

Chief Executive

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09 July 2019

ENTERTAINMENT LICENSING – PLACES OF RELIGIOUS WORSHIP AND EDUCATIONAL INSTITUTIONS

The purpose of this letter is to update District Councils on work the Department is carrying out in respect of Entertainment Licensing and to seek your assistance with regard to the licensing of places of religious worship and educational institutions.

BACKGROUND

Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 provide for entertainment licensing in Northern Ireland. As you will be aware, in 2014 the then Minister of the Environment, Mark H Durkan MLA, announced a review of the entertainment licensing system. The Entertainment Licensing Review Group (the Review Group) was tasked with carrying out the review, and reported its findings in February 2015; the Department subsequently consulted on the Review Group's report and recommendations from 1 May 2015 to 26 June 2015.

The Department for Communities took on responsibility for this policy following the reorganisation of Departments and in 2016 a decision was made that, due to other Ministerial priorities, no further work be done at that time. In the absence of an Assembly and the appointment of a new Minister for Communities this remained the

Departmental policy. Following the tragic events at the Greenvale Hotel, Cookstown, in March, the Department recognises that this policy will now need to be reconsidered.

Changes to either the entertainment licensing legislation or model terms and conditions may be necessary and the Department is carrying out preparatory work to enable this to happen as soon as possible after the conclusion of the investigations by the PSNI and Mid Ulster District Council. This work will include consideration of the recommendations of the Review Group and engagement with local councils and other key stakeholders.

As part of this work we are also seeking to identify areas where there may be uncertainty in respect of the law to determine whether clarification is required. Two such matters are discussed further below and the Department would be grateful if District Councils could confirm how they implement these provisions.

LICENSING OF INDOOR PLACES OF ENTERTAINMENT

In general, where an entertainment is being held indoors, those responsible for it must obtain an entertainment licence; there are however a number of locations where exemptions exist. Some concerns have been raised in respect of how these exemptions are applied and in considering the way forward regarding Entertainment Licensing it is important that these issues are clarified.

Places of religious worship - An exemption set out in Schedule 1, paragraph 1(3)(a), exists in relation to *“any music or singing -*

- (i) in a place used wholly or mainly for public religious worship; or*
- (ii) performed as an incident of a religious meeting or service”*

The effect of this provision is that places of religious worship are not required to obtain a license where the entertainment provided consists of music and/or singing, however other forms of entertainment such as dancing or theatrical performances do require a

licence. The Review Group considered these provisions but did not recommend any changes at that time

The Department is, however, aware that places used for religious worship are now also being used for a range of other activities and that many of those attending may not be familiar with the building. This raises potential safety issues particularly when considering older church buildings, which may for example have inward opening doors and escape widths which are narrow, presenting difficulties for those with disabilities.

The Department would therefore be grateful if Councils would set out their approach with regard to the licensing of such premises and their views regarding whether they believe it is now necessary to consider amending this provision.

EDUCATIONAL INSTITUTIONS

An exemption also exists in relation to educational institutions. In this case the relevant provision, set out in Schedule 1, paragraph 1(7)(b) states that there is no requirement for an entertainment licence for *“an educational institution while being used as such”*.

The issue is around how the phrase *“an educational institution while being used as such”* is interpreted – would this, for example, include the performance of plays by pupils but attended by others or end-of-term (or other) discos?

Councils are asked to set out their approach in respect of events being held in educational institutions and, if possible, provide any examples where uncertainty existed. The Department would also welcome any views the Council may have on how this provision might be amended to provide greater clarity to the licensing authority and Education Authority and to enhance the safety of those attending such events.

I would be grateful for responses to social.policy@communities-ni.gov.uk by 12 August 2019.



Department for

Communities

www.communities-ni.gov.uk

Yours sincerely

LIAM QUINN
SOCIAL POLICY UNIT



Our Ref:

„ September 2019

Mr Liam Quinn
Department for Communities
Social Policy Unit
Level 8, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Dear Mr Quinn,

Re: Entertainment Licensing – Places of Religious Worship and Educational Institutions

I refer to your correspondence of 9th July 2019 to the Chief Executive regarding Entertainment Licensing – Places of Religious Worship and Educational Institutions .

See comments in relation to the two subject areas specified and the approach which has been adopted by Mid Ulster District Council to date in each case.

Places of Religious Worship

There is currently an exemption for places used for religious worship (no definition of what this is - so could be any premises although generally taken to mean churches, chapels and similar buildings), and if music or singing is performed as an incident of a religious meeting or service, an entertainment licence is not required.

It is generally viewed that churches, chapels, mission halls and tents etc are not licensed if the singing is in relation to religious based songs, hymns etc. However, there is a grey area as to whether or not a musical performance such as by an orchestra or opera singing or band / musician in an actual church where it is clearly not a religious service and a charge is made is a licensable activity or not.

It has been the general position that the everyday meaning of a 'church/ religious' service should be taken as the exemption and anything outside of this would need to be licensed, if a charge was made.

However, many of the applicable venues have a church/Parochial Hall in close proximity which are used as a place of assembly and are in possession of an annual or occasional licence.

It should also be noted that in accordance with the Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations (Northern Ireland)

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2010, a Fire Risk Assessment should be in place for Places of Worship which should ensure that premises are safe for those attending a particular function.

Educational Institutions

Secondly, in relation to Educational Institutions, there is currently no definitive description of what is actually meant by the term “an Educational Institution while being used as such”.

While there is no definitive description of what this actually means, it is assumed that activities which are carried out as an extension of the school curriculum would be exempt from licensing requirements, for example, concerts and plays performed for fellow pupils.

However, where plays / concerts / pantomimes are widely advertised and open to the general public a licence will be required.

Similarly, end of term dances/discos for pupils during the school day (or in the evening) would not require a licence, unless it was open to the general public and a charge made either for entry or refreshments.

If the premises are used by any other bodies or groups (i.e. hired or loaned) for licensable activity, then an entertainment licence will be required.

Of course, if there is no entry charge to an event and any refreshments/ drinks are also free of charge then there is no need to licence the event.

If you require any further information in relation to these matters please do not hesitate to contact us .

Yours sincerely,