to a final written warning, this, in all likelihood, constitutes an offence subject to prosecution and will be dealt with in accordance with the Council's Regulatory Generic Enforcement Policy which may lead to prosecution under the Local Government (Misc Provisions) Order (NI) 1985.

Where an application for the grant of entertainment licence has been made for a premises that has received a final warning for unlicensed entertainment a recommendation may be made to Council to refuse to issue a licence for a period of 6 months.

Note: Council has the power to refuse a subsequent application on the grounds that the applicant has been convicted of providing entertainment without a licence within a 5 year period.

3.13.2 Late Applications

Late applications for grant of new licences (ie those made less than three months before the proposed entertainment) will not normally be considered in relation to new applications for annual and occasional licences.

There may be occasions when exceptional circumstances arise regarding temporary events connected to the encouragement and support of economic and tourism growth and prosperity in the Borough.

In such situations, written representations can be made to the Director of Community/Senior Management Team up to 21 days before the event is scheduled to be held, who will make the final decision. It is expected that such applications will have already advertised in the local press and consultations will have taken place with PSNI and NIFRS before any approval could be considered.

A decision in relation to late applications will consider consistency of approach in order that Council remains fair and proportionate in all circumstances. In addition, the proposed entertainment will first require full compliance with all safety requirements.

The event organiser may also be required to submit a retrospective application; again this will be at the discretion of the Director/Senior Management Team.

3.13.3 Late Renewal applications

Previously licenced premises will received details of their renewal 2 months before the expiry date and further reminder 30 days before this date. If a renewal application consisting of the completed form and fee is not received by renewal the licence is deemed to have lapsed. If a licence lapses the premises will no longer have an entertainment licence and can no longer hold entertainment events. The premises will need to apply for the grant of a new licence which can take up to 3 months to obtain.

3.13.4 Failure to provide all supporting documentation for a licence renewal

Where an applicant fails to provide all supporting documentation for a licence renewal within prescribed timescales (within 30 days of expiry date of licence), the application will be deemed incomplete. It will be returned to the applicant with a refund of the licence fee. At this point the existing licence will no longer be valid and the applicant must cease the activities covered by the licence until a new licence is applied for and granted.

3.13.5 Failure to transfer a licence

Entertainment which is undertaken at a premises for which the duty holder is no longer responsible will be deemed to be invalid. The existing licence will no longer be valid and the applicant must cease the activities covered by the licence until a licence transfer/new licence is applied for and granted.

The process for application for transfer is the same as for grant and renewal of applications and is set out in Schedule 1 paragraph 5 of the Local Government (Miscellaneous Provisions) (NI) Order 1985.

Paragraph 3 (6) also states that “where a licence has been granted the council may, if it thinks fit, transfer that licence to any other person on the application of that other person or the holder of the licence”.

3.13.6 Breach of licence conditions

There are various enforcement options available if duty holder does not comply with their licence conditions, these are shown in flowchart in Appendix 3 and summarised below -

General conditions

It is a duty of the holder of the entertainment licence to comply with all conditions attached to each licence. The enforcement options for licensees who breach any general licensing condition are as follows:-

- Written Warning
- Final written warning
- Prosecution

Alternatively, Council may consider reducing the maximum number of patrons permitted to attend the venue during entertainment activities or change the operating times for entertainment within the licence.

Furthermore, a recommendation may be made to Council to refuse to issue a licence when it is due for renewal. Where a licence is to be refused, a period of six months is generally appropriate timeframe before a new application can be made. An appeals process is provided for refusal.

A recommendation for prosecution will have regard to Council’s ‘Regulatory Generic Enforcement Policy.’

Note: Council can subsequently refuse an application on the grounds that the applicant has been convicted of providing entertainment in breach of licence conditions, in a 5-year period.

The Council can also revoke a licence but only following the prosecution and subsequent conviction of a licence holder for an offence relating to breach of conditions.

3.13.7 Serious threat to Public Order or Public Safety

In the case of breaches of conditions that cause a serious threat to public safety or public order a recommendation can be made to Council to order the immediate suspension of the entertainment licence, having regard to the Council's Regulatory Generic Enforcement Policy.

Before making an order for suspension, the Council will consult the appropriate sub-Divisional commander and where appropriate, the Fire and Rescue Service Board. The Council will also provide an opportunity for the holder of the licence to appear before the Council to make representations (Schedule 1 paragraph 12 of the 1985 order).

3.13.8 Fire Safety Conditions

Furthermore, having regard to the revised Memorandum of Understanding with the Northern Ireland Fire and Rescue Service (NIFRS) and their Fire Safety Enforcement Policy, The enforcement options for licensees who breach fire safety conditions or requirements of Fire & Rescue Services (Northern Ireland) Order 2006 are :-

- Notice of Deficiencies
- Agreed Action Plan
- Enforcement Notice
- Prosecution

The Council is not authorised to serve a prohibition notice which is an enforcement tool used where immediate action is required. The Council is also not authorised to serve an alterations notice. This requires the appropriate person to notify the Fire & Rescue Service of proposed changes which could result in a significant increase in risk to those using the premises. Where either notice is required, the Council will request assistance from the NIFRS, which has officers that are authorised to serve such notices.

The Council will inform relevant consultees of the nature of the failures or breaches outlined in the paragraphs above, for example, in relation to the granting of an alcohol licence, of the nature of the concerns.

3.13.9 Complaints

The Council will investigate any complaints it receives about premises that are holding entertainment with or without a licence. The Council will notify the premises involved that a complaint has been made.

The Council will consider whether to investigate anonymous complaints on case-by-case basis however it will not normally be possible to take enforcement action in where the complaint is not willing to provide contact details.

The Council will follow its Enforcement Policy with regard to most appropriate action to take following completion of any complaint investigation

3.14 Penalties

The 1985 Order makes it an offence to provide entertainment without a licence or to provide entertainment which is in breach of the terms, conditions or restrictions under which a licence is held.

A person guilty of an offence which relates to the breach of terms, conditions or restrictions connected to overcrowding can be fined up to £20,000 and/or imprisoned for up to 6 months. If a person is found guilty of providing entertainment without a licence or providing entertainment that breaches terms, conditions or restrictions (not connected to overcrowding), they are liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). The Council has the power to revoke an entertainments licence if the holder is convicted of an offence involving a breach of licence terms and conditions

3.15 Evaluation and Review of the Policy

A review of this policy will be carried out on an annual basis by the Environmental Health Manager.

3.16 Section 75, Equality, and Good Relations

Mid and East Antrim Borough Council is committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard the policy will be screened using Section 75 guidelines and will be subject to Equality Impact Assessment if found necessary, as a result of the screening process

Appendix 1 – Enforcement Procedures flowcharts

Supplementary Documentation

The following information will be available on Council website and from Council offices :-

Entertainment Licence Application Guidance

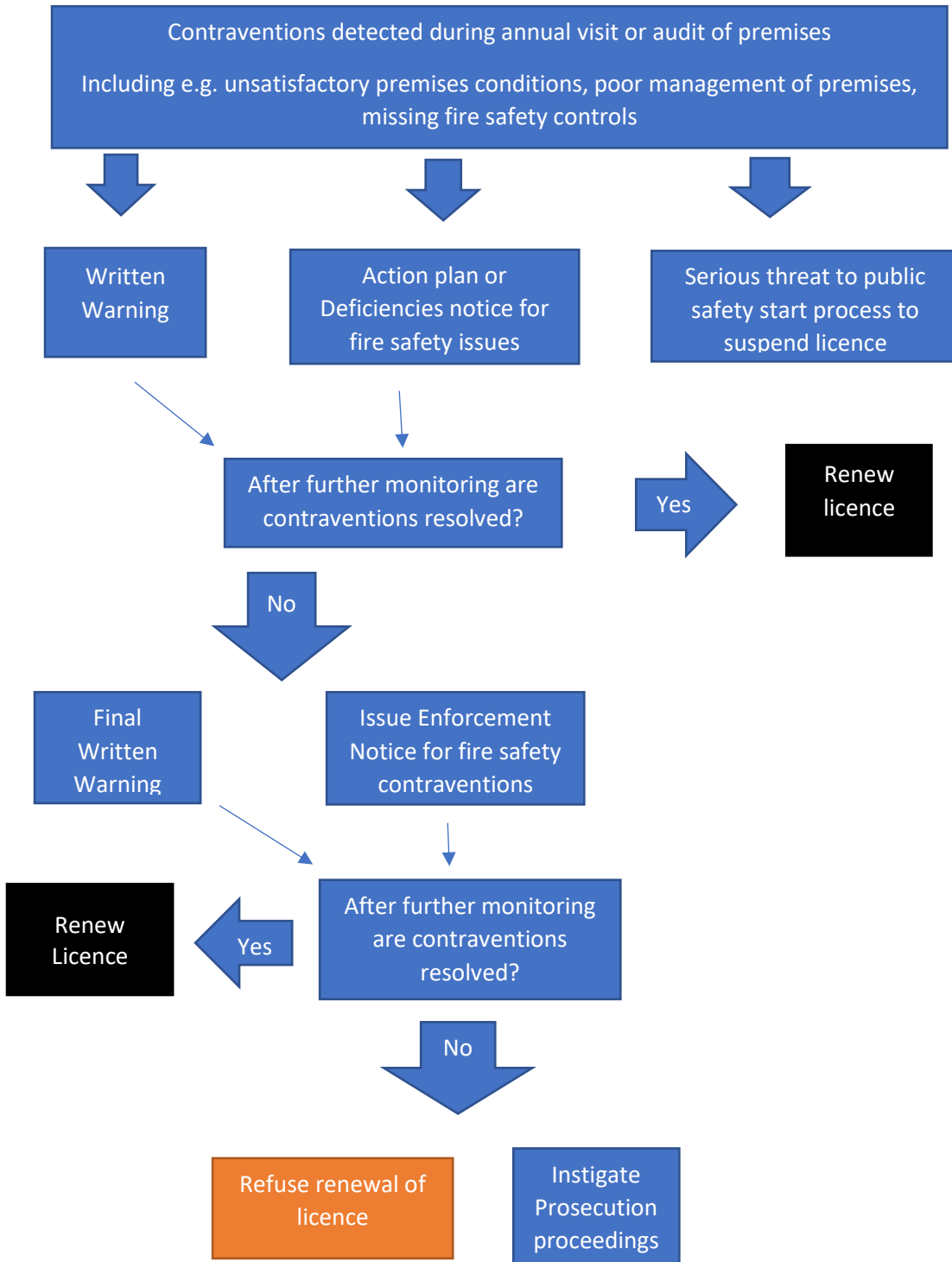
Entertainment Licence Application form

Summary of changes for licence holders

Event safety plan templates and guidance

Appendix 1

Enforcement options for dealing with Entertainment licence contraventions detected during the renewal process



Enforcement options for dealing with Entertainment licence contraventions detected outside renewal process

