

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

10th August, 2016

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 17th August, 2016 at 5.00 pm., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences/Permits issued under Delegated Authority (Pages 1 - 6)
- (b) Applications for Temporary Street Trading Licences – Tennents Vital Event (Pages 7 - 30)
- (c) Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Kremlin Bar/Shoe Factory, 12-14 Union Street (Pages 31 - 46)

- (d) Applications for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10-14 Gresham Street (Pages 47 - 106)
- (e) Application for the Grant of a Fourteen-day Occasional Outdoor Entertainments Licence - Crescent Gardens (Pages 107 - 118)
- (f) Applications for the Renewal of Entertainments Licences with Associated Convictions (Pages 119 - 134)

3. **Non-Delegated Matters**

- (a) Review of Entertainments Licensing Legislation (Pages 135 - 224)
- (b) Institute of Licensing National Training Event (Pages 225 - 226)
- (c) Change of Date of November Meeting (Pages 227 - 228)



Subject:	Licences/Permits issued under Delegated Authority
Date:	17 th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues												
1.1	Under the Scheme of Delegation, the Director of Planning and Place is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of entertainments licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.												
2.0	Recommendation												
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.												
3.0	Main Report												
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainment Licences were issued since your last meeting:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">Premises and Location</th> <th style="width: 15%;">Type of Application</th> <th style="width: 30%;">Hours Licensed</th> <th style="width: 20%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>21 Social, 1 Hill Street, Belfast, BT1 2LA.</td> <td style="text-align: center;">Renewal</td> <td style="text-align: center;">Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00</td> <td style="text-align: center;">Mr. Bryan Orr</td> </tr> <tr> <td>Alexandra Park, Castleton Gardens, Belfast, BT15 3BY. (Marquee and Outdoor)</td> <td style="text-align: center;">Renewal</td> <td style="text-align: center;">Sun - Sat: 11.30 - 23.00</td> <td style="text-align: center;">Belfast City Council (BCC)</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00	Mr. Bryan Orr	Alexandra Park, Castleton Gardens, Belfast, BT15 3BY. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	Belfast City Council (BCC)
Premises and Location	Type of Application	Hours Licensed	Applicant										
21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00	Mr. Bryan Orr										
Alexandra Park, Castleton Gardens, Belfast, BT15 3BY. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	Belfast City Council (BCC)										

Premises and Location	Type of Application	Hours Licensed	Applicant
Botanic Gardens, Stranmillis Embankment, Belfast BT7. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Boucher Road Playing Fields, Boucher Road, Belfast BT12. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Cathedral Park (Buoy Park), Academy Street, Belfast BT1. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Falls Park, Falls Road, Belfast (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Ormeau Park, Ormeau Embankment, Belfast BT7. (Marquee and Outdoor)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Waterworks Park, Cavehill Road, Belfast BT14.	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Woodvale Park, Woodvale Road, Belfast BT13. (Marquee)	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Culturlann McAdam O Fiach, 216 Falls Road, Belfast BT12.	Renewal	Sun - Sat: 08.00 - 01.00	Ms. Aisling Ni Labhrá
Duffy's Circus, Shorts Social Club, Holywood Road, Belfast, BT4.	Grant	Sun - Sat: 08.00 - 23.00	Mr. Mark McFerran
Dunmurry Inn, 195 Kingsway, Dunmurry, Belfast, BT17.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Thomas A. Meharry
Eglantine Inn, 32-40 Malone Road, Belfast, BT9.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Robert Davis
Frames Complex, 2-14 Little Donegall Street, Belfast, BT1.	Renewal	Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 06.00	Mr. James Magee
Harland and Wolff Staff Sports and Rec Club, 8-10 Dundela Avenue, Belfast, BT4.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Douglas Murray
Highfield Rangers Supporters Club, 9-15 Highgate Terrace, Belfast, BT13.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. William John McQuiston
Bankers Club, 31 Malone Road, Belfast, BT9.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. John Campbell
Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1.	Renewal	Sun - Sat: 08.00 - 01.00	Ms. Laura Morrison

Premises and Location	Type of Application	Hours Licensed	Applicant
Brennans Bar, 48-50 Great Victoria Street, Belfast BT2.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr. Padraic Brennan
Cassidys Bar, 347-349 Antrim Road, Belfast, BT15.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Eugene Cassidy
Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. James Hanna
Kelly's Cellars, 32 Bank Street, Belfast 1.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Ms. Elizabeth Mulholland
Kings Head, 829-831 Lisburn Road, Belfast, BT9.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Robert Davis
Longfellows Bar, 115-119 My Lady's Road, Belfast, BT6.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Maxwell Swain
Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9.	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Keith Ginty
Morrisons, 21 Bedford Street, Belfast	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr. Keith Carmichael
Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Wilson McArthur
Pavilion Bar, 296 Ormeau Road, Belfast, BT7.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Bernard Lavery
SD Bell and Co Limited, 516 Upper Newtownards Road, Belfast, BT4.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Robert Bell
Shaftesbury Bowling and Recreation Club, Downing Memorial Park, 20A Annadale Avenue, Belfast, BT7.	Renewal	Mon - Sat: 08.00 - 23.00	Mrs. Eileen Carol Simpson
St Matthews Sports and Social Club, 25 Mountforde Road, Belfast, BT5.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Ms. Frances Boyle
St Molua's Parish Church Hall, 639 Upper Newtownards Road, Belfast, BT4.	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Ms. Helen Poots
Stormont Presbyterian Church, 618 Upper Newtownards Road, Belfast BT4.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Ms Frona Clarke
The Black Box, 18-22 Hill Street, Belfast, BT1.	Renewal	Sun: 12.00 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Tomas Gorman
The Lonely Poet Bar and Grill, King's Square, King's Road, Belfast, BT5 7EA.	Renewal	Sun: 16.00 - 22.00 Mon - Sat: 12.00 - 01.00	Mr. David Harding

Premises and Location	Type of Application	Hours Licensed	Applicant	
The SSE Arena Belfast Carpark, Queens Quay and Arc Public Realm, 2 Queens Quay, Belfast, BT3.	Renewal	Sun - Sat: 11.30 - 23.00	Mr. Robert Fitzpatrick	
3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were renewed since your last meeting.				
Premises and Location	Type of Application	Hours Licensed	Applicant	
Funland Amusement Arcade, 133B Andersonstown Road, Belfast, BT11.	Renewal	Sun – Sat: 10.00 – 22.00	Mrs. Deirdre Fitzsimons	
Oasis Gaming Centre, 14 Shaftesbury Square and 1-7 Donegall Road, Belfast, BT2.	Renewal	Sun: 11.30 – 03.00 Mon – Sat: 09.00 – 03.00	Mr. Gerald Steinberg	
Oasis Gaming Centre, 19 North Street, Belfast, BT1.	Renewal	Sun: 11.00 – 00.00 Mon – Sat: 09.00 – 00.00	Mr. Gerald Steinberg	
Oasis Gaming Centre, 429-431A Ormeau Road, Belfast, BT7.	Renewal	Sun: 10.30 – 00.00 Mon – Sat: 09.00 – 00.00	Mr. Gerald Steinberg	
Oasis Gaming Centre, 7 Wellington Place, Belfast, BT1.	Renewal	Sun – Sat: 00.00 – 00.00	Mr. Gerald Steinberg	
3.3 Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.				
Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Quay	Variation of Stationary	Hot food and non-alcoholic beverages	Mon – Sun: 08.00 – 2100	Mr. Peter Callan
Newtownards Road at pathway opposite Connswater Bridge	Temporary	Hats, flags, toys and t-shirts	1 st July 2016 from 06.00 – 22.00	Mr. Edgar Monteith
Knocknagoney, Sydenham, Braniel, Cregagh, Castlereagh, Ballymacarrett and Ballynafeigh	Mobile	Ice cream van	Mon – Sun: 14.00 – 21.00	Miss Joanne Gibbons

3.4	<u>Financial and Resource Implications</u> None
3.5	<u>Equality or Good Relations Implications</u> There are no equality and good relations issues.
4.0	Documents Attached None

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Subject:	Applications for Temporary Street Trading Licences – Tennents Vital Event
Date:	17th August, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To consider four Temporary Street Trading Licence applications on the Boucher Road during the operation of the Tennents Vital event on 25th and 26th August 2016.
1.2	Two applications are from the same applicant and the other two are from separate applicants.
	Application 1
1.3	Mr. David Reilly has applied to operate a hot food trailer measuring 6m by 2m within the car park area at 52 Boucher Road, which is the Uno Modern Living unit and sells home furniture.
1.4	The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 9.00 am to 1.00 am on the 25th and 26th August 2016.
	Application 2
1.5	Mr. Chris Hamill has applied to operate a hot food trailer measuring 6m by 2m at the entrance into 54 Boucher Road, which is the Ulster Bank unit.
1.6	The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on the 25th and 26th August 2016.
	Application 3
1.7	Mr. Chris Hamill has made a second application to operate another hot food trailer measuring 6m by 2m on Boucher Road from a grass area in front of the old Council Civic Amenity site.

<p>1.8</p> <p>1.9</p> <p>1.10</p> <p>1.11</p>	<p>The applicant intends also to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on 25th and 26th August 2016.</p> <p>Application 4</p> <p>Mr. Brian Canavan of Euroflowers, 95-97 Boucher Road, has made an application to operate a stall directly at the front of the entrance into the unit on his land.</p> <p>The applicant intends to sell confectionary and non-alcoholic beverages to members of the public from 3.00 pm to 10.00 pm on 25th and 26th August 2016.</p> <p>Maps showing the location of the proposed sites are attached at Appendix 1.</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>Taking into account the information presented and any representations received you are required to make a decision on each individual application to either:</p> <ol style="list-style-type: none"> 1. grant and approve any or all of the Temporary Street Trading Licences, or 2. grant and approve any or all of the Temporary Street Trading Licences with additional conditions, or 3. refuse some or all of the applications. <p>Members may attach any reasonable conditions when granting a licence.</p> <p>Should you be of a mind to refuse any of the applications, you are required to advise the applicants of your intention to do so.</p> <p>If, subsequent to hearing the applicants, you refuse the applications, the applicants may appeal that decision to the County Court within 21 days of notification.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u></p> <p>Section 14 of the Street Trading Act (N.I.) 2001 permits the Council to issue a Temporary Licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs, etc.</p> <p>In recognition of the possibility that applications may need to be processed quickly and because of the ad-hoc nature of the events for which a Temporary Licence is designed to cater the wording of the legislation permits a wide degree of discretion to the Council.</p> <p>The Council is given the discretion to allow trading at any place or in any manner and has the discretion to permit trading in such goods or services as it wishes.</p> <p>Under the Act the Council is required to develop criteria for making decisions on applications for a Temporary Licence. The Council is free to set the criteria it considers appropriate, for example, the types of occasions/events, the types of trading, the size/number of stalls, the positioning of stalls, etc.</p>

<p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p>	<p>Members are advised that the Council, through the former Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences. A copy of the Policy is attached at Appendix 2.</p> <p>The Council may also attach any Conditions it considers appropriate to the grant of a Temporary Licence. These may be similar to those which the Council might attach to a full term licence but the Act allows the freedom to respond to the special nature of such licences with different rules.</p> <p>A Temporary Licence cannot be granted for a period exceeding 7 days and the Council can issue no more than five Temporary Licences to any person in any year.</p> <p>The applications have been assessed against the Council's Temporary Street Trading Policy and Members are advised that only one application from Mr Brian Canavan of Euroflowers does not fully comply with it, in that:</p> <p>The Temporary Street Trading Policy time period requires that applications must be received not less than 42 days before the date of the first day of the proposed event. The applications were received on the following dates:</p> <ul style="list-style-type: none"> • Application 1 – Mr David Reilly (52 Boucher Road, Uno Modern Living unit) 8th July. • Application 2 – Mr Chris Hamill (54 Boucher Road, Ulster Bank unit) 8th July. • Application 3 – Mr Chris Hamill (old Council Civic Amenity site) 8th July. • Application 4 – Mr Brian Canavan (95-97 Boucher Road, Euroflowers) 5th August. <p>Mr. Canavan's application has been received 20 days prior to the first concert of the Tennents Vital event. The 42 day period is a minimum amount of time required and is particularly important if there are objections which need Committee consideration.</p> <p>However, the Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.</p> <p>Applications to permit Temporary Street Trading are normally at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events. Therefore, Mr Canavan's application is connected to such an event.</p> <p>Furthermore, the Policy allows for Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.</p> <p>In determining the suitability of each Temporary Street Trading Licence, 5.7 in the Policy allows the Council to take into account:</p> <ol style="list-style-type: none"> (a) the safety of the public and any risks which may arise. (b) the appropriateness and suitability of the street or part thereof and commodities in relation to the location. (c) the potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question.
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- (d) the extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) the potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) the potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) any other Statutory provision which would be appropriate to consider;
- (h) previous complaints arising from any Street Trading activities in that street or part thereof.
- (i) the conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- (j) the number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.

Consultation

3.15

As part of the statutory process, officers have consulted with statutory agencies and those who may be affected by the applications, namely the promoter, MCD Productions for the Tennents Vital event.

Application 1 – Mr. David Reilly (52 Boucher Road, Uno Modern Living unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions have confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- The landowner of the car park has granted permission for the hot food unit to operate on the site during the proposed dates. A copy of this permission is attached at Appendix 6.

Application 2 – Mr. Chris Hamill (54 Boucher Road, Ulster Bank unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August.

Application 3 – Mr. Chris Hamill (old Belfast City Council Civic Amenity site)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.

- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August.

Application 4 – Mr. Brian Canavan (95-97 Boucher Road, Euroflowers)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.

PSNI

3.16 As the PSNI has objected to each application, a Senior Officer will be available at your meeting to answer any queries you may have in relation to their objections.

3.17 A summary of the objection from the promoter, MCD Productions is as follows:

- the queues to the outlets have the potential to force pedestrians approaching the site onto the roadway prior to each of the concerts.
- the queues to the outlets have the potential to delay the reopening of the roads after the event.
- potential for the outlets to act as focal points after each concert causing young people in large numbers to remain in the area with the potential for antisocial behaviour.
- the potential to delay and breakdown the carefully planned operations to coordinate the coach arrivals and departures.

3.18 The Promoter, MCD Productions and/or their representatives will be available at your meeting to answer any queries you may have in relation to their objections.

Applicants

3.19 The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications.

Financial and Resource Implications

3.20 If the Committee grants the Temporary Street Trading Licences, the fee for each is as follows

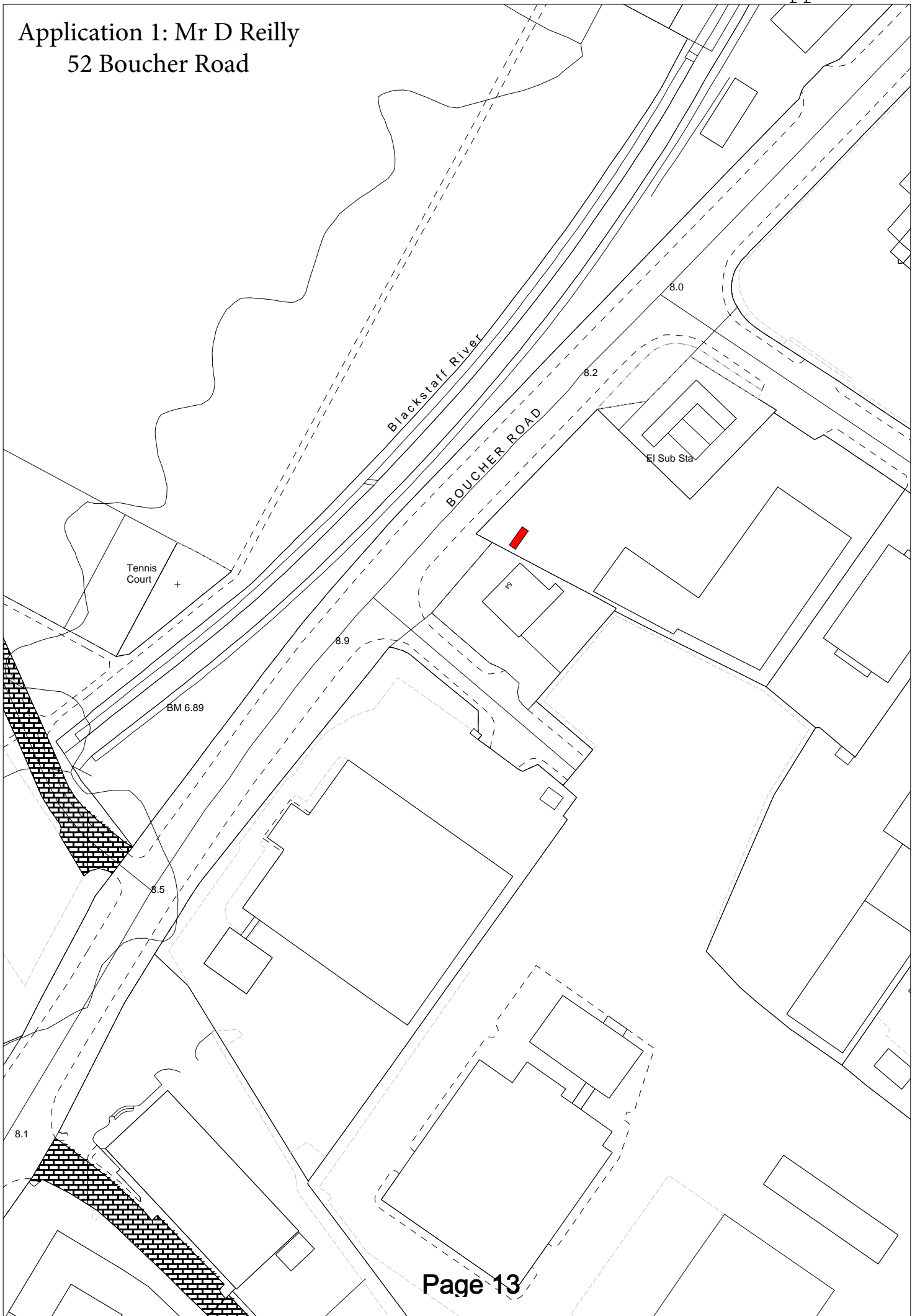
- Application Fee of £120, and
- A Licence fee of £26 for Friday and £36 for Saturday

Equality or Good Relations Implications

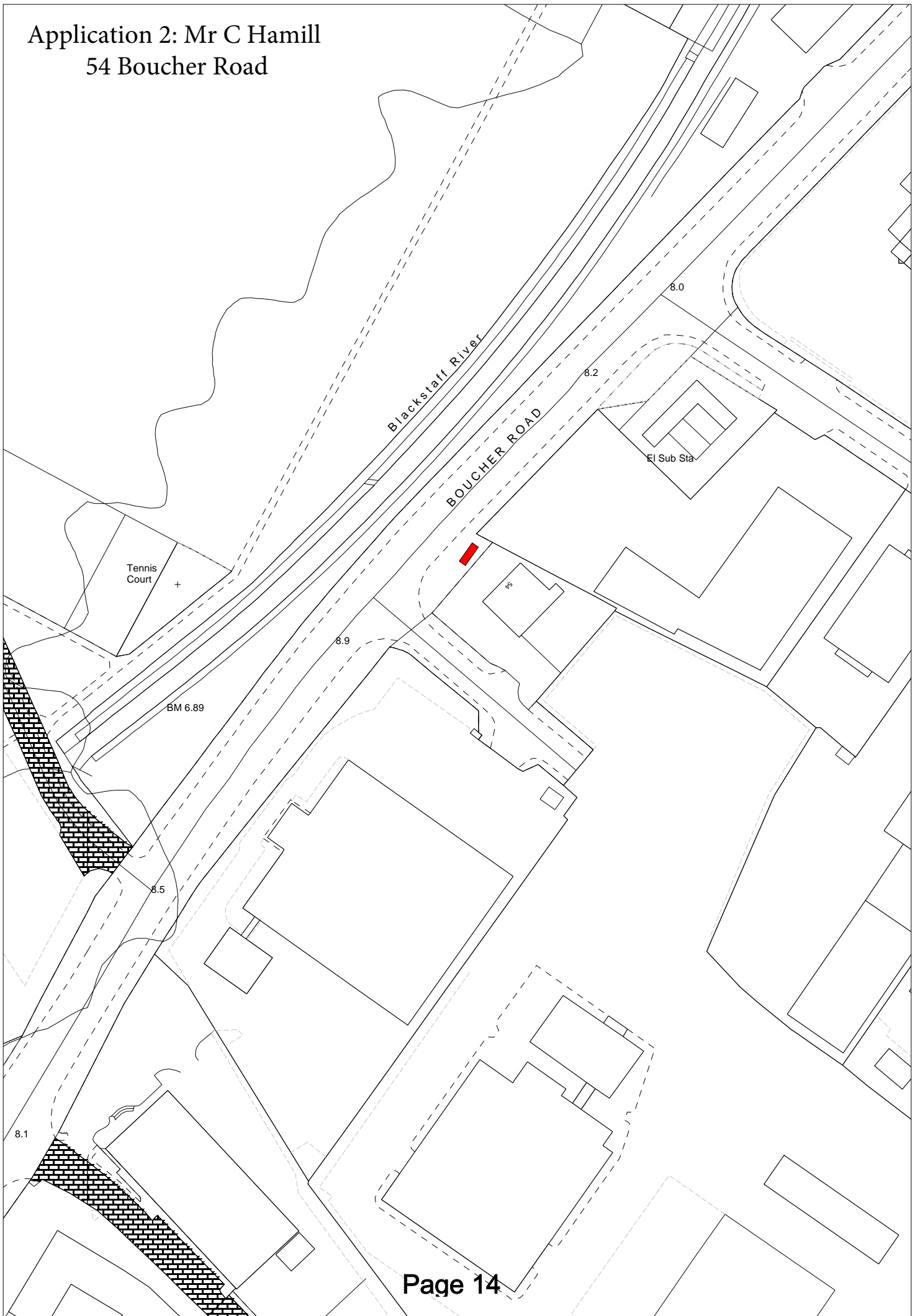
3.21 There are no equality or good relations issues.

4.0	Documents Attached
	<p>Appendix 1 – Maps showing location of the proposed sites</p> <p>Appendix 2 – Temporary Street Trading Policy</p> <p>Appendix 3 – Transport NI Letters of No Objection</p> <p>Appendix 4 – PSNI Letter of Objection</p> <p>Appendix 5 – MCD Productions Letter of Objection</p> <p>Appendix 6 – Permission from landowner of Application 1 for Mr David Reilly</p>

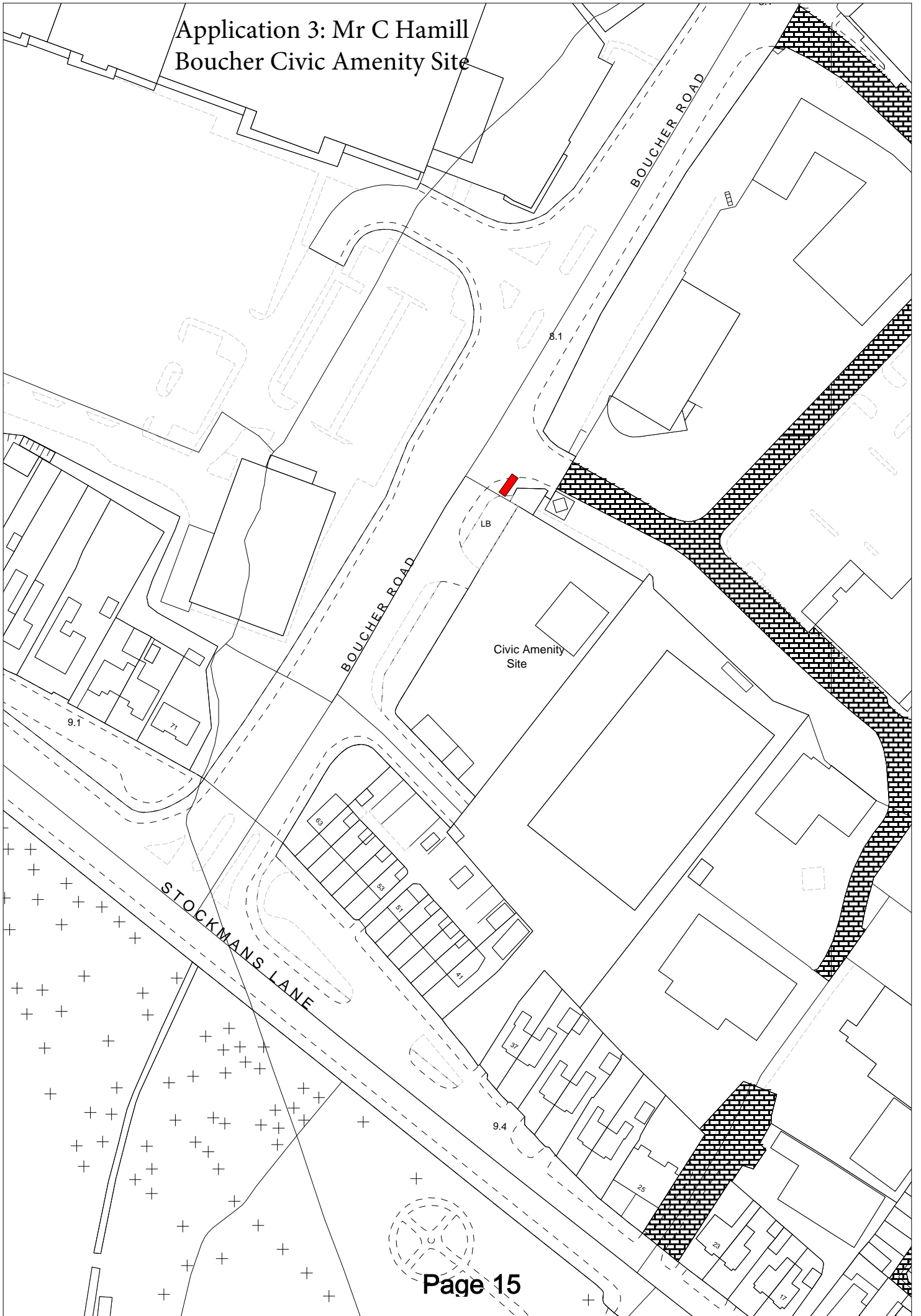
Application 1: Mr D Reilly
52 Boucher Road



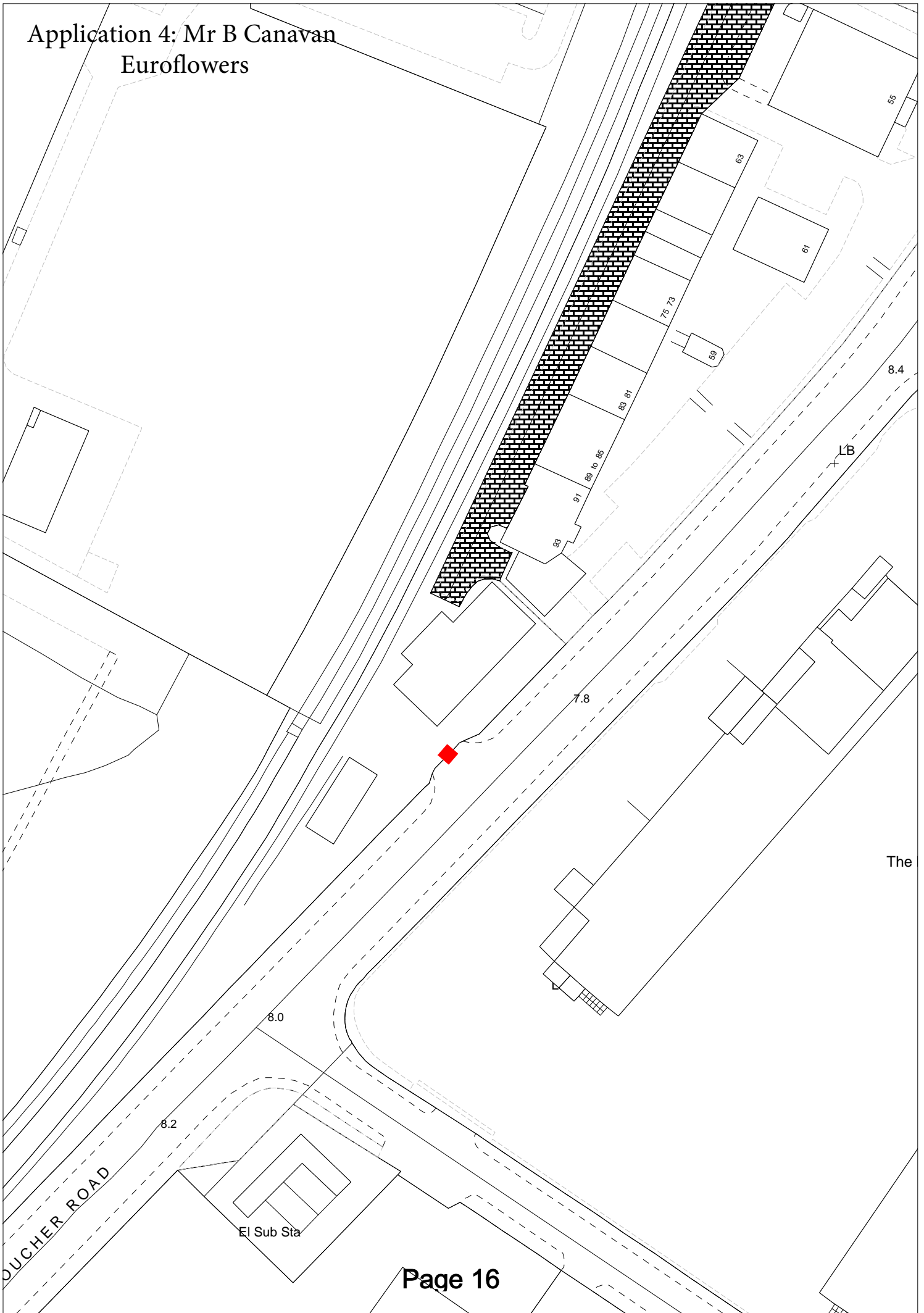
Application 2: Mr C Hamill
54 Boucher Road



Application 3: Mr C Hamill
Boucher Civic Amenity Site



Application 4: Mr B Canavan
Euroflowers



Licensing Unit. Building Control Service Chief Executive's Department Temporary Street Trading Policy	Procedure Page No. Edition/Issue No. Issue Date Reference: Service:	ST Temp Licence 1 of 4 1/1 1 st Nov 2001 JC Building Control
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1 Purpose

By virtue of Section 14 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Temporary Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to grant to a person a Temporary Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

2 Scope

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Temporary Licence.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

4 Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5th April 2001, with a run in period of 6 months and becomes operative on the 1st October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 14(5) of the Act requires the City Council to formulate, and make available to any person on request, criteria with respect to the granting of Temporary Street Trading Licences by it under this Section and requires that the City Council have regard to those criteria when considering whether to grant a Temporary Street Trading Licence.

5 General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Temporary Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 Belfast City Council will consider applications to permit Temporary Street Trading at special events organised within the City Council Area. The City Council will determine each case in light of the prevailing circumstances and relevant information made available to it. Events in the nature of the Lord Mayors Parade, Christmas Lights Switch-on, New Years Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events may be treated as special events for the purposes of the Street Trading Act (NI) 2001.
- 5.3 In circumstances other than those referred to in Paragraph 5.2 the Council subject to appropriate consultation with relevant parties, may consider applications to permit Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
- 5.4 Applications must be received by Belfast City Council not less than 42 days before the date of the first day of the proposed event. Belfast City Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.
- 5.5 Belfast City Council will consult with -
- (a) The District Commander of the Police District Command Unit in which the streets are situated;
 - (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic;
- 5.6 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:
- (i) The organiser or organising committee of the specified event.
 - (ii) Belfast Chamber of Trade and Commerce.
 - (iii) Belfast City Centre Management
 - (iv) Nearby Street Trading Licence holders who may be affected.
 - (v) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.
 - (vi) N.I. Ambulance Service and /or other Emergency Services.
 - (vii) National Market Traders Federation.

5.7 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Temporary Street Trading Licence, the Belfast City Council will take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question.
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision which would be appropriate to consider;
- (h) Previous complaints arising from any Street Trading activities in that street or part thereof.
- (i) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- (j) The number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.

5.8 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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Subject:	Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Kremlin Bar/Shoe Factory, 12-14 Union Street
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application from Ms. Anthea Wilson for the grant of a Seven-Day Annual Outdoor Entertainments Licence for the Smoking Area on the roof of the Kremlin Bar based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table border="0"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Shoe Factory 12-14 Union Street Belfast, BT1 2JF</td> <td>WK/201600895</td> <td>Ms. Anthea Wilson Shoe Factory 12-14 Union Street Belfast, BT1 2JF</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Shoe Factory 12-14 Union Street Belfast, BT1 2JF	WK/201600895	Ms. Anthea Wilson Shoe Factory 12-14 Union Street Belfast, BT1 2JF
Premises and Location	Ref. No.	Applicant					
Shoe Factory 12-14 Union Street Belfast, BT1 2JF	WK/201600895	Ms. Anthea Wilson Shoe Factory 12-14 Union Street Belfast, BT1 2JF					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.						
2.0	Recommendations						
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of a Seven-day Annual Outdoor Entertainments Licence, or 2. approve the application for the grant with special conditions, or 						

2.2	<p>3. refuse the application for the grant of the Seven-day Annual Outdoor Entertainments Licence.</p> <p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 The applicant currently holds a Seven-day Annual Indoor Entertainments Licence for the Kremlin. The indoor areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> • Long Bar, with a maximum capacity of 176 persons • Long Bar Mezzanine, with a maximum capacity of 110 persons • Square Function Room, with a maximum capacity of 200 persons • Square Function Room Mezzanine, with a maximum capacity of 200 persons • Union Street Bar Ground Floor, with a maximum capacity of 274 persons • Union Street Bar First Floor, with a maximum capacity of 60 persons • Shoe Factory, with a maximum capacity of 260 persons <p>3.2 The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 pm to 3.00 am the following morning. <p>3.3 The premise operates as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands.</p> <p>3.4 The applicant proposes to provide entertainment within the nightclub's Smoking Area, which is located on the roof of the Shoe Factory on Little Donegal Street. A layout plan of the proposed outdoor area is attached at Appendix 3.</p> <p>3.5 The maximum occupancy of the Shoe Factory Roof will be 150 persons. Members are advised that the number of persons to be accommodated in the new outdoor area is included in the existing overall maximum occupancy of the indoor area of 1280 persons; they are not in addition to this occupancy.</p> <p>3.6 The area is also covered by the premises existing Liquor Licence.</p> <p>3.7 The days and hours during which entertainment is proposed to be provided in the new outdoor area is as follows:</p> <ul style="list-style-type: none"> • Monday and Sunday: 12.00 pm to 1.00 am the following morning. <p>3.8 The applicant has advised that, if a licence is granted for the area, it is the intention to provide low level entertainment to provide a chill out area.</p> <p><u>Representations</u></p> <p>3.9 Public notice of the application was placed and no written representations were lodged as a result of the notice.</p>

PSNI

3.10 The PSNI has been consulted and has confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 4.

Health, safety and welfare inspections

3.11 A total of three during performance inspections have been carried out on the premises by Officers from the Service regarding the provision of indoor entertainment in the past 12 months.

3.12 The inspections revealed that the conditions of the Entertainments Licence were being adhered to and Officers were satisfied that all operational and management procedures were being implemented effectively.

NIFRS

3.13 The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objections to the application.

Noise Issues

3.14 The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that no noise complaints have been received within the past 12 months or prior to that.

3.15 An acoustic report outlining the measures to be taken when outdoor entertainment is being provided has been received and assessed by EPU. The report outlines the measures to be put in place to minimise disturbance to neighbouring premises, either due to noise breakout or from patron activity.

3.16 Following their assessment, the Unit has confirmed that it is satisfied with the report and the measures proposed and, as a result, has no concerns with the area being granted an Entertainments Licence.

3.17 Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.

Applicant / Licensee

3.18 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the applications.

Financial and Resource Implications

3.19 Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.

Equality or Good Relations Implications

3.20 There are no equality or good relations issues associated with this report.

4.0	Documents Attached
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Layout plans of the proposed outdoor area</p> <p>Appendix 4 – PSNI comments</p>

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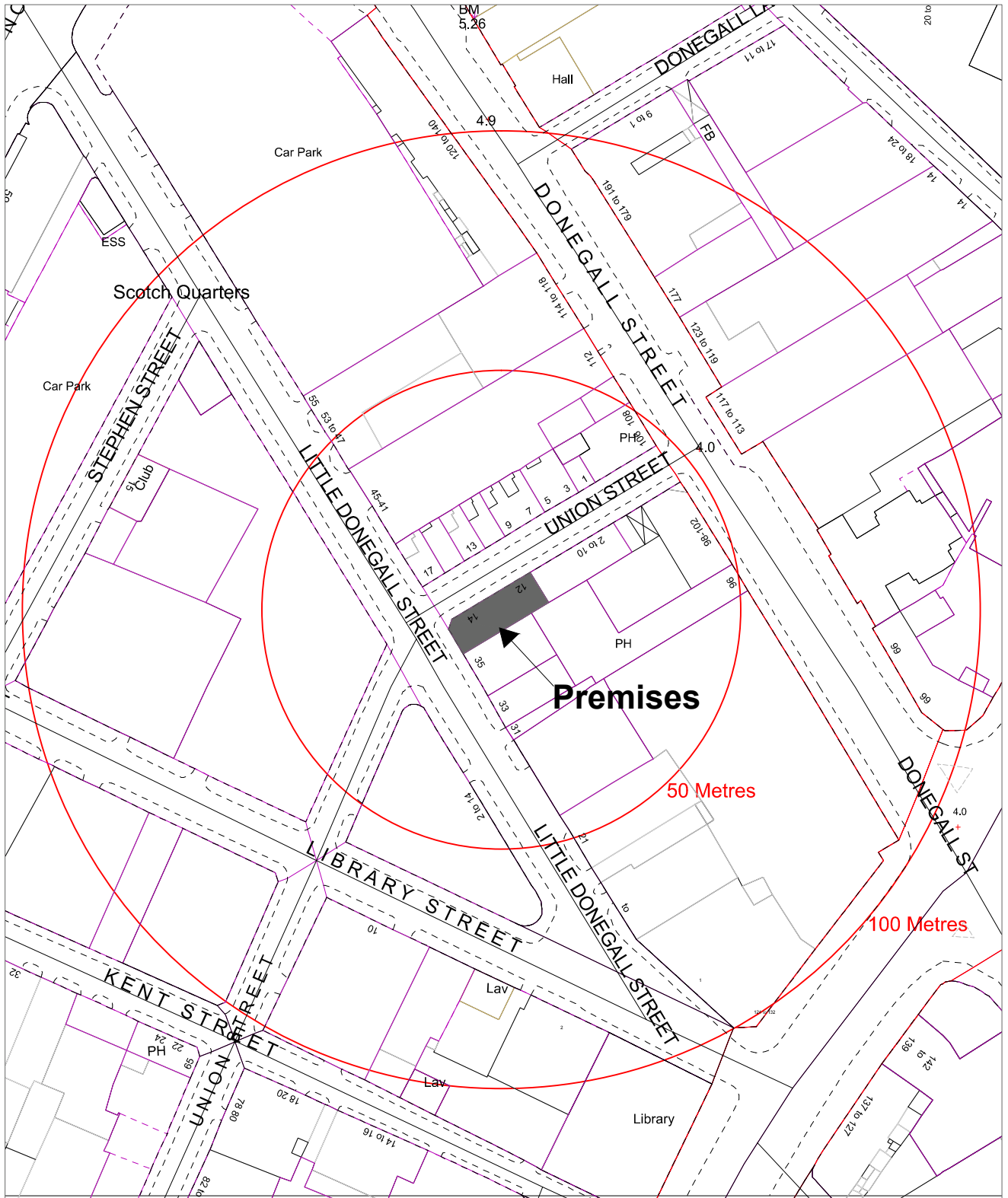
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Building Control Service

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Appendix 2



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Subject:	Application for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10-14 Gresham Street
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues						
1.1	To consider applications for the renewal of a Seven-day Annual Indoor Entertainments Licence and a Seven-day Annual Outdoor Entertainments Licence for the Hudson Bar, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind where objections have been received.						
1.2	Members are reminded that, at your meeting on 18th May, you agreed to consider representations from the objectors and the applicant in respect of these applications. <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left; width: 33%;">Premises and Location</th> <th style="text-align: left; width: 33%;">Ref. No.</th> <th style="text-align: left; width: 33%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN</td> <td>WK/201600140 WK/201600143</td> <td>Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN	WK/201600140 WK/201600143	Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT
Premises and Location	Ref. No.	Applicant					
The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN	WK/201600140 WK/201600143	Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT					
1.3	The renewal applications were received from Mr Michael Stewart of MMJP Limited on 29th January 2016. A copy of the application forms are attached at Appendix 1.						
1.4	Members are reminded that two objections were received regarding the applications. Copies of the objections are attached as Appendix 2.						
1.5	A location map is attached at Appendix 3.						

3.8	At that meeting, the objector expressed their concerns and outlined the issues they had been experiencing with the premises. As previously noted, these are generally the same issues as the other objector and are mainly due to noise arising from entertainment at the premises and noise generated by patrons; both were directly related to the outdoor area. However the objector also advised that they had equally experienced difficulty with drunk patrons from the premises.
3.9	Following the meeting, representatives of the applicant agreed to carry out remedial works to resolve the objectors concerns and they confirmed that they would re-engage with their acoustic consultant and take their advice on measures they consider would be appropriate without having a negative impact on the business.
3.10	Works have been ongoing in this regard and it has been acknowledged by the objectors that significant improvements have been made. As a result of this progress, the objectors were considering withdrawing their objections but, due to recent complaints received by the Service, they have not done so.
3.11	Following the Committee meeting in May, in line with the Committee Protocol, we sent the applicant and the objectors Representation Forms and requested that these be provided to be presented to you for consideration.
3.12	These are requested 3 weeks in advance of your meeting to ensure there is appropriate time to share the information between all parties and to allow officers to clarify any points raised if necessary.
<u>Objectors' Representation</u>	
3.13	Each of the objectors has completed and submitted a Representation Form. These are attached at Appendix 4 and they have been provided to the applicant as required by the protocol.
3.14	<p>A general summary of the representations includes:</p> <ul style="list-style-type: none"> • allegations from an objector they were attacked by a customer as they walked past the bar and no one came to their aid. • after hours drinking. • concerns regarding the number of drunk drivers leaving the bar at weekends. • noise levels arising from entertainment fluctuates, which gets worse after 1.00am. • the need to close their bedroom window as the crowd outside are very loud and people are using the car park to urinate. • noise pollution which has not ceased and caused their family to vacate their home. • their home is used by elderly and sick family members whose lives and health are significantly disrupted. • management breaking previous promises for benches to be taken away. Only one has been removed so far which doesn't make any difference as they are letting drunks sit on the window ledges. • further breaking of promises to reduce noise levels and stop taxis blowing their horns. People are also not leaving through the Royal Avenue exit. • crowds sitting out front blocking the footpath even though they have a beer garden. • doormen can be as loud as the people outside and they do nothing about the shouting or try to stop drunks getting into cars or those that walk across the road to urinate in the car park. • claims that on several occasions during the past 6 months they have contacted the Council's Night Time Noise Team who have called and taken readings, which were above the acceptable level. • one of the objectors also allege that they cannot invite friends and other relations into their home due to the noise pollution.

3.15	The objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.
<u>Applicant's Representation</u>	
3.16	<p>The applicant has provided their Representation Form, as required by the protocol, and a copy is attached at Appendix 5. The applicant has highlighted the measures which have been undertaken to reduce the objector's issues, such as:</p> <ul style="list-style-type: none"> • they have stopped emptying bottles and bins in the early hours. • they have re-engaged with their acoustic consultant to see if they can take extra measures without being detrimental to the business. • the applicant would also be willing to pay for sound proofing of their DJ/Entertainment area, leading to minimal levels of noise break out. • benches have been removed from the front elevation at all times when entertainment is being provided in the premises. • taking steps to discourage patrons from congregating at the front elevation and this is being implemented by their front of house door supervisors. • they have had no contact or complaints from PSNI regarding opening hours, late night drinking or any other issues.
3.17	The applicant considers that they have made a positive contribution and impact to the Smithfield area and in particular, Gresham Street, not only in terms of job creation but also with current businesses and attracting new businesses to the area. The applicant also states that they are very aware they have residents in Smithfield and have taken measures in the past to address their concerns. They are also willing to further engage if there are other suggestions they may have.
3.18	The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
3.19	Further to providing the respective parties with each other's Representation Form they have all confirmed that they do not wish to provide any counter representation.
<u>Details of the Premises</u>	
3.20	<p>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> • Ground Floor, with a maximum capacity of 95 persons. • First Floor, with a maximum capacity of 95 persons. • Second Floor, with a maximum capacity of 105 persons. • Heel Bar, with a maximum capacity of 30 persons.
3.21	<p>The area currently licensed to provide outdoor entertainment is the:</p> <ul style="list-style-type: none"> • Hudson Yard, with a maximum capacity of 220 persons.
3.22	<p>The following special conditions are attached to the Outdoor Entertainments Licence:</p> <ol style="list-style-type: none"> 1. Premises to be managed in accordance with the requirements set out within AB Consulting Services report dated 25th March, 2014 2. During entertainment exit to Gresham Street to be manned at all times when roller shutter is in the closed position 3. At all times, a key to roller shutter is to be retained by personnel manning the Gresham Street exit

4. The music noise level in the outdoor area must not exceed 95 dBA Leq up to 23.00
5. The music noise level in the outdoor area must not exceed 85 dBA Leq after 23.00
6. No live band performances are permitted in the outdoor area after 23.00
7. To be managed in conjunction with the Indoor Entertainments Licence

3.23 The days and hours during which the premises are currently licensed to provide entertainment, under both licences are:

- Monday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 3.00 am

PSNI

3.24 The PSNI has been consulted and has no objection to the application. A copy of its correspondence is attached at Appendix 6.

Health, Safety and Welfare Issues

3.25 A total of six during performance inspections have been carried out on the premises by Officers from the Service since the last renewal. The inspections revealed that the conditions Licence were being adhered to with the exception of one inspection, which uncovered a fault showing on the fire alarm panel. This was quickly resolved and the fault was repaired.

3.26 Through the Entertainment Licensing renewal process and inspection, officers have been further satisfied that all operational and management procedures are being implemented effectively.

NIFRS

3.27 The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and confirmed that it has no objection to the application.

Noise Issues

3.28 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of eleven noise complaints since the previous renewal.

3.29 Each complaint was made by the objectors to the applications and these were investigated by the Night Time Noise Team. The complaints relate to noise emanating from the premises in the form of entertainment and patron noise.

3.30 When responding to the complaints and calling to the area the Noise Team have witnessed music levels to be faint or inaudible and therefore warranted no further action. They have also on occasions witnessed that voices from patrons were the dominant source of noise but considered that both the music noise and audible voices would not have caused disturbance due to the distance between the complainants address and the premises.

3.31 Officers have previously been denied access by one of the complainants. However, they have nonetheless responded to the complaints and these are followed up accordingly. Officers have also witnessed representatives from the premises monitoring noise levels.

<p>3.32</p> <p>3.33</p> <p>3.34</p> <p>3.35</p>	<p>Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Application Forms</p> <p>Appendix 2 – Objection Letters</p> <p>Appendix 3 – Location Map</p> <p>Appendix 4 – Objectors’ Representation Form</p> <p>Appendix 5 – Applicant’s Representation Form</p> <p>Appendix 6 – PSNI response</p>

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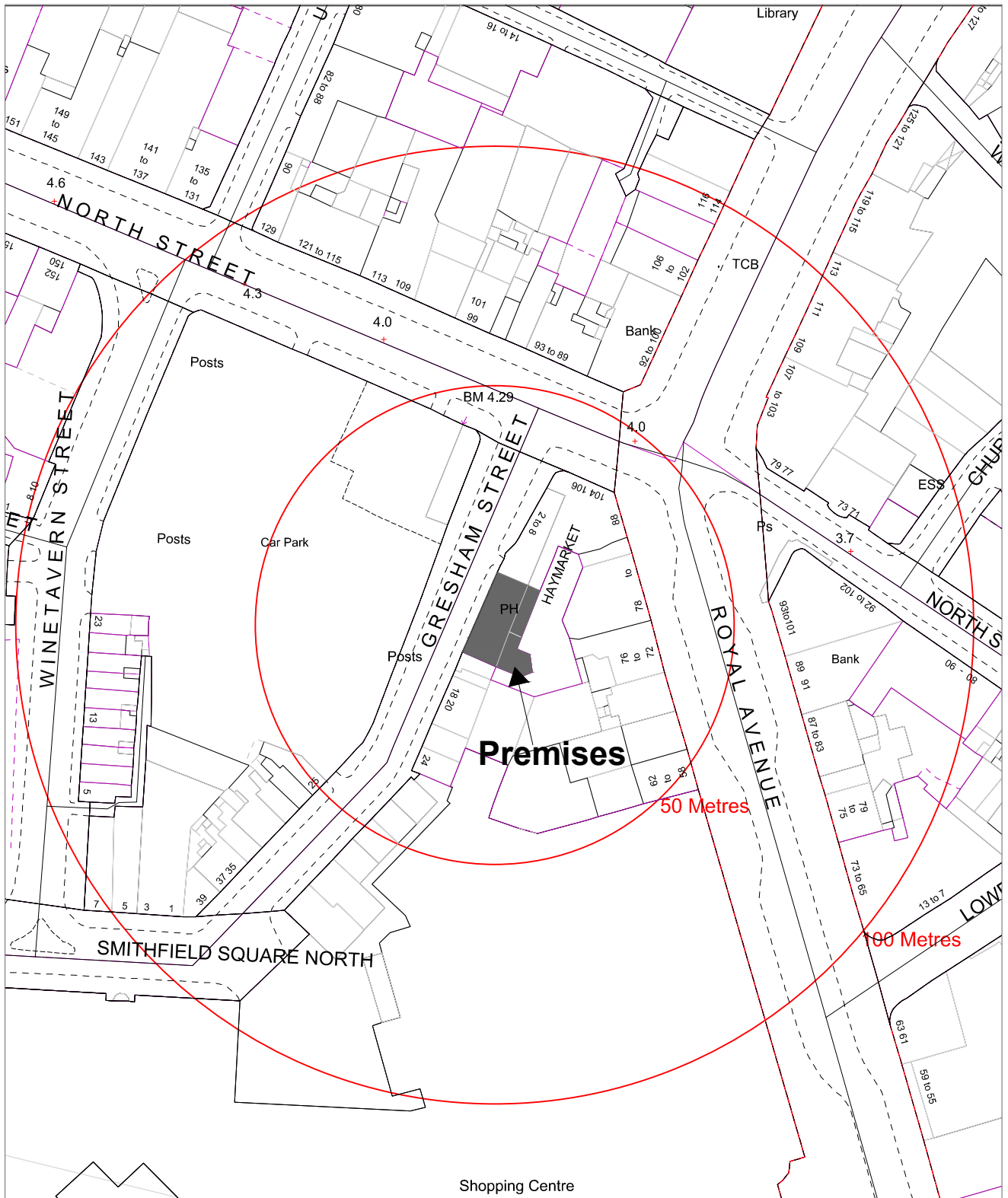
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Appendix 3



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Subject:	Application for the Grant of a Fourteen-day Occasional Outdoor Entertainments Licence - Crescent Gardens
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application from the Parks Service of the City and Neighbourhood Services Department for the grant of a Fourteen-day Occasional Outdoor Entertainments Licence for Crescent Gardens, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Area and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Crescent Gardens Belfast BT7 1NS</td> <td>WK/201601231</td> <td>Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1</td> </tr> </tbody> </table>	Area and Location	Ref. No.	Applicant	Crescent Gardens Belfast BT7 1NS	WK/201601231	Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1
Area and Location	Ref. No.	Applicant					
Crescent Gardens Belfast BT7 1NS	WK/201601231	Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before the Committee for consideration.						
2.0	Recommendations						
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of a 14-Day Occasional Outdoor Entertainments Licence, or 2. approve the application for the grant with special conditions, or 						

2.2	<p>3. refuse the application for the grant of the 14-Day Occasional Outdoor Entertainments Licence.</p> <p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
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3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm. <p>In addition, the following special conditions are usually attached to Outdoor Licences:</p> <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. 2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. 3. any requests to provide entertainment later than 11.00pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. should an application to provide entertainment beyond 11.00pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Place, in consultation with the Town Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements. <p>3.2 Crescent Gardens is located behind Crescent Church, University Road and is bounded by Upper and Lower Crescents. The space is owned and maintained by the Parks Service which intends to offer the use of the space for small community type events.</p> <p><u>Representations</u></p> <p>3.3 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p> <p>3.4 The Police Service of Northern Ireland has been consulted and has confirmed that they have no objection to the application. The Police Service will also be consulted in advance of any proposed event to consider traffic management and wider operational policing issues. A copy of its response is attached at Appendix 3.</p>

<p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p>	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application. It will also be invited to meetings and provided with the relevant documentation in advance of any planned event.</p> <p><u>Health, Safety and Welfare</u></p> <p>Officers from the Service will engage with organisers and other interested parties to ensure that the appropriate documentation is developed and that all safety and technical requirements are met in advance of each specific event taking place, should you decide to grant the licence.</p> <p><u>Noise</u></p> <p>The Environmental Protection Unit (EPU) has been informed of the application and will comment on each individual event when information relevant to it has been provided, such as the appropriate noise management plan.</p> <p><u>Applicant</u></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers will be required to carry out inspections for each outdoor event and attend any planning meetings which are catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – PSNI comments</p>

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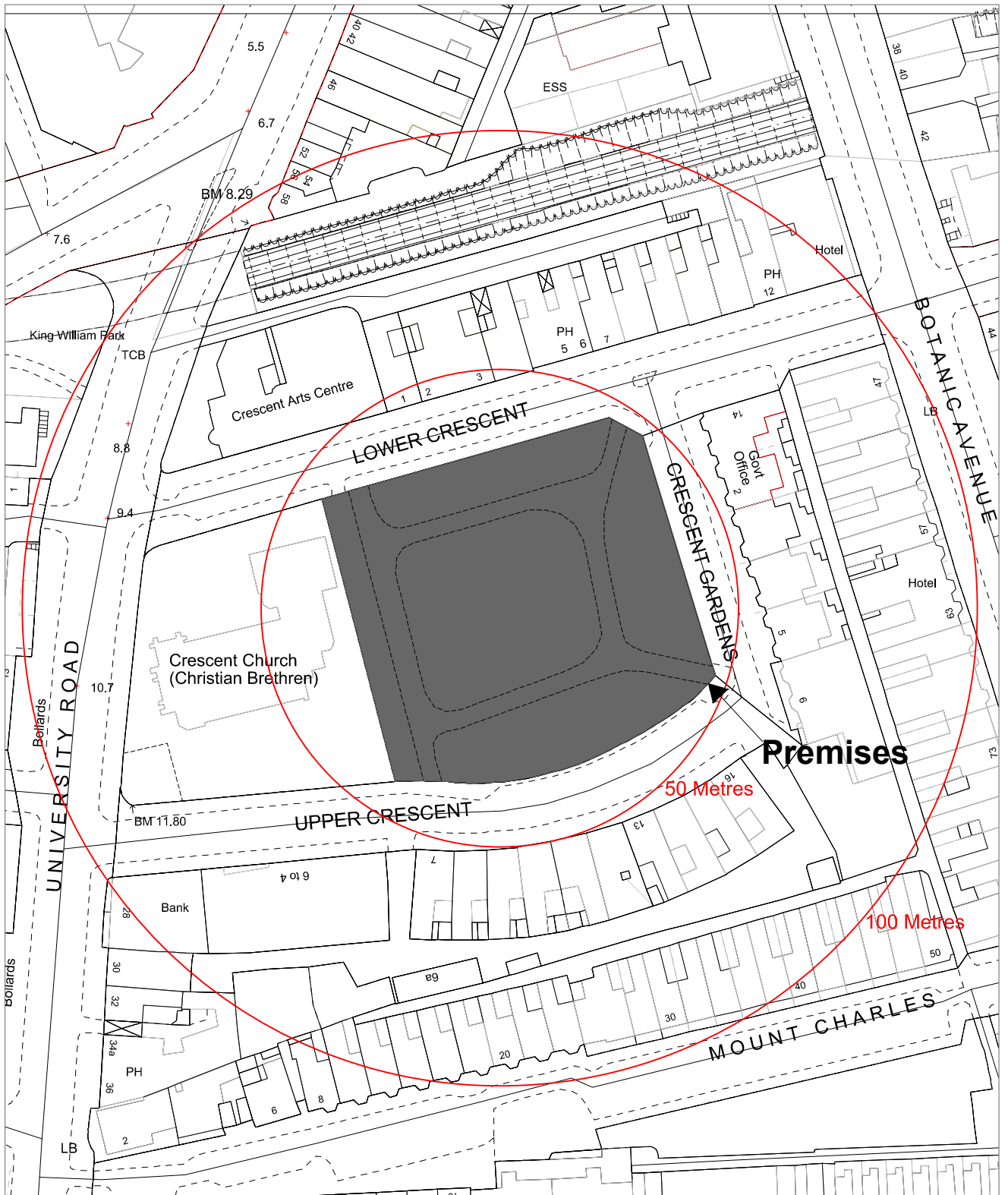
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Appendix 2



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Subject:	Applications for the Renewal of Entertainments Licences with Associated Convictions
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider applications for the renewal of Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the applications and to:-</p> <ol style="list-style-type: none"> 1. Approve the applications, or 2. Should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
3.2	However, in light of the fact that an applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.

3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty
Teach Na Monagh 2a Monagh Grove Belfast BT11 8EJ	Regent House Mews Limited	Renewal	18th May 2012 Locked Emergency Exit, Obstructed Means of escape and Log Book not provided	29th January 2013 £800 and £66 Court costs
Dundela Football Athletic & Social Club Wilgar Street Belfast BT4 3BL	Susan Elizabeth Gilmore (Secretary)	Renewal	24th November 2012 Overcrowding and obstructed Emergency Exit Route	23rd July 2013 £400 and £69 Court costs
The Suffolk Inn 12-14 Suffolk Road Belfast BT11 9PB	Tony Clarke	Renewal	4th July 2015 Caulfield's Bar Final Exit locked shut and an Obstructed Means of escape	8th March 2016 Caulfield's Bar £200 and £69 Court costs

Applications Previously Considered

3.4 Members may recall that previous applications for the aforementioned premises were considered by the Committee as follows:

Teach Na Monagh

3.5 Previous renewal applications for the premises were brought before the Committee on the 20th February 2013, 16th April 2014 and 18th March 2015 and, after consideration, you agreed to renew the licence on each occasion.

Dundela Football and Social Club

3.6 Previous renewal applications for the premises were brought before the Committee on 19th February 2014 and the 21st January 2015 and, after consideration, you agreed to renew the licence on each occasion.

	<p>The Suffolk Inn</p> <p>3.7 This application is being placed before the Committee because the applicant, Mr Tony Clarke, was convicted of offences under the Order at Belfast Magistrates Court on the 8th March 2016 regarding Caulfield's Bar, another premises for which he is the licensee. The offences took place on the 4th July 2015 and included a final exit being locked shut and a designated means of escape from the premises being impeded. Members will recall that you considered the renewal application for Caulfield's Bar at your meeting on the 18th May, this year and, after taking account of the conviction, you agreed to renew the licence.</p> <p><u>Representations</u></p> <p>3.8 Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.</p> <p><u>PSNI</u></p> <p>3.9 The PSNI has been consulted and has confirmed that it has no objections to the applications.</p> <p><u>Health, Safety and Welfare Inspections</u></p> <p>3.10 Following the offences, officers of the Service met with the licensees of each of the premises to review their management procedures and ensure that appropriate measures are in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.</p> <p>3.11 Each of the premises have also been subject to further inspections by officers of the Service and on each occasion we found that management procedures were being implemented effectively.</p> <p>3.12 Copies of the application forms for each of the premises are attached as Appendix 1.</p> <p><u>NIFRS</u></p> <p>3.13 The Northern Ireland Fire Rescue Service has also been consulted in relation to each of the applications and confirmed that it has no objections.</p> <p><u>Financial and Resource Implications</u></p> <p>3.14 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.15 There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendices 1 to 3 – Application forms</p>

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By virtue of paragraph(s) 1 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Review of Entertainments Licensing Legislation
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	To consider seeking an update from the Department for Communities regarding progress with the review of Entertainments Licensing legislation.
2.0	Recommendation
2.1	To agree that the Committee write to the Minister for Communities requesting an update on the review of Entertainments Licensing legislation and enquiring as to when the Department will be in a position to provide more detailed review proposals which will be the subject of a public consultation.
3.0	Main Report
	<u>Key Issues</u>
3.1	On 22nd July, 2014 the then Minister of the Environment, Mark H Durkan MLA, announced a review of the entertainment licensing regime as the current legislation has been in place for almost thirty years. He invited representatives from various interest groups (the Entertainment Licensing Review Group) to look at the current legislation and make recommendations on changes that they considered should be made.
3.2	Members are reminded that representatives of both Building Control and Legal Services have been closely involved in the review and played a key role in the Review Group set up by the Minister.
3.3	A response to the DoE's consultation on the review of Entertainments Licensing legislation was agreed by the Licensing Committee and forwarded to the Department on 26th June, 2015.

3.4	Members are reminded that, at your meeting on 20th January, you agreed that a letter be forwarded to the Minister for the Environment requesting an update on progress with the review.
3.5	In a response dated 1st March, the Minister advised that he had considered the comments made during the public consultation and would publish a Departmental Response in due course.
3.6	The Departmental Response, which consisted of a copy of the synopsis of responses received across the Province, was received on 10th March 2016 and advised that the Department would prepare further, more detailed, proposals which will be the subject of a public consultation later this year.
3.7	A copy of the Ministerial and Departmental Response is attached.
3.8	Following the May Assembly Elections, responsibility for the review of the licensing legislation now falls within the Department for Communities.
3.9	It is, therefore, suggested that the Committee may wish to write to Mr. P. Givan, Minister for Communities, requesting an update on progress with the review of Entertainments Licensing and when his Department will be in a position to commence a public consultation on more detailed proposals to amend the legislation.
	<u>Financial and Resource Implications</u>
3.10	There are no financial or resource implications associated with this report.
	<u>Equality or Good Relations Implications</u>
3.11	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Copy of the Ministerial Response and The Departmental Response to the Consultation on the Report by the Entertainment Licensing Review Group on Entertainment Licensing



Henry Downey
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Democratic Services Section
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Chief Executive's Department
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BT1 5GS

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Telephone: 028 902 56019

Email: private.office@doeni.gov.uk

Your reference: HD/SB

Our reference: COR/0156/2016

01 March 2016

Dear Mr Downey

Thank you for your letter of 16 February 2016 in which you requested an update on the review of entertainment licensing legislation.

As you will recall, in July 2014 I tasked the Entertainment Licensing Review Group with carrying out a review of the entertainment licensing regime, and in May 2015 I launched a public consultation on the report of the Review Group, which contained 36 recommendations for a future entertainment licensing regime.

I have considered the comments made during the public consultation, and I will publish a Departmental response at the earliest opportunity. A copy of the Departmental response will be sent to you for your information.

I trust that this update has been useful, and I appreciate your interest in this matter.

Yours sincerely

MARK H DURKAN MLA
Minister of the Environment



**DEPARTMENTAL RESPONSE
AND
SYNOPSIS OF RESPONSES TO THE
CONSULTATION ON THE REPORT BY THE
ENTERTAINMENT LICENSING REVIEW GROUP
ON ENTERTAINMENT LICENSING**

February 2016

INTRODUCTION

1. On 22 July 2014 the Minister of the Environment, Mark Durkan MLA, announced a review of the entertainment licensing regime as the current legislation has been in place for almost 30 years. He invited representatives from various interest groups (the Entertainment Licensing Review Group) to look at the current legislation and make recommendations on changes that they considered should be made.
2. To give all interested parties the opportunity to consider and comment on the 36 recommendations made by the Entertainment Licensing Review Group (the Review Group), an 8 week consultation was held from 1 May to 26 June 2015.

Summary of Responses

3. The Department received a total of 26 responses to the consultation. A breakdown of the responses by category is given below.

Category	Number and % of Total
Local Government (District Councils and local government organisations)	8 (31%)
Entertainment Industry Organisations	7 (27%)
Licensing Bodies	2 (8%)
Government Departments	1 (4%)
Others (Various organisations and an individual)	8 (31%)
Total	26 (100%)¹

¹ The percentages throughout the document have been rounded to the nearest whole number and consequently the total may not always be 100%.

4. The full list of respondents is given at Annex 1.
5. One of the 26 responses (a licensing body), which stated that it supported the review and the approach taken to conduct the review, did not make any substantive comments as members had agreed it was more appropriate for councils to consider and comment on the recommendations.
6. This document details the number of respondents who commented on each recommendation and the percentage of those who supported or opposed the recommendation. In order to illustrate some of the issues raised, comments made by respondents have been quoted in the document.
7. In some cases comments made have been allocated to what was considered the most appropriate recommendation. This includes comments which have not been attributed by the respondent to a particular recommendation but which, on consideration, clearly relate to that particular recommendation.
8. The Department would like to take the opportunity to thank all of the people and organisations who responded to this consultation.

Next Steps

9. The Department will prepare further, more detailed, proposals which will be the subject of a public consultation later this year.
10. Copies of this document can be downloaded from the Department of the Environment website at www.doeni.gov.uk/consultations or

requested via the postal address, e-mail, fax number or telephone numbers below. This document may be made available in alternative formats – please contact us to discuss your requirements.

Postal Address

Policy and Legislation Unit
Local Government Policy Division
Department of the Environment
Level 4
Causeway Exchange
1-7 Bedford Street
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BELFAST
BT2 7EG

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COMMENTS ON RECOMMENDATIONS

Recommendation 1: When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.

11. A total of 16 respondents provided comments on this recommendation. A breakdown is given below.

Category	Number and %
Local Government	8 (50%)
Entertainment Industry Organisations	4 (25%)
Licensing Bodies	1 (6%)
Others	3 (19%)
Total	16 (100%)

12. Seven respondents (44%) indicated that they supported the recommendation. They comprised 2 local government organisations; 4 entertainment industry organisations; and one other organisation.

13. Six respondents (37%) disagreed with the recommendation. These were made up of 5 local government organisations and a licensing body.

14. Three respondents, a local government organisation and 2 others, did not indicate whether they agreed or disagreed with the recommendation.
15. One of these respondents stated that, historically, the main consideration of entertainment licensing was the safety of those attending the event, and that the concerns of neighbours and nearby residents is a more recent and secondary concern. This respondent stated that the primary concern must continue to be public safety, and the other considerations should be peripheral.
16. Another respondent confined their comments to a request that entertainment licence applicants should be required to meet the Welfare of Animals Act (Northern Ireland) 2011. This is considered under recommendation 14.
17. The third respondent, a local government organisation, suggested that “crime and disorder” should be defined to provide clarity on roles and responsibilities, levels of communication across agencies and resource implications.
18. Very few of the respondents who said they supported the recommendation gave a reason for doing so. One respondent which did, a local government organisation, commented that the current statutory consultation with agencies, including the PSNI, provides an opportunity to raise concerns about crime and disorder associated with an entertainment licence application.
19. Interestingly, the same reason was cited by three respondents, 2 local government organisations and a licensing body, which did not

agree with the recommendation. These respondents also expressed concerns about including an objective of crime and disorder in the legislation as the PSNI may attempt to expand the definition to cover other issues which are not related to the provision of entertainment. They noted that in the past, Courts have been critical of councils that have imposed conditions not directly related to the purpose and extent of the legislation.

20. The only other reason given for supporting the recommendation was by an organisation which said that this recommendation allows the conduct of the premises, and potentially the applicant, to be brought to the attention of the Court.
21. One of the local government organisations, which supported the recommendation, stated that the matters which the PSNI may be concerned about must be evidence-based, and any actions or conditions placed on an entertainment licence must be measured and proportionate.
22. Two of the local government organisations, which did not agree with the recommendation, stated that councils do not have the necessary expertise, or resources, to deal with crime in licensed premises, and that responsibility for crime should remain with PSNI. One of the two had concerns that including this in the entertainment licensing system could lead to councils becoming responsible for dealing with crime in premises with an entertainment licence.

23. A third local government respondent, which did not agree with the recommendation, was also of the view that the PSNI should deal with matters of crime and disorder.

Departmental Response

24. ***The Department notes that, although a majority of respondents supported this recommendation, a considerable number of respondents expressed concerns about requiring councils to give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.***
25. ***The current entertainment licensing legislation requires councils to consult the PSNI before deciding whether to grant an application for a licence. Councils also consider whether there have been any complaints when considering applications to renew the annual licence and if any additional conditions should be placed on the licence as a consequence. Serious breaches of an entertainment licence would be dealt with as soon as it comes to the attention of the council.***
26. ***The Department intends to retain the requirement to consult the PSNI about each application for an entertainment licence. The Department will also give further consideration as to whether the new entertainment licensing regime should require councils to give due consideration to minimising or preventing crime and disorder which would be directly***

attributable to the entertainment associated with that licence application.

Recommendation 2: The new licensing regime should apply to the Crown.

27. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Other	1 (7%)
Total	14 (100%)

28. The majority of respondents, 93% (13), supported the recommendation. The other respondent, a local government organisation, did not indicate whether it agreed or disagreed with the recommendation but asked if there were any exceptions to the proposed application to the Crown.
29. The main reason given for supporting the recommendation was that it would be in the interest of public safety. Three respondents, two local government organisations and a licensing body, which supported the recommendation, asked for more information about which Crown premises would be included in the legislation.

30. Another local government organisation asked for clarification regarding powers of entry in relation to Crown premises with secure environments, such as security bases or Royal residences.

Departmental Response

31. ***The Department notes that the majority of respondents supported this recommendation as being in the interest of public safety. The Department has made the relevant Westminster Departments aware of this proposal and is awaiting a formal response.***
32. ***As matters pertaining to the Crown are an excepted matter, the agreement of the Secretary of State for Northern Ireland is required before this could be included in an Assembly Bill. Subject to that agreement, the Department proposes that the new entertainment licensing regime will apply to the Crown. The legislation will specify which categories of Crown premises are subject to the entertainment licensing regime.***

Recommendation 3: The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.

33. A breakdown of the 14 respondents who commented on this recommendation is given below.

Category	Number and %
Local Government	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Other	1 (7%)
Total	14 (100%)

- 34. The majority of respondents, 79% (11), supported the recommendation. They were made up of 6 local government organisations, 4 entertainment industry organisations and one other organisation.

- 35. Two (14%) respondents, one local government organisation and a licensing body, did not agree with the recommendation. Both stated that the separate classification for outdoor entertainment must be retained and the requirement for an outdoor entertainment licence should not be restricted, as it is currently, to music. One of the two, a licensing body, did, however, note that having a licence for a ‘place’ which covered both indoor and outdoor was a more modern and flexible approach to regulating all entertainment provided by the business.

- 36. Another respondent, a local government organisation, did not indicate whether it agreed or disagreed but commented that the impact on licensing conditions, occupancy and potential noise disturbance needed to be considered.

37. The main reasons given for supporting the recommendation were that it would simplify the licensing system and reduce both the administrative and financial burden on applicants. Two local government organisations noted that the existing legislation is for indoor events and large outdoor music events but, with the smoking ban, there has been a trend for small outdoor areas, such as beer gardens, to be used for entertainment.
38. One local government organisation suggested that the licence should have a set occupancy figure for each area of the premises as this would ensure that the total maximum capacity is not exceeded when patrons in an outdoor area move to an indoor area.

Departmental Response

39. ***The Department notes that most respondents supported this recommendation and that it was considered that this recommendation should result in a simpler, less burdensome licensing system that is reflective of modern entertainment.***
40. ***The Department also notes concerns about occupancy figures and potential disturbance but is of the view that these can be dealt with in the conditions attached to a licence. It is likely that, in the interests of public safety, separate occupancy limits for the indoor and outdoor areas will be required. Such limits would be set by the council as part of the conditions of the licence.***

- 41. **Minimising potential disturbance from the entertainment, whether it is held indoors or outdoors, is a major feature of the current licensing system. Equally, councils currently assess and set a safe occupancy level for the entertainment.**
- 42. **The Department will continue to work on developing an entertainment licensing system which would permit both indoor and outdoor entertainment at the place where the entertainment will be held to be covered by a single licence.**

Recommendation 4: Applicants should be required to submit a plan of the premises or place which has the area(s) where entertainment will be provided clearly marked on the plan.

- 43. 15 respondents commented on this recommendation and a breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Bodies	1 (7%)
Other	2 (13%)
Total	15 (100%)

- 44. The majority of respondents, 87% (13), supported the recommendation. They comprised 6 local government organisations, 4 entertainment industry organisations, a licensing body and 2 others.

45. The main reason given for supporting the recommendation was that it would clearly define to the licensee exactly which areas were covered by the licence, thereby reducing any misunderstanding by the licensee. One respondent, a licensing body, commented that this approach would also be consistent with the approach used by the current system for liquor licensing.
46. The two local government organisations which did not state whether they agreed or disagreed with the recommendation noted that the requirement was consistent with current arrangements. Paragraph 5(2)(b) of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 states that applications for an entertainment licence should be “accompanied by 3 copies of such plans, certificates or other documents as the council may reasonably require”.

Departmental Response

47. ***The Department notes that the majority of respondents supported this recommendation.***
48. ***The Department acknowledges that a requirement for an applicant to submit a plan (or plans) which clearly mark where entertainment would be held could be accommodated within the existing legislative framework. Including this as a specific requirement in future legislation would, however, have the benefit of ensuring that both applicants and councils are aware that this is an essential requirement. The Department***

therefore proposes to include this requirement in the future licensing system.

Recommendation 5: The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.

49. A breakdown of the 14 respondents who commented on this recommendation is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Bodies	1 (7%)
Others	1 (7%)
Total	14 (100%)

50. Six (43%) respondents agreed with the Review Group’s recommendation. These comprised 2 local government organisations and 4 entertainment industry organisations.

51. Five respondents (36%), i.e. 3 local government organisations, a licensing body, and another organisation, suggested that the requirement for an entertainment licence should be expanded to include outdoor entertainment on public land provided by, or on behalf of, a licensed premises or commercial operator, if access to the public land was restricted, on a temporary or longer term basis, for the purposes of that entertainment. By way of example, the

other organisation advised that there are instances of events being held, by commercial operators, on streets with no vehicular traffic which are not included in the entertainment licensing regime. The licensing body, while suggesting that the requirement for an entertainment licence should include entertainment on public land, did, however, note that this would result in small community run events requiring licences, and this could be overly burdensome for them.

52. An entertainment industry organisation which agreed with the recommendation noted that other legislation already applies to public land.
53. The remaining three respondents, all local government organisations, did not indicate whether they agreed or disagreed with the recommendation. One of these respondents asked why a difference was being made between private and public land, and the other two requested a definition for “private”.

Departmental Response

54. ***The Department notes that the majority of respondents agreed that the licensing regime should apply to outdoor entertainment where it is on private land.***
55. ***The Department also notes the concerns of some respondents about the use of public land for entertainment. Legislation on public roads and streets is the responsibility of the Department for Regional Development (DRD). The Road***

Traffic Regulation (Northern Ireland) Order 1997 contains provisions which allow for the restriction or prohibition of the use of a public road for the purpose of an entertainment (“special event”) to the extent, and subject to conditions or exceptions, considered necessary/expedient. Those conditions may include insurance; provision of certificates on the safety of structures, equipment or other apparatus; and the erection of barriers and signs. These provisions have not yet been commenced. The Department will liaise with DRD about this issue.

Recommendation 6: The legislation should specify that any place, other than:

- premises used only as a private dwelling house (including the garden and yard of the dwelling); and
- an education establishment while it is being used as such should require a licence for the provision of regulated entertainment.

56. 13 respondents commented on this recommendation. A breakdown of the respondents is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

57. The majority of respondents, 85% (11), supported the recommendation. They comprised 6 local government organisations; 4 entertainment industry organisations and a licensing body.
58. Some of these respondents also proposed amendments. Four respondents, 3 local government organisations and a licensing body, suggested that the exclusion of a private dwelling place should apply only where it was being used as such.
59. One respondent, a local government organisation, stated that an “outdoor” space should be included in the definition of place.
60. Two local government organisations, which did not indicate if they agreed or disagreed with the recommendation, stated that if an event was held in a private dwelling for financial gain, either for personal or for charitable purposes, it should require an entertainment licence.
61. Three local government organisations suggested that places of worship should be included in the places which were excluded as this would clarify that the current exempt status for such places continues.
62. A local government organisation and a licensing body stated that the exemptions need clarification and, as an example, stated that a private dwelling with large grounds holding an outdoor event that is not for private gain should be exempt. They added that a school

may still need a licence for an event that is widely advertised outside of the local community.

63. One entertainment industry organisation, while agreeing that religious gatherings should be exempt, commented that commercial events held in religious premises should be licensable. It stated that the current blanket exclusion has enabled non-commercial venues to stage events with an unfair cost structure. A licensing body commented that a place of public worship may need a licence for an event that is widely advertised outside of the local community.

Departmental Response

64. ***The Department notes that the majority of respondents supported this recommendation. Under the current entertainment licensing system, an entertainment licence is not required for any music or singing where it is in a place used wholly or mainly for public religious worship or is performed as part of a religious meeting or service. The latter exemption also applies to an outdoor entertainment licence.***
65. ***The Department intends to continue to exempt religious services and meetings from requiring an entertainment licence but accepts that there is an argument for requiring places of worship to have an entertainment licence where they are being used for purposes other than a religious service or meeting, for example, hosting a classical music concert.***

66. ***The Department also intends to continue the current exemption for entertainment - such as school plays, performances by musicians or actors as part of a school's outreach programme - at an educational institution while it is being used as such.***
67. ***The Department will undertake further work to develop more detailed proposals on a definition of a place or place of entertainment.***

Recommendation 7: The legislation should make it clear that “place” includes a temporary structure such as a marquee.

68. A total of 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

69. The majority of respondents, 85% (11), agreed with the recommendation. They comprised 7 local government organisations and 4 entertainment industry organisations. The main reason given for agreeing with the recommendation was that it would clarify the position.

70. Two respondents, a local government organisation and a licensing body, did not state if they agreed or disagreed with the recommendation.
71. Three respondents, 2 local government organisations and a licensing body, stated that a single licence will resolve the current issue where the fire safety requirements for a marquee are the same as for indoor premises, but the noise reduction requirements are the same as for outdoor events. These respondents also suggested that a definition of “place” should be provided. They added that vessels (whether permanently moored or not within territorial waters); vehicles; and any other category of place might be considered for inclusion.
72. One of the two local government organisations suggested that the Department should consider whether the definition of “premises” set out in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 might be a useful model.
73. Another local government organisation stated that the current regime provides for structures such as marquees and asked that a definition of “temporary structure” is included for clarification.

Departmental Response

74. ***The Department notes that the majority of respondents supported this recommendation.***

75. ***The current system of an indoor and an outdoor entertainment licence has lead to some confusion about which type of licence applies to temporary structures such as marquees. The proposed change to a single licence system should remove that ambiguity.***
76. ***The Department notes that the definition of ‘premises’ in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is ‘premises includes any place’.***
77. ***The Department is not persuaded that there is a need to include entertainment in vessels (boats), whether permanently moored within territorial waters or not; in vehicles; and any other category of place. The Department will, however, give further consideration to the possibility of including entertainment on vessels on inland waterways.***

Recommendation 8: Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.

78. 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

79. The majority of respondents, 92% (12), supported the recommendation. The main reasons given for doing so were that this type of premises presents very low risk to public safety, and the premises would still be subject to health & safety and fire safety legislation. Also, there was a very low risk of disturbing local residents. One local government organisation requested clarification in relation to similar games of low risk.
80. One respondent, a local government organisation, whilst supporting the recommendation, commented that the exemption should only apply for low occupancy events (i.e. below 200).

Departmental Response

81. ***The Department notes that the majority of respondents supported this recommendation. In view of the level of general agreement that such places present a low risk to public safety and are unlikely to cause disturbance to people residing nearby, the Department intends to exclude places which hire equipment to play pool, etc. from the future licensing regime.***

Recommendation 9: Matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games, where the audience capacity is 200 or more, should require an entertainment licence.

82. A total of 12 respondents commented on this recommendation and a breakdown is given below.

Category	Number and %
Local Government Organisations	8 (67%)
Entertainment Industry Organisations	3 (25%)
Licensing Body	1 (8%)
Total	12 (100%)

83. The majority of respondents, 75% (9), supported the Review Group’s recommendation. They comprised 6 local government organisations and 3 entertainment industry organisations.

84. The main reason given for supporting the recommendation was that such events with a relatively small audience pose a low risk to public safety.

85. Two (17%) local government organisations did not agree with the recommendation indicating that, in their view, safety is the prime concern and, as the number of people attending the event is irrelevant, there should be no exemption based on audience capacity.

86. A licensing body stated that, although it supported the principle, it considered that the capacity limit of up of 200 was too high and should be reduced to 50. This respondent also suggested that the recommendation should apply to a wider set of activities with similar risk profiles.

Departmental Response

87. ***The Department notes that the majority of respondents supported this recommendation.***
88. ***The Department recognises that it is not possible to eliminate risk completely from any entertainment but questions whether it is appropriate to continue to require these entertainments to have an entertainment licence when the majority of respondents considered them to be of low risk. The Department is therefore of the view that an entertainment licence should only be required for matches, contests or displays of snooker, darts, etc., where the audience capacity is 200 or more people.***

Recommendation 10: An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.

89. A breakdown of the 13 respondents who provided comments on this recommendation is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

- 90. The majority of respondents, 92% (12), indicated that they supported the recommendation. The main reasons given for supporting the recommendation were that cinemas have expanded their activity beyond showing films and cinemas may now be hired out as a venue for entertainment promoted by another organisation.

- 91. One respondent, a local government organisation, did not agree with the recommendation on the grounds that it was unnecessary because the same public safety requirements, standards, certificates, and fire risk assessments, etc. apply in both circumstances and it would result in an additional burden and cost to licensees.

Departmental Response

- 92. ***Although the Department appreciates concerns that requiring an entertainment licence for cinemas may present an additional burden, it takes the view that, where the premises are used for entertainment purposes other than showing films,***

it is appropriate that they are included as places which require an entertainment licence.

Recommendation 11: An entertainment licence should be required whether or not there is an admission charge.

93. 14 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

94. The majority of respondents, 79% (11), supported the recommendation. They comprised 5 local government organisations; 4 entertainment industry organisations; a licensing body; and another organisation.

95. The main reasons given for supporting the recommendation were that public safety and nuisance concerns applied whether or not the entertainment had a charge and it would clarify the legislation. As an example of a current grey area two respondents, a local government organisation and a licensing body, said there is some

uncertainty as to whether the purchasing of raffle tickets is considered to be a charge under the existing legislation.

96. One respondent, a local government organisation, which agreed with the recommendation, suggested that low risk, voluntary, community and church-based events, such as play groups and fund raising events, should be excluded.
97. Three local government organisations did not state whether they agreed or disagreed with the recommendation. Two of the 3 said there was a need to ensure that private events were not inadvertently included. One of the two suggested that if the charge element is removed, entertainment for “private or charitable financial gain” should be licensable.
98. The third local government respondent commented that the Department should consider the impact on local community clubs and on local community related entertainment events.

Departmental Response

99. ***The Department notes that the majority of respondents supported this recommendation, but some respondents had reservations about the potential impact of such a change in legislation on community organisations and events.***
100. ***The Department recognises that there is a need to balance ensuring that event organisers take the appropriate measures for public safety and limiting nuisance to people residing in the local area against adversely affecting the provision of***

community events. The Department will give further consideration to the application of entertainment licensing to free events.

Recommendation 12: Regulated entertainment includes the following:

- a theatrical performance (including a display of hypnotism, and a performance by a comedian);
- 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; and
- any match, public contest, exhibition or display of darts, pool, snooker, billiards or similar game where the audience capacity is 200 or more people.

101. A total of 15 consultees commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	15 (100%)

102. The majority of respondents, 67% (10), indicated that they agreed with the recommendation. These comprised 5 local government organisations, 4 entertainment industry organisations and a licensing body.
103. Two local government organisations, which did not indicate whether they agreed or disagreed with the recommendation, queried the inclusion of “a display of hypnotism” and “a performance by a comedian” as the current legislation covers all theatrical performances. Both also restated their objection to the audience limit for boxing matches, etc.
104. Another local government organisation which did not indicate whether it agreed or disagreed with the recommendation said the definition of music should include streamed music.
105. Two other respondents, which did not state if they agreed or disagreed with the recommendation, commented on the requirement for an entertainment licence where the expected audience is under 500 people. One of these respondents stated that the entertainment licensing legislation should make a distinction between community venues and commercial venues and exempt small community venues with limited capacity.
106. This respondent explained that the vast majority of its halls are rural and only a very few have close-by residential neighbours who would be affected by any entertainment events. The halls operate within extremely limited budgets and rely on local volunteers. In

the respondent's view, entertainment licensing has stifled activity and contributed to closures. If they were exempted from the licensing requirement, whilst it would increase the number of halls holding events, this would still have a low impact on residential areas.

107. Both respondents referred to the position in England & Wales where events featuring live or recorded music (where it is in a venue with an alcohol licence or certain other premises, such as, a school), held during the hours of 08:00 and 23:00, with an expected audience of under 500 people, do not require an entertainment licence. One respondent commented that the deregulation in England & Wales had contributed to an increase in the number of live music events and highlighted the associated economic benefits. This respondent stated that music tourism in Northern Ireland sustains almost 700 full-time jobs and sees 260,000 visitors come to Northern Ireland specifically for music events. A relaxation of the licensing requirement for live music would, therefore, be financially beneficial to Northern Ireland.
108. This respondent went on to say that it is a common perception that live music performances will cause a public nuisance by way of noise, but that an estimated 90% of noise complaints relate to music from domestic premises. In addition, the PSNI and councils already have powers to provide ample protection for the public.
109. Two respondents who agreed with the recommendation sought clarification. One, a local government organisation stated that guidance is needed as the proposed definition may give rise to

issues around whether other types of entertainment should be regulated, for example fashion shows, a night at the races, a pub quiz, large screen TV sports events, clairvoyant performances, etc. The other, an entertainment industry organisation asked if a jukebox, or background music, or showing a sports match on TV is to be treated as regulated entertainment.

110. A licensing body recommended that the Department considers the definition of “entertainment” provided by the Civic Government (Scotland) Act 1982.

Departmental Response

111. ***The Department notes that the majority of respondents supported this recommendation because it will provide clarification about entertainment requiring a licence.***
112. ***The Department notes that some respondents requested further clarification and the Department will undertake further work on the definition of entertainment to be included in future legislation.***
113. ***The Department will also give further consideration to possible exemptions for live or recorded music events with a limited audience.***
114. ***The Civic Government (Scotland) Act 1982 does not define entertainment. It lists a number of exclusions to places of public entertainment. In Scotland, each licensing authority***

(the council) must make a resolution specifying which types of entertainment require an entertainment licence. This has resulted in considerable differences in practice among councils.

Recommendation 13: The Department should be able to amend the list of regulated entertainment through subordinate legislation.

115. 14 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

116. All of the respondents agreed with the Review Group's recommendation.

117. The main reasons given for supporting the recommendation were that, when appropriate, the Department would be able to add new forms of entertainment which would be beneficial to licensees and councils. A licensing body stated that the ability to move quickly will be especially beneficial where a particular risk is identified.

Departmental Response

118. ***The Department welcomes the level of support for this recommendation. The Department proposes to seek Assembly approval to amend the list of regulated entertainment by subordinate legislation. Such subordinate legislation would be subject to the approval of the Assembly.***

Recommendation 14: One council should be responsible for carrying out all the standard tent checks for a travelling circus. When a travelling circus locates to a district council area, that council will be responsible only for carrying out the site-specific checks prior to issuing the licence.

119. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

120. The majority of respondents, 79% (11), indicated that they agreed with the recommendation. They comprised 7 local government

organisations; 3 entertainment industry organisations; and a licensing body.

121. The main reasons given for supporting the recommendation were that it would reduce the burden on circuses and result in a more streamlined system. Other reasons given were that it would remove the anomaly where some councils issue an entertainment licence for a travelling circus and other councils do not and it would make enforcement easier.
122. Two local government organisations which agreed with the recommendation stated that it should be extended to include all similar travelling shows.
123. One entertainment industry organisation did not state whether it agreed or disagreed with the recommendation but did say it would like to see a more streamlined and consistent approach by district councils.
124. Two respondents, one entertainment industry organisation and one other organisation, raised the issue of the lack of enforcement action against circuses which ignore the legislation. Often such circuses have left the jurisdiction before the council has time to take enforcement action. Both respondents said that powers are required to allow councils to impose fines and to close or remove the circus. One of the two also said that there should be a requirement for circuses to comply with the Welfare of Animals Act (Northern Ireland) 2011.

125. One local government organisation, which appeared to disagree with the recommendation, stated it would not deliver efficiencies as each council would be required to satisfy itself of standards and conditions before issuing a licence for its jurisdiction. It also stated that there is no longer a requirement for circuses to have an entertainment licence in England and Wales. This respondent suggested that further consideration is needed as this issue is addressed differently across Northern Ireland.
126. Several respondents commented on how the proposed recommendation would work in practice.

Departmental Response

127. ***The Department notes that the majority of respondents supported this recommendation.***
128. ***The Department also notes the comments by some respondents about the decision by the Coalition Government to remove the requirement in respect of travelling circuses in England & Wales for a circus to have an entertainment licence, where the circus has not been on the same site for 28 days and is not putting on an exhibition of film, boxing or wrestling entertainment. The Coalition Government did so because the requirement for an entertainment licence meant that travelling circuses were subject to a higher regulatory burden than fixed premises.***

129. ***There is a variety of practice in the other regions of the British Isles. In Scotland, some councils require travelling circuses to have an entertainment licence and others do not. In the Republic of Ireland a travelling circus requires an entertainment licence only when it will occupy the site for 15 days or more.***
130. ***The Department takes the view that the current system is overly burdensome on travelling circuses and steps should be taken to reduce that burden.***
131. ***The proposal to remove the requirement for applicants to advertise in newspapers (recommendation 21) would alleviate some of the regulatory burden. Also the proposed additional enforcement powers for council officers (recommendations 30 and 31) may help in addressing the issue of unlicensed circuses.***
132. ***The Department notes one respondent's concerns about the welfare of animals. Travelling circuses are subject to the Welfare of Animals Act (Northern Ireland) 2011 while they are in Northern Ireland and are inspected regularly to ensure that welfare standards are being met. The Department of Agriculture and Rural Development (DARD), which has primary responsibility for animal welfare issues, has put in place a protocol with the Department of Agriculture, Food and the Marine which provides for the inspection of the animals before they move back to the South. The Department will liaise with DARD on whether additional legislation is required to protect animals in travelling circuses.***

133. *The Department also notes that two respondents called for this recommendation to be extended to cover all travelling shows. Other travelling shows, such as fun fairs or pleasure fairs, can be regulated by bye-laws made under Article 67 of the Pollution Control and Local Government (NI) Order 1978. The Department is not aware of any pressing need to include pleasure fairs in entertainment licensing but will give the matter further consideration.*
134. *The Department notes that several respondents commented on how the proposed system would operate. There is a question of whether this system should be included in legislation or whether it would be more appropriate for councils to agree a working arrangement through a collective body such as the Institute of Licensing or the Licensing Forum Northern Ireland. The Department will consult with councils, the two licensing bodies and circuses about the most appropriate method of implementing this recommendation.*

Recommendation 15: A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council. Alternatively, if this is considered too great a change, a normal licence should be valid for at least 5 years.

135. A total of 16 consultees commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (50%)
Entertainment Industry Organisations	5 (31%)
Licensing Body	1 (6%)
Other	2 (13%)
Total	16 (100%)

136. Four respondents (25%) supported the proposal for having a normal licence that would be valid until surrendered by the licence holder or revoked by the council. They comprised 2 entertainment industry organisations; a local government organisation; and another organisation.
137. One of the entertainment industry organisations said this would be consistent with European Union Services Directive 2006/123/EC and the other organisation indicated that the removal of the costs associated with a yearly system, such as the costs of electrical installation certificates and advertising, would be of great assistance to businesses.
138. One respondent, an entertainment industry organisation, supported the recommendation, but did not indicate which option it preferred.
139. Three respondents, a local government organisation, a licensing body, and another organisation indicated that they were in favour of a normal licence that is valid for 5 years.

140. Three local government organisations stated that the licence period should be for up to 5 years, to allow for those cases where the council considers it appropriate to grant an initial licence for a shorter period.
141. Two other local government organisations expressed a preference for a 3 year licence.
142. One entertainment industry organisation stated that a licence period of 5 to 10 years would advantageous.
143. Another entertainment industry organisation said that the licence period should be extended but did not indicate a preferred duration.
144. The final respondent, a local government organisation, did not state whether it agreed or disagreed with the recommendation.
145. While no respondents suggested that the annual licence should be retained, indeed two local government organisations stated that the vast majority of licences each year are granted without issue, a considerable number (9) had reservations about a move to a permanent licence. Although some of these respondents were reasonably content to agree to a maximum period of five years, they wanted councils to have the flexibility to set a shorter duration period where it was considered appropriate.
146. A number of the respondents commented that, with a longer licence period, the provision to enable the council to review the licence at any time over that period and take the appropriate remedial action, was of particular importance.

Departmental Response

147. ***The Department notes that the majority of respondents did not support a permanent licence but there was support for the introduction of a longer licensing period. There was, however, no clear preference for a particular length of time.***
148. ***The Department acknowledges that there may be merit in a stepped programme for increasing the duration of an entertainment licence and will bring forward more detailed proposals on such a programme, perhaps starting with a 3 year licence. To enable changes to the duration of a licence to be made as quickly as possible, the Department will investigate the possibility of including a power, in primary legislation, to enable this change to be made by subordinate legislation. The subordinate legislation would, of course, be subject to the agreement of the Assembly.***
149. ***The issues raised with regard to a council's ability to review the licence are discussed at recommendations 24, 25 and 26.***

Recommendation 16: The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.

150. 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

151. The majority of respondents, 92% (12), indicated that they supported the Review Group’s recommendation but several said that, in their experience, there is no demand for an occasional licence for 14 specified days.

152. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but did query why there were two categories for a 14 day licence.

Departmental Response

153. ***In view of the level of support for the retention of the 14 day occasional licence the Department proposes to do without the two categories i.e. 14 specified days category or 14 unspecified days. An occasional licence would, therefore, simply be for a 14 day period during the twelve months from the date the licence is granted.***

Recommendation 17: Licence holders (other than for an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.

154. A total of 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

155. The majority of respondents, 92% (12), supported the recommendation.

156. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but commented that alterations are regulated under building regulations and further consideration of the process and penalty is required.

157. The main reasons given for supporting the recommendation were that, it would enable the council to assess if there any implications for the safe provision of entertainment and ensure that premises remain fully compliant with the licensing terms and conditions.

158. One entertainment industry organisation stated that councils will have a responsibility to act reasonably and without undue delay in agreeing the modifications or changes and asked if there would be a cost.
159. Two local government organisations stated that this should also apply to occasional licences.

Departmental Response

160. ***The Department notes that the vast majority of respondents supported this recommendation.***
161. ***The Department, therefore, proposes to include provision, in the future licensing regime, requiring licence holders to agree any modifications or changes to the premises with the council before any work starts.***
162. ***The Department would question the need to apply this to occasional licence holders as it is not aware that the absence of such a requirement has caused a problem to date. The Department will, however, give the matter further consideration.***

Recommendation 18: Provision for a temporary licence should be introduced which would apply to one event in a 12 month period from the date the licence is granted. The licence should be restricted to events of no more than 3 consecutive days where:

- the expected audience is no more than 499 people; and
- the hours of entertainment are from 9:00 to 23:00 only.

An application may be submitted up until 21 days prior to the event, but the council should have discretion to accept a late application if it considers it reasonable to do so.

The council would have to make a determination by, at the latest, 24 hours before the entertainment is scheduled to begin.

A person should not be permitted to apply for a temporary licence for an event where the council has already refused to grant a normal or occasional licence for the same event.

163. 15 respondents commented on this recommendation and a breakdown is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	15 (100%)

164. The majority of respondents, 87% (13), supported the recommendation. The main reason given for doing so was that the current licensing system cannot accommodate those occasions, generally during a local festival or themed event, when organisations or businesses which do not usually apply for an entertainment licence, wish to do so for a short-term event. One entertainment industry organisation supported the recommendation because it would make it easier for live music events to be held and may protect the career progression of young musicians.
165. Two local government organisations did not support the recommendation. One suggested that, as there was already provision for an occasional licence, a temporary licence could only be considered on a one-off basis but it would not be appropriate to allow this to happen every year. The other local government organisation considered that the proposal was too restrictive for organisations in terms of both audience size and the permitted hours.
166. Four respondents who agreed with the introduction of a temporary licence, 3 local government organisations and a licensing body, asked about the rationale for restricting such events to finishing at 23:00. The 3 local government organisations stated that they are keen to promote the night-time economy and provide variety for citizens and tourists alike. One of these respondents also suggested that the capacity figure (no more than 499) should be lowered.

167. Three respondents, two local government organisations and another organisation, suggested that the requirement that the council make a determination by, at the latest, 24 hours before the event was scheduled to take place was too short.
168. One local government organisation said this could present difficulties as a refusal required the agreement of the council. Another organisation had concerns that deciding whether or not to grant a licence for up to 3 days for an event with an audience of up to 500 people as late as 24 hours before it was scheduled to start could present problems with it resourcing the event, public safety and traffic management. The respondent suggested a decision should be made at least 72 hours before the event was scheduled to start.
169. An entertainment industry organisation stated that there should also be a temporary licence for an event for 500 and more people. It stated that such events are the primary driver of business so the process of staging them should be simplified while at the same time regaining good practice on public safety and order.

Departmental Response

170. ***The Department notes that, while the majority of respondents supported the introduction of a temporary licence, there were a wide variety of views on the detailed provisions that should apply to such a licence.***

171. ***The Review Group suggested an audience limit of 499 because it was considered that larger events take considerable planning and the organiser would have sufficient time to make an application for a ‘normal’ or occasional licence.***
172. ***The 23:00 limit was suggested by the Review Group because entertainment finishing at that time does not present an undue disturbance to people living in the area. As the short processing time does not give local residents an opportunity to comment on the licence application, it was not considered appropriate to allow the entertainment to continue beyond 23:00.***
173. ***The Department notes the concerns raised by respondents about the relatively short time-frame for processing and determining temporary licences and acknowledges that the introduction of a temporary licence would mean some adjustment in council practices.***
174. ***The Department considers there would be merit in having a temporary entertainment licence but is of the view that further consideration needs to be given to the detail of how such a licence would operate in practice.***

Recommendation 19: Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises. This change should be made at the earliest available opportunity.

175. A total of 18 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (44%)
Entertainment Industry Organisations	5 (28%)
Licensing Body	1 (6%)
Other	4 (22%)
Total	18 (100%)

176. Eight respondents (44%) indicated that they supported the Review Group’s recommendation. They were made up of 2 local government organisations; 3 entertainment industry organisations; and 3 other organisations.

177. Another entertainment industry organisation indicated that it would support the Review Group’s recommendation, but only if the Department of Social Development amended the current licensing hours to allow a combination of a licence to sell alcohol until 2am and a 1 hour ‘drinking up time’.

178. Seven respondents (39%) indicated that they did not agree with the recommendation. The 7 respondents were 4 local government organisations; a club event promoter; an individual; and a licensing body.
179. Another local government organisation did not state if it agreed or disagreed with the recommendation but expressed concerns that the recommendation could be counter-productive to other initiatives to promote the night-time economy.
180. The final respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but stated that, if implemented, the current exemption for premises with an alcohol licence and registered clubs should be removed. This exemption means that premises with an alcohol licence and registered clubs, which also have an entertainment licence, can continue to provide entertainment after the time specified on the entertainment licence, as long as it is within the time specified on the alcohol licence. (This exemption was also raised by 2 other local government organisations and a licensing body).
181. The main reasons given for supporting the recommendation were that it would clarify the finishing time for entertainment in licensed premises, reduce the scope for illegal alcohol sales, and assist in the enforcement of alcohol licensing.
182. The main reason given for disagreeing with the recommendation was that it restricts licence holders, who also have an alcohol licence, and have no intention of permitting the sale or

consumption of alcohol beyond the permitted hours, from continuing to provide entertainment. Three respondents, two local government organisations and a licensing body, commented on the need to promote the tourism and the night-time economy, along with the demand for entertainment past 1:30 am. An individual referred to an on-line petition with 1,000 signatures calling for later alcohol and entertainment licensing hours.

183. Another respondent, a club event promoter, suggested that an alignment of the licensing hours would have a negative impact on clubs and similar venues.

Departmental Response

184. ***The Review Group's recommendation was made against the background of:***

- ***the Department of Social Development's review of the alcohol licensing hours;***
- ***the expected increase in late licensing hours; and***
- ***the agreement by the then Minister for Social Development, Nelson McCausland, and the then Minister of the Environment, Alex Attwood, that there should be an alignment of the hours of the two licensing systems.***

185. ***The Department considers that there is a balance to be struck between assisting the promotion of a night-time economy and preventing unscrupulous operators from exploiting any difference in the hours for an entertainment licence and that for the sale and consumption of alcohol. The Department will***

give further consideration to the possible alignment of the hours of the two licensing systems.

Recommendation 20: On the insolvency of a licence holder, the licence may be reinstated to another person and remain in force for a discrete period of time. The legislation should clarify the accountability for any breach of an entertainment licence that has been transferred to an administrator or other insolvency office-holder.

186. 17 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (47%)
Entertainment Industry Organisations	4 (23%)
Licensing Body	1 (6%)
Other	4 (23%)
Total	17 (100%)

187. The majority of respondents 88% (15) agreed with the recommendation.

188. One respondent did not agree that an entertainment licence should lapse and be reinstated to another person on the occurrence of all the forms of insolvency suggested in the consultation document.

The respondent also provided some very helpful information on the insolvency process.

189. The final respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but asked for further clarification on what is meant by 'discreet period'.
190. The main reason given for supporting the recommendation was that it would provide clarification on who has responsibility for the entertainment licence in the event of insolvency.

Departmental Response

191. ***The Department notes that the majority of respondents supported this recommendation. The Department recognises that this is a complex area and is grateful for the comments made by those respondents with a detailed knowledge of insolvency law and procedures. The Department is of the view that the entertainment licensing legislation should include provision for the insolvency of a licence holder and will give further consideration to the detail of such provision.***

Recommendation 21: The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:

- **applicants displaying a notice for 21 days at the place where the entertainment will be provided; and**
- **councils making details of all applications received available on their websites.**

192. 15 respondents provided comments on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	5 (33%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	15 (100%)

193. The majority of respondents, 93% (14), indicated that they supported the Review Group’s recommendation.

194. The other respondent, an entertainment industry organisation, suggested that circuses should be exempt from the proposed display of a notice at the place where the entertainment will be provided because, in many cases, this would be a field or site with no public access.

195. The main reasons given for supporting the recommendation were that it would be a saving to businesses and organisations and that there was no evidence to suggest that newspaper advertisements actually promoted objections. Four respondents, 2 local government organisations, an entertainment industry organisation and a licensing body, stated that a notice at the place where the entertainment will be held and on the council website would alert more people to the application.

196. One local government organisation suggested that the Department should consider a form of neighbour notification similar to that enacted under planning legislation.
197. A few respondents made comments about the need for the notice to be clear and asked what would happen if the notice was vandalised.

Departmental Response

198. ***The Department notes that there was a significant level of support for the removal of the requirement for newspaper advertisements. The Department therefore proposes to take forward the recommendation that future legislation should require applicants to display a notice at the place the entertainment will take place and details will be made available on council websites.***
199. ***The final proposals will include details of the form of the notice and what action should be taken in the event of failure to comply or vandalism.***
200. ***The Department acknowledges the proposal is not entirely suitable for travelling circuses and will give further consideration to this issue.***

Recommendation 22: On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.

201. A total of 15 respondents commented on this recommendation and a breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
Total	15 (100%)

202. All but one of the respondents, 14 (93%), indicated that they supported the Review Group’s recommendation. The other respondent asked for clarification on what form the consultation would take.

Departmental Response

203. ***The Department is of the view that consultation with the PSNI and NIFRS is an essential step in a council’s assessment of any licence application. Consultation and requests for comments on a licence application would normally be made in writing. The Department is not aware of any reason that this should not apply to consultation in the case of an application for a temporary licence.***

Recommendation 23: Councils should be required to keep a register of all entertainment licences and make this available for inspection by the public. Councils should be encouraged to make the licensing register available on their websites.

204. 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

205. All but one of the respondents, 12 (92%), indicated that they supported the Review Group's recommendation.

206. The remaining respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but queried how the licensing register was to be available for viewing control.

207. The main reasons given for supporting the recommendation were that it was a positive step in alerting the public to details of licensed entertainment and it could prove useful in terms of tourism and promoting the night-time economy.

Departmental response

208. *The Department welcomes the level of support for this recommendation and intends to include provision to that effect in the future licensing regime. Usually when the public are granted access to written registers it is at the organisation’s offices (in this case the council) during normal business hours. The Department intends to make provision to that effect in the legislation.*

Recommendation 24: Councils should have the power to vary a licence at any time. Licence holders, the PSNI and the NIFRS must be notified of the council’s intended variation, and must be given the opportunity to be heard by the council.

209. 15 respondents provided comments on this recommendation. A breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
Total	15 (100%)

210. The majority of respondents, 87% (13), indicated that they supported the Review Group’s recommendation.

211. The other two respondents, a local government organisation and another organisation, did not indicate if they agreed or disagreed with the recommendation.
212. The main reason given for supporting the recommendation was that it would give an effective means of addressing issues during the proposed longer licensing period, rather than waiting to the renewal stage. It would also allow councils to amend the terms and conditions of all licences, collectively, when circumstances dictate.
213. Three respondents, two local government organisations and a licensing body, suggested that it would be more appropriate to refer to a power to “review”, rather than “vary”, a licence at any time.
214. These respondents also said stronger powers are essential and suggested that the grounds to vary and revoke licences are reviewed to ensure they compliment all of the proposed regime and cover, for example, serious misconduct on the part of the licensee.
215. One respondent, a local government organisation, advised the Department to consider the conditions for variation and the process for objection. It added that consideration should also be given to the impact of an extended objection process.
216. Another respondent stated that variation of a licence requires NIFRS to be notified and given an opportunity for any fire safety concerns to be raised.

Departmental Response

217. ***The Department notes that the majority of respondents supported this recommendation.***
218. ***The Department agrees that councils need an appropriate range of powers to deal with issues that arise during the licensing period. The power to vary (or review) a licence is designed to give all parties the opportunity to consider the complaint and take the necessary remedial action. It is expected that in most cases this would be through an amendment to the conditions of the licence.***
219. ***The Department will undertake further work on more detailed proposals, including the time periods for dealing with these reviews.***

Recommendation 25: Licence holders should be required to notify the council of any material change affecting the licence holder or the entertainment specified in the licence.

220. 14 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

- 221. All but one of the respondents, 13 (93%), supported the Review Group’s recommendation. The main reason given for supporting the recommendation was that it would give an effective means of addressing any issue during the licensed period, rather than waiting to the renewal stage.

- 222. The other respondent, a local government organisation, which did not indicate whether it agreed or disagreed with the Review Group’s recommendation, asked about the penalty process for non-notification.

- 223. Three respondents, two local government organisations and a licensing body, stated that the notification must not detract from a council’s ability to request an application for the transfer of the licence where it sees fit.

- 224. One entertainment industry organisation stated that “material” must be defined.

Departmental Response

225. **The Department notes the level of support for this recommendation and will undertake further work on more detailed proposals.**

Recommendation 26: Interested parties must be able to make representations about a licence in effect, at any time throughout the duration of the licence. Licence holders must be notified of the details of the representation and given the opportunity to be heard by the council.

226. A total of 14 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

227. The majority of respondents, 86% (12), supported the recommendation.

228. The other 2 respondents, both local government organisations, did not indicate if they agreed or disagreed with the recommendation.

One of these organisations asked the Department to consider variations and objections and the impact of vexatious objections and multiple objections on the administrative process. It recommended that there should be a period of protection against such objections. The other organisation stated that measures would have to be put in place to manage this process and prevent vexatious objections.

229. Three of the respondents who agreed with the recommendation, two local government organisations and a licensing body, also raised the issue of vexatious complaints. They suggested that the Department should develop clear guidance on what does, and does not, constitute a representation; and how and when they may be received. They stated that this would ensure that valid representations - namely those that are not repetitious, malicious, or vexatious - are remedied.
230. Two of these respondents suggested that the Department draw on the definition of “interested parties” in place in other parts of the United Kingdom. One of the two added that the Department should follow the example of Scotland where only the council or the police can ask for a review, and noted that this was to stop repetitious, malicious, or vexatious requests.
231. One local government organisation stated that any allegations connected to crime, disorder and anti-social behaviour must be supported with evidence from PSNI.

Departmental Response

232. ***The Department notes the concerns about vexatious objections but considers that it is essential that people residing or carrying on business in the vicinity of the place of entertainment have the opportunity to bring forward complaints at any time during the licensing period.***
233. ***The Department acknowledges that there would be merit in including a definition of who could complain along the lines of that used in the Licensing Act 2003. It defines an interested party as:***
- ***a person living in the vicinity of the premises,***
 - ***a body representing persons who live in that vicinity,***
 - ***a person involved in a business in that vicinity,***
 - ***a body representing persons involved in such businesses,***
and
 - ***a member of the relevant licensing authority.***
234. ***The Department does not consider it appropriate to constrain a council's discretion in determining what are valid representations but will consider including a specific reference to a council's power to disregard any representations which were previously made and considered or, are in the opinion of the council, frivolous or vexatious.***

Recommendation 27: The current provision allowing councils to make provisional grant of a licence for premises which are to be, or are in the process of being, constructed should be retained.

235. 12 respondents commented on this recommendation. A breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (67%)
Entertainment Industry Organisations	3 (25%)
Licensing Body	1 (8%)
Total	12 (100%)

236. All of the respondents indicated that they supported the Review Group’s recommendation.

Departmental Response

237. ***The Department notes that all of the respondents were in favour of retaining the ability to grant a provisional licence to premises which are under construction and will ensure that this remains a feature of the licensing regime.***

Recommendation 28: On the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months. The council should have the discretion to extend this period if the estate has not been settled.

238. A total of 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

239. All but one of the respondents, 12 (92%), who provided comments on this recommendation agreed with the Review Group’s recommendation.

240. The other respondent, a local government organisation, did not indicate if it agreed or disagreed with the recommendation but asked for further clarification on ‘discreet period’ and how this fitted with the process of transferring a licence.

241. One local government organisation commented that its experience suggests that a period of 3 months may be insufficient, and it is important that any period of extension is at the discretion of the council.

Departmental Response

242. *The Department acknowledges that there is a wide variation in the time that may be required to complete the winding up of an estate and 3 months may not be sufficient to do so. The Department takes the view that councils should have the flexibility to determine the length of any extension period on a case by case basis.*

Recommendation 29: Councils should be required to have a scheme of delegation of decisions in relation to entertainment licences.

243. 13 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

244. The majority of respondents, 85% (11), supported the recommendation. The main reason given for doing so was that this recommendation would ensure that the licensing system runs smoothly and effectively, with as few hold ups as possible.

245. Two local government organisations disagreed with the Review Group's recommendation on the grounds that it is for each council to decide how to fulfil its licensing functions, and indicated that additional legislation is not required.
246. Some respondents commented on how the system should operate in practice. One respondent, a licensing body, suggested that each council should have a separate licensing committee with full delegated powers to deal with the proposed fast track approach.
247. An entertainment industry organisation stated that, where a decision is delegated, there must be provision for appeal, or representations, to a higher authority within the Council.

Departmental Response

248. ***The Department considers that there would be merit in councils having a scheme of delegation for entertainment licensing as is the case for many other council functions, such as planning applications. The Department will, therefore, bring forward more detailed proposals on this issue for consideration.***
249. ***As a matter of good practice councils should have an appeal mechanism (or complaint procedure) already in place which can be adapted as appropriate for entertainment licensing.***

Recommendation 30: A system of fixed penalties for breaches of the licensing system should be introduced.

250. 15 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (53%)
Entertainment Industry Organisations	4 (27%)
Licensing Body	1 (7%)
Other	2 (13%)
Total	15 (100%)

251. The majority of respondents, 13 (87%), indicated that they supported the Review Group’s recommendation.

252. One respondent, a licensing body, disagreed with the recommendation because it was unconvinced of the effectiveness of fixed penalties and suggested they have never been a deterrent in other licensing regimes, such as street trading.

253. The other respondent, a local government organisation, did not indicate if it agreed or disagreed but stated that any revenue should be returned to the council. This point was also made by another local government organisation which supported the recommendation.

254. The main reasons given for supporting the recommendation were that fixed penalties will reduce the enforcement burden on councils, limit legal costs and offer an appropriate graduated approach towards enforcement against those guilty of more minor offences.
255. One respondent stated that the introduction of a penalty system would appear to be in the public interest as it could potentially reduce costs, and enable offences to be dealt with in an expedient manner. This respondent suggested that, as well as monetary penalties, a graduated points system should be included along with provision for the potential withdrawal of the licence.
256. Some general points were made about a fixed penalty system. One local government organisation stated that the fine must be proportionate to the breach and act as a deterrent. It also suggested that further discussions are needed in relation to an adequate level of fine associated with breaches.
257. Three respondents, two local government organisations and a licensing body, stated that provision must be made to ensure that, if a licensee has paid a fixed penalty, the council should have regard to this at the subsequent renewal.

Departmental Response

258. ***The Department notes that the majority of respondents supported this recommendation.***

259. ***The Department considers that the introduction of fixed penalties would be beneficial as it would allow councils to address breaches of the legislation and licence conditions quickly and appropriately. It would also reduce the burden on the Courts.***
260. ***In view of the level of support for the introduction of fixed penalties, the Department will undertake further work on the detail of a fixed penalty system including the level of fixed penalties.***
261. ***It is usual for the legislation on a fixed penalty system to include provision to enable the fines to be used to meet the cost of enforcement. The Department would propose that, if fixed penalties are introduced, councils would be able to use the fines to assist in financing entertainment licensing enforcement.***

Recommendation 31: Authorised officers of the council should have a power of entry to places where there is reasonable cause to suspect that unlicensed entertainment is being provided.

262. A total of 14 respondents commented on this recommendation. A breakdown is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

263. All of the respondents supported this recommendation. The main reasons given for supporting the recommendation were that it would address the difficulties councils have had with unlicensed entertainment and it will complement the existing powers of entry to licensed premises. Also, that it would enable councils to gather evidence and determine whether or not an offence has been committed.

Departmental Response

264. ***The Department notes that all of the respondents were in favour of the recommendation as it will assist councils in taking action against people providing unlicensed entertainment.***

Recommendation 32: It should be an offence to refuse entry to an authorised officer of the council.

265. 14 respondents commented on this recommendation and a breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

266. All of the respondents indicated that they supported the Review Group’s recommendation.

267. The main reasons given for supporting the recommendation were that it would enable effective enforcement and similar provision exists for other licensing areas.

Departmental Response

268. ***The Department notes that all of the respondents were in favour of the recommendation.***

269. ***The Department considers that it should be an offence to refuse an authorised officer of the council access to unlicensed premises in the same manner as it is currently an offence to refuse entry to premises which have an entertainment licence.***

Recommendation 33: Councils should also be able to obtain a warrant authorising forced entry to a place where it is suspected that unlicensed entertainment is being provided.

270. A total of 14 respondents commented on this recommendation. A breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

271. All of the respondents agreed with this recommendation. The main reason given for doing so was that it would enable effective enforcement of the legislation.

272. Two local government organisations stated that the provision should also be available in any circumstances in which a council believes an offence has taken place, and that it should not be restricted to unlicensed entertainment.

Departmental Response

273. ***The Department notes that all of the respondents were in favour of the recommendation.***

274. ***The current legislation already allows an authorised officer to enter any licensed premises where the officer has reason to suspect that an offence is being committed. If entry is refused, the licence holder has committed an offence and the authorised officer can seek a warrant authorising forced entry, if necessary. The recommendation that councils should be able to apply for a warrant authorising forced entry to unlicensed premises is, therefore, in addition to the current provision.***

Recommendation 34: Authorised officers of the council should have the power to examine and take copies of records relating to the maintenance of safety at places providing entertainments.

275. A total of 14 respondents commented on this recommendation. A breakdown of respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Other	1 (7%)
Total	14 (100%)

276. All but one, 13 (93%), of the respondents indicated that they supported the Review Group's recommendation. The main reason given for this was that it would assist with effective enforcement of the legislation.
277. The other respondent did not indicate whether it agreed or disagreed with the recommendation but sought clarification on legislative powers.
278. Three respondents, two local government organisations and a licensing body, suggested that the Department should consider incorporating similar powers of entry and seizure to those in the Sunday trading legislation.

Departmental Response

279. ***The Department welcomes the level of support for this recommendation and will give consideration to the suggestion of having similar provision to that in the Sunday trading legislation. The Shops (Sunday Trading) (Northern Ireland) Order 1997 gives a council-appointed inspector a right to enter any premises within the district, at all reasonable hours, to ascertain if an offence has been committed. The inspector is also permitted to require the production of records, inspect, and take copies of records that the inspector considers relevant to determining whether the trader has contravened the Sunday trading legislation.***

Recommendation 35: Model terms, conditions and restrictions for entertainment licences should be provided by the Department. Tailored model terms, conditions and restrictions should be produced for circuses, charity boxing matches and acts of hypnotism.

280. A total of 13 respondents commented on this recommendation. A breakdown of the respondents is given below.

Category	Number and %
Local Government Organisations	8 (61%)
Entertainment Industry Organisations	4 (31%)
Licensing Body	1 (8%)
Total	13 (100%)

281. All of the respondents agreed with the recommendation. The main reasons given for doing so were that a review of the model terms, conditions and restrictions for an entertainment licence will ensure that they are up-to-date and suitable for the current types of entertainment.

282. Three respondents, two local government organisations and a licensing body, suggested that the tailored model terms, conditions and restrictions should not be restricted to circuses, charity boxing matches and acts of hypnotism.

283. One local government organisation stated that guidance is needed for applicants and premises management.

284. An entertainment industry organisation stated that model terms, conditions and restrictions should be uniformly applied throughout Northern Ireland.

Departmental Response

285. ***The Department notes that all of the respondents were in favour of the recommendation.***

286. ***The Department appreciates that commercial premises, such as hotels, would prefer that the model terms, conditions and restrictions for an entertainment licence were applied uniformly across the 11 council districts. The Department does not, however, propose to limit councils' discretion to set terms, conditions and restrictions as the council sees fit.***

287. ***The Department does not consider that it is possible for the model terms, conditions and restrictions to cover every eventuality. Rather, the model terms, conditions and restrictions published by the Department are designed to provide examples which the council can use if it wishes.***

Recommendation 36: Councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at entertainment and the terms and conditions may be such as to involve alterations or additions to the venue.

288. 14 respondents commented on this recommendation. A breakdown of the respondents is given below.

Category	Number and %
Local Government Organisations	8 (57%)
Entertainment Industry Organisations	4 (29%)
Licensing Body	1 (7%)
Others	1 (7%)
Total	14 (100%)

289. All of the respondents indicated that they supported the Review Group's recommendation.

290. One respondent, a local government organisation, asked for a full review of the model terms, conditions and restrictions for entertainment licences.

291. Some respondents made comments on areas which the model terms, conditions and restrictions should include such as British Standards and Codes of Practice, and enabling fire safety matters to be dealt with without being contrary to the Fire Services (Northern Ireland) Order 2006.

292. One respondent commented that the Fire and Rescue Services (Northern Ireland) Order 2006 and changes in subsequent years have resulted in confusion about fire safety. It stated that clear recommendations linked to a solution are needed.

293. Two local government organisations stated that any new model terms and conditions should have regard to Building Regulations.
294. One respondent, a licensing body, suggested that the Department should consider that body's draft Guidance on Premises Licence Conditions for the Licensing Act 2003. It explained that the aim of the document is to provide clear guidance on the proper and effective use of conditions, with guiding principles and precedent conditions designed to provide appropriate wording that can be considered for inclusion on a licence.

Departmental Response

295. ***The Department notes that all of the respondents were in favour of the recommendation.***
296. ***The Department considers that where there is existing legislation covering an area, such as building regulations or noise pollution, it is not necessary to replicate that legislation in the model terms, conditions and restrictions for an entertainment licence.***
297. ***The Department will continue to work with local government and entertainment industry organisations to develop a set of model terms, conditions and restrictions for entertainment licences.***

General Comments

298. Although the Entertainment Review Group did not make any recommendations with regard to the fees for entertainment licences, a number of respondents made comments

Fees: Capacity-based

299. Two local government organisations stated that fees should be determined by capacity.

300. An entertainment industry organisation, however, took the view that fees should not be determined by capacity, as capacity-based fees will unfairly penalise rural premises with large venues. Changes in consumer behaviour and a growth in home drinking has left these premises under-used and struggling to survive and such venues may only reach full capacity once a year. An additional cost, based on capacity, will result in closures of rural premises which will impact on local jobs and local family businesses.

301. One local government organisation stated that a new fee structure is needed.

Departmental Response

302. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

Fees: Costs and Cost Recovery

303. Two local government organisations were of the view that the implementation of the recommendations was unlikely to result in a reduction in council costs.
304. Another local government organisation was of the view that, although the Review Group had suggested that the recommended changes to the licensing regime should result in decreased costs for councils, it was unclear as to where the decreased costs would occur.
305. Three respondents, two local government organisations and a licensing body, stated that there must be provision to enable councils to levy fees on an annual basis to ensure the administration is cost neutral.
306. One of the two local government organisations stated that fees should be set locally by the relevant district councils to enable councils to recover the full cost of administering the licensing function.
307. The other local government organisation and the licensing body stated that fees should be set by the Department to ensure that there is a consistent charging mechanism across Northern Ireland at a level that will enable the full cost of administering the licensing function to be recovered.

308. An entertainment industry organisation stated that the structure of fees and inspection could be altered to allow entertainment and other licences to be issued and inspected at the same time. It also stated that if the licence duration was extended, for example to 5 years, then a tick-box exercise could be put in place at a minimal fee with inspection by exception. It also said there should be a uniform fee structure throughout Northern Ireland.
309. Another entertainment industry organisation encouraged the Department not to impose a substantial increase of fees.
310. Another respondent stated that if small community events are to require a licence, there should be a concessionary rate of fee.

Departmental Response

311. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

Fees: Voluntary Organisations

312. A local Government organisation stated that the current definition of 'voluntary organisations' is inadequate and needs further clarification. Clear guidance will provide for a consistent approach in relation to such organisations across the 11 district councils.

Departmental Response

313. ***The Department notes the comments. The Department will undertake further work on more detailed proposals including the fees which should apply.***

Personal licence holders

314. Another issue raised by two respondents, a local government organisation and a licensing body, was that of personal licences. These respondents were concerned that there was no suggestion that licensees should be required to become personal licence holders, and recommended that the Department revisits this. They added that providing for personal licence holders will provide assurance that those who are responsible for operating licensed venues are competent and adequately trained to undertake their duties.

Departmental Response

315. ***The Licensing Act 2003 and the Licensing Act (Scotland) 2005 requires that the manager of each licensed premises hold a personal licence. The personal licence authorises the individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence. Personal licence holders must hold an accredited qualification. This is designed to ensure that anyone running or managing a***

business that sells, or supplies, alcohol will do so in a responsible fashion.

316. ***While the Department appreciates that councils wish to encourage the appointment of responsible individuals to manage the provision of entertainment, it not persuaded that a system similar to the personal licence would be suitable, or is required, for entertainment licences.***

Annex 1

CATEGORY	NUMBER
<p>District Councils and Local Government Organisations</p> <ul style="list-style-type: none"> • Antrim and Newtownabbey Borough Council • Ards and North Down Borough Council • Armagh City, Banbridge & Craigavon Borough Council • Belfast City Council • Fermanagh and Omagh District Council • Mid Ulster District Council • Newry, Mourne and Down District Council • Northern Ireland Local Government Association (NILGA) 	8
<p>Entertainment Industry Organisations</p> <ul style="list-style-type: none"> • Club Event Promoter • Tom Duffy's Circus • Hospitality Ulster • Musicians' Union • Northern Ireland Drinks & Industry Group • Northern Ireland Hotels Federation • Odyssey Arena 	7
<p>Licensing Bodies</p> <ul style="list-style-type: none"> • Institute of Licensing • Licensing Forum Northern Ireland 	2
<p>Government Department</p> <ul style="list-style-type: none"> • Department of Enterprise Trade and Investment (the Northern Ireland Insolvency Service) 	1
<p>Others</p> <ul style="list-style-type: none"> • Chartered Accountants Ireland, Insolvency Technical Committee • Grand Orange Lodge of Ireland • Institute of Chartered Accountants in England and Wales • Individual • Northern Ireland Fire & Rescue Service (NIFRS) • Northern Ireland Says NO To Animal Cruelty 	8

CATEGORY	NUMBER
<ul style="list-style-type: none">• Police Service of Northern Ireland (PSNI)• Police Service of Northern Ireland, Fermanagh & Omagh District (PSNI, Fermanagh & Omagh District)	
TOTAL	26



Subject:	Institute of Licensing National Training Event
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	The Institute of Licensing is the professional body for licensing practitioners in local government, the police, private sector, trade and the legal profession. The Institute was established to provide education and training and to disseminate knowledge in all matters relating to licensing. The Institute operates throughout England, Wales, Northern Ireland and Scotland.
1.2	Members are reminded that Belfast is a Corporate Member affiliated to the Northern Ireland Region of the Institute and that Mr. James Cunningham, within the Building Control Service, is the chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute.
1.3	<p>This year the Institute will hold their National Training Event at the Holiday Inn Hotel, Stratford-Upon-Avon from Wednesday 16th till Friday 18th November. The training event will include topics such as:-</p> <ul style="list-style-type: none"> • licensing developments in Northern Ireland • the role of the Licensing Authority, its Policies, Officers and Councillors • making Licensing work for businesses • conducting Licensing hearings • outdoor events and • better regulation and reducing the burden
2.0	Recommendation
2.1	It is recommended that the Committee authorises the Chairperson, the Deputy Chairperson, the Director of Planning and Place and the Building Control Manager (or their nominees) to attend the Institute of Licensing National Training Event from 16 th till 18 th November.

<p>2.2</p> <p>2.3</p>	<p>Members also might wish to consider funding the travel to the conference of Mr. Cunningham, in recognition of his work in attaining the position of chairman of the Northern Ireland Branch. Mr Cunningham’s residential fee for the event is paid for by the Institute of Licensing.</p> <p>It is also recommended that the Committee agree to authorise the payment of the conference fees, together with the appropriate travelling, subsistence and attendance allowances in connection therewith.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u></p> <p>The National Training Event is a great opportunity for Members and Officers to meet with licensing professionals from across the UK and keep abreast of changes to licensing in other jurisdictions. The contacts established through previous conferences have been of great benefit. Most recently Members will recall that Mr. Stephen McGowan (Partner with national law firm TLT LLP) attended a meeting of the Licensing Committee last year to provide Members with an overview of the Scottish licensing system and to comment on the current and proposed changes to legislation here.</p> <p>Information on the event, including a draft programme, can be accessed via the following link: http://www.instituteoflicensing.org/events/individual.aspx?eventID=5472</p> <p>A final programme will be published closer to the event.</p> <p><u>Financial and Resource Implications</u></p> <p>The residential fee for the training event is £495 plus VAT per delegate and travelling and subsistence will be approximately £200 per delegate. The fee includes full access to the programme on each day, all meals and includes the overnight accommodation. This figure has already been allowed for in the estimates for the current year.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues.</p>
<p>4.0</p>	<p>Document Attached</p>
	<p>None</p>



Subject:	Change of Date of November Meeting
Date:	17th August, 2016
Reporting Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	To consider rescheduling the November Licensing Committee meeting in order to facilitate the attendance of the Chairperson and Deputy Chairperson at the upcoming Institute of Licensing National Training Event.
2.0	Recommendation
2.1	The Committee is requested to consider moving its meeting in November to an alternative date.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members will be aware that another report is being presented for your consideration at this month's meeting recommending the attendance of the Chairperson, the Deputy Chairperson and Council officers at the Institute of Licensing National Training Event.
3.2	This year, the Training Event will be held from Wednesday 16 th till Friday 18 th November. However, the event coincides with the Licensing Committee meeting, which is scheduled to be held on 16 th November.
	<u>Financial and Resource Implications</u>
3.3	There are no financial or resource issues.

3.4	<u>Equality or Good Relations Implications</u> There are no Equality or Good Relations issues.
4.0	Documents Attached None