

Guidance Notes for the Grant, Renewal or Transfer of an Entertainment Licence

Local Government (Miscellaneous Provisions) (NI) Order 1985

Mid and East Antrim Borough Council
Licensing Section, Public Protection, Health and Wellbeing Department

T: 028 2826 2498

E: licensing@midandeastantrim.gov.uk

www.midandeastantrimcouncil.gov.uk

Application for an Entertainments Licence

Contents

1. General Information for Applicants
2. Entertainment Licence Fees
3. Entertainment Licence Renewal
4. Licence Transfer and Variation
5. The Application Process & Documents Required
 - 5.1 Overview
 - 5.2 Application Form
 - 5.3 Public Advertisement
 - 5.4 Consultations
 - 5.5 Plans
 - 5.6 Certificate of Insurance
 - 5.7 Electrical Certificates
 - 5.8 New Premises / Renovations
 - 5.9 Emergency Lighting
 - 5.10 Fire Alarms
 - 5.11 Fire Fighting Equipment
 - 5.12 Fire Proofing & Flame Retardant Certificates
 - 5.13 Floor Loading Certificate
 - 5.14 Ceiling Certificate
 - 5.15 Inspection
 - 5.16 Objections & Appeals
 - 5.17 What happens when a licence is approved?

6. Fire Risk Assessment

Appendix 1 - Suggested Format for Advertising

1. General Information for Applicants

Entertainment Licences are issued by district councils under the Local Government (Miscellaneous Provisions) (NI) Order 1985.

1.1 Who needs an entertainment licence?

If your premises are used as a place of public entertainment you 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**. Exemptions can be made for religious occasions and, in certain circumstances, schools.

You should also contact us if you are thinking about staging an event that you think may require an entertainment licence, or are holding an event and unsure of the safety measures needed.

If you want to **renew** or **transfer** an existing licence, you must also apply to us. If there are any changes to your premises or to the type of entertainment provided, you must apply for a **variation** to your existing licence.

1.2 When is a licence needed?

Type of entertainment	Licence needed
Theatrical performances Dancing Singing Music or other similar entertainment Circuses Public contests, matches, exhibitions or displays of boxing, wrestling, judo and karate (or other similar sport), billiards, pool, snooker or darts (or other similar game)	Indoor licence
Any public musical entertainment held entirely or mainly in the open air on private land (regardless of any charge)	Outdoor licence
Garden fetes or bazaars Religious meetings or services Exhibitions or sales of work Sports or athletics events Other functions or events of a similar nature (limited to one day or extended over two or more days)	No licence needed

There are 2 main categories of Entertainment licence;

A) an annual (full) licence

B) an occasional licence

Annual licence	'Six-day' Annual licence which allows entertainment to take place at a premises from Monday to Saturday for a 12-month period
	'Seven-day' annual licence which allows entertainment to take place at a premises from Monday to Sunday for a 12-month period
Occasional licence	14-day occasional licence where the days of use are not specified and allow entertainment to take place on 14 individual days within a 12-month period?
	14-day occasional licence where the days of use are specified and allow entertainment to take place on 14 individual days within a 12-month period

2. Entertainment Licence Fees

The current level of fees are as follows:

Indoor Entertainment Licences

Capacity of Premises	Occasional Licence Fee £	Annual (full) Licence Fee £
Not more than 100 persons	50	100
101 to 200 persons	75	150
201 to 300	125	250
301 to 500 persons	200	400
501 to 1,000 persons	375	750
Over 1,000 persons	500	1000

An application for a circus	£50
An application for a premises to be used for indoor billiards, pool, snooker or other similar games	£100

An application for an occasional (14 day licence) in respect of: (a) a place used wholly or mainly for public religious worship (b) a place used for religious meetings or services (c) an educational institution while not being used as such	£50
An application for an occasional (14 day licence) where the application is made by a voluntary organisation or a charity.	£50

Outdoor Entertainment Licences

An application by a voluntary organisation or a charity relating to outdoor musical entertainments where that place may hold: <ul style="list-style-type: none"> • Not more than 500 persons; or • Over 500 persons 	£125 £250
An application, other than by a voluntary organisation or a charity, relating to outdoor musical entertainments where that place may hold: <ul style="list-style-type: none"> • Not more than 500 persons; or • Over 500 persons 	£1,000 £2,000
An application to vary the terms, conditions or restrictions on or subject to which an entertainments licence is held.	£80

3. Entertainment Licence Renewal

Many licencees apply to renew their indoor entertainment licence each year; in order to assist applicants, Council will send current licencees a 'Notification of Renewal' 2 months before the expiration of a current licence. Where an application for the renewal of an entertainment licence is made before the date of expiry of a current licence, the current licence will remain in force until the expiry date is reached.

Please Note:

(i) Failure to Apply for Renewal

Once a current licence expiry date is exceeded and no application for renewal is received, the entertainment licence will be deemed to have expired.

(ii) Failure to provide accompanying documentation

In the case where a renewal application is submitted without accompanying certificates or documentation, failure to provide these within **one month** of the date of current licence expiry will result in the licence application being deemed invalid and a refund of any fees paid will be made.

Where a licence is allowed to lapse and you permit any entertainment on the premises before a new licence is issued, you shall be operating without a valid entertainment licence and liable to prosecution.

4. Licence Transfer and Variation

4.1 Transfer of an Entertainment Licence

It is possible to transfer an entertainment licence to another person (for example where a business is sold).

The following steps for transfer of licence should be followed:-

- Submission of application form and fee and all applicable certification and documentation.
- Public consultation advert in local newspaper
- Statutory consultation with PSNI and NIFRS

The application form is available on the Council website or by requesting from our office. It can take up to 6 weeks to complete the Transfer process.

It is important to notify us if the licensee has changed or left the premises as soon as possible so as to avoid the renewal notice not being received.

4.2 Variation of an Entertainment Licence

It is possible to vary an Entertainment licence after it has been issued. This may be carried out for the following reasons -

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

The Variation procedure is similar to the process in place for the grant of a licence and includes the following steps:-

- Submission of application form, fee and any applicable certification and documentation.
- Public consultation advert in local newspaper
- Statutory consultation with PSNI and NIFRS
- Completion of any site visit for new or refurbished premises

The application form is available on the Council website or by requesting from our office. It can take between 6-12 weeks to complete the Variation process.

5. The Application Process & Documents Required

5.1 Overview

Legislation specifies the application process and requirements that must be complied with and is summarised below, more detail is also provided below.

Premises that require an entertainment licence must apply, in writing, to the council, using the application form provided, and accompanied by the fee (as determined by the Department of the Environment).



The application must be accompanied by copies of certificates or documentation as detailed, and in the case of new applications, 3 copies of premises plans.



An applicant must, **no later than seven days after the date of the application** give public notice by placing an advert in a local newspaper of the application, allowing 28 days for any objections to be made. A template is available for this purpose in Appendix 1



The council shall then send copies of the application to the PSNI and NI Fire & Rescue Service for consultation.



A satisfactory inspection of the premises by a licensing officer must also be achieved prior to any application being submitted to the council for approval.



Council must process your application before it can be granted. If you have not heard from Council's licencing team within 20 days of application submission please contact us.



An entertainment licence shall run for a maximum of one year

5.2 Application Form

New applicants should contact Council to request an application pack for proposed entertainment.

Existing licence holders will receive a renewal application pack 2 months before the expiry of a current licence. The required information and documents must be returned to this office as soon as possible. To ensure that a valid licence remains in force the application form and fee must returned before the expiry date of your current licence.

Please ensure the form is signed.

5.3 Public Advertisement

Within **7 days** of submitting your application, for a grant, renewal, variation or transfer of an entertainments licence you must also place legal notice of your intention to apply for this in a local newspaper. **This is not required for applications for a 14-day occasional licence made by schools and church halls**

When the advert appears in the paper a copy of advert should be returned to us along with other required documentation.

Any person wishing to make any representation to Council in relation to an application for the grant, renewal, variation or transfer of an entertainments licence must give notice to the Council, stating in general terms the nature of the representation, not later than 28 days after the date of the newspaper advert

5.4 Consultations

In considering the grant, renewal or transfer of a licence, Council is required to take account of any observations/recommendations made by the PSNI and the Northern Ireland Fire & Rescue Service. A joint visit to a premises by fire officers and council's licencing officer will also be undertaken where a request is received from the Northern Ireland Fire & Rescue Service.

Any recommendations made by the Northern Ireland Fire & Rescue Service or PSNI must be carried out and will be subject to a confirmatory report from Council's licencing officer.

5.5 Plans

2 copies of site plans should be submitted along with any application. They should be to a scale of 1:50 (or not less than 1:100) and must clearly indicate the following:

- The parts of the premises in which entertainment will be held in relation to the overall licensed premises.
- Details of fixed seating, loose table and chair arrangement, etc. in those areas where entertainment will be held.
- All escape routes, both internal and external, by which a means of escape in case of fire may be effected.
- The position and details of all existing firefighting equipment, exit signs, fire alarm call points and emergency lighting.
- Relevant construction and structural particulars in relation to structural stability and structural fire precautions.
- Levels of the place and adjoining ground level, if not at or about ground level.
- Details of the type of heating appliance serving the premises, together with its location.
- The sanitary accommodation and washing facilities provided for the use of
 - (i) the public;
 - (ii) The staff.
- The location of the electrical intake / meter distribution board.

After the initial submission of such plans it will not be necessary when applying for renewal to submit further copies unless alterations or extensions have been made since the previous application.

5.6 Insurance

A Valid certificate to confirm public liability insurance and detailing level of indemnity must be provided. Details must confirm that the applicant/premises possesses a valid policy of insurance in respect of any liability, which may be incurred in respect of death or injury to any person while on the premises. Proof of insurance must be submitted annually.

5.7 Electrical Certificates

You must enclose certificates from a competent electrical engineer stating that the fixed electrical installation, fire alarm and emergency lighting on the premises have been tested. All inspections and accompanying certificates must be completed by the following approved bodies:

- An NICEIC registered approved electrical contractor.
- A member of the Institute of Electrical Engineers (MIEE).
- A registered member of the Electrical Contractors Association (ECA).
- An insurance Company/Agent specialising in electrical inspections and testing.
- Any suitably qualified electrical engineer/contractor or company deemed to be competent to carry out such inspections and tests. Such electrical engineer/contractor must be approved by Council's Licensing Department prior to any work being commenced and hold acceptable insurance indemnity.

The Periodic Inspection Test shall be carried out in accordance with the IEE Regulations 16th Edition GN3 Inspection and Testing or relevant current edition and to BS 7671 standards.

This certificate must be submitted at a maximum interval of 3 years or sooner, if determined necessary by the electrical engineer.

5.8 New Premises / Renovations

For new premises it is possible to apply for a Provisional licence application which can be processed and be ready for approval as soon as the new premises is opened.

In the event of new works or where substantial renovations or repair works have been carried out to the premises, it will be necessary to provide the following additional certification to cover the building.

- An initial electrical inspection and initial test in accordance with the IEE inspection and test 16th edition or the relevant current edition.
- A certificate of installation and commissioning of the fire alarm system as recommended in BS 5839, Part I 1998, Appendix B.
- An emergency lighting completion certificate for the emergency lighting system/installation.

On completion of such tests completion and inspection reports/certificates shall be completed by one of the approved bodies and submitted to Council for approval.

If you are substantially extending or adding new rooms/buildings to your premises you should apply for a Variation of your licence.

5.9 Emergency Lighting

All emergency lighting shall be installed, designed and conform to BS 5266, Part I 1988. An emergency lighting test **shall be carried out annually** in accordance with BS 5266, Part I 1988, Section 12.4.5., and on completion of such a test a certificate or report shall be completed by one of the approved bodies.

This report must be submitted with the entertainment licence application.

It is also the responsibility of the licensee to maintain and supervise the emergency lighting system.

5.10 Fire Alarms

All fire alarm automatic detection systems shall conform to BS 5839 Part I 1998. The type of fire alarm system installed shall be as recommended by the Northern Ireland Fire & Rescue Service, and be approved by Council's Building Control Department.

The fire alarm automatic detection systems is **subject to an annual inspection** and test as recommended in BS 5839, Part I 1998, Section 29.2.7., and on completion of such a test a certificate or report shall be completed.

This report must be submitted with an entertainment licence application.

It is also the responsibility of the licensee to maintain and supervise the fire alarm automatic detection systems.

A log book shall be kept on the premises in the care of a responsible person and shall be available for examination by any duly authorised person.

5.11 Fire Fighting Equipment

An up-to-date certificate must be submitted from the suppliers of the firefighting equipment or from a competent service agent stating that ALL the appliances are in a satisfactory condition and in working order. All appliances must display the date in which each appliance was last inspected and be positioned as recommended on Northern Ireland Fire & Rescue Service Report. Such an inspection must be carried out annually.

5.12 Fire Proofing & Flame Retardant Certificates

All curtains, drapes, hanging displays, dividers or scenery used or likely to be used in areas approved for entertainment must be of non-combustible, inherently non-flammable durable flame retarded material or of material rendered non-flammable and shall be maintained in such condition.

A certificate confirming the fire-proofing of such material in use or to be used may be requested by Council, where necessary.

A certificate also confirming that your seating, including coverings, in areas approved for entertainment is fire resistant may be requested by Council, where necessary.

5.13 Floor Loading Certificate

Council may require, particularly for first time applications or where premises have been structurally altered, a certificate from an approved qualified person that the floors of the premises satisfy the requirements of BS 6399 Part 1 1996 - Design load for Buildings; Part I Code of Practice for Dead and Imposed Loads.

Where entertainment of the pop concert type is to be provided Council may require loading strength in excess of those tabulated in BS 6399 Part 1 1996.

Applicants will be advised in writing if the structural loading certificate is required.

5.14 Ceiling Certificate

Council may require a certificate from an approved qualified person that ceilings and ornamental plaster in the place of entertainment have been inspected. The certificate shall contain a report on their conditions.

Applicants will be advised in writing if a ceiling certificate is required.

5.15 Inspection

A licensing officer will visit to inspect your premises and ensure compliance with licensing conditions. During performance inspections may also be carried out where licensing officers / environmental health officers may visit your premises accompanied by the PSNI or NIFRS to assess fire safety & crowd control.

5.16 Objections & Appeals

If we receive objections to an application which are not resolved through mediation, it will be referred to full Council for further consideration. If this happens, both you and those who object to your application will have the chance to present your case to the Council.

If an application is refused or where terms, conditions or restrictions are imposed or where a licence is revoked, applicants have the right to appeal our decision. Appeals must be lodged with the County Court within 21 days of you being informed of the decision. Their decision is final.

5.17 What Happens when a Licence is Approved?

Tacit approval does not apply to entertainment licence applications and you should not consider your licence granted until you receive formal confirmation from us.

You must not provide any entertainment at your premises until a valid entertainment licence has been issued by Council.

Your licence will detail a series of terms and conditions which are designed to protect the safety and welfare of patrons and others present. They also place a duty on the licensee to ensure that disturbance to neighbouring premises is minimal.

It is a serious offence to breach the terms of an entertainment licence, especially in relation to overcrowding. Doing so can lead to your licence being revoked or suspended, as well as a fine of up to £20,000.

All entertainment licenses issued are granted for a period of **up to 12 months** and are subject to standard conditions such as:

- days and hours of use
- the nature of entertainment which may be provided
- occupancy figures.

In relation to the hours of use, 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.

6. Fire Risk Assessment

Fire Safety Regulations came into effect in 2010, making it a requirement for businesses to have in place a current Fire Risk Assessment.

This requires business to

- identify the fire hazards and risks associated with their premises
- identify the people, or groups of people at risk
- remove and reduce the risks as far as reasonably possible; put in place general fire precautions to deal with any remaining risks
- implement additional preventative and protective measures if flammable or explosive substances are used or stored on the premises, and
- develop and implement appropriate emergency procedures in the event of fire.

More information on how to complete a fire risk assessment is available from the Northern Ireland Fire and Rescue Service at <http://www.nifrs.org/>

This page is intentionally blank

Appendix 1 Public Advert Template

APPLICATION FOR ENTERTAINMENTS LICENCE

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
(NORTHERN IRELAND) ORDER 1985

Notice is hereby given that application has been made to Mid and East Antrim Borough Council for the grant/renewal/transfer/variation* (*delete as applicable*) of an Entertainments Licence for (*insert type of entertainment, e.g. singing, dancing etc.*)

_____ in respect of premises known as (*insert name of premises*):

situated at (*insert address of premises*):

The name and address of the applicant is:

Any person wishing to make representation in relation to the application shall give notice to the Council, stating in general terms the nature of the representation, not later than 28 days after the date of the application, which was _____ (*insert date*).

Dated this _____ day of _____ 20