

Report on	Entertainment Licensing – DfC Correspondence
Date of Meeting	10 th September 2019
Reporting Officer	William Wilkinson

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise Members on correspondence received from the “Department for Communities” regarding issues relating to Entertainment Licensing.
2.0	Background
2.1	Correspondence has been received from the Department for Communities (DfC) – see Appendix 1, on work that has re-commenced in relation to the review of Entertainment Licensing Legislation and associated Guidance.
2.2	In particular, the DfC has requested the views of the Council in relation to “Places of Religious Worship” and “Educational Institutions” and the current exemptions which are in place.
2.3	Currently within the “Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Schedule 1, Paragraph 1(3)(a), an exemption is set out in relation to “any music or singing – <ul style="list-style-type: none"> (i) In a place used wholly or mainly for public religious worship; or (ii) Performed as an incident of a religious meeting or service”
2.4	In the case of educational institutions, it is set out in Schedule 1, paragraph 1(7)(b) that there is no requirement for an entertainment licence for “an educational institution while being used as such”.
3.0	Main Report
3.1	Within the correspondence as attached in Appendix 1, there are two specific areas where clarification is requested in relation to “Places of Religious Worship” and “Educational Institutions”.
3.2	<u>Places of Religious Worship</u> Firstly, there is currently no specific definition for “Places of Religious Worship” within the legislation.

The Department has raised the question in relation to the activities, which may not be directly related to a Place of Religious Worship, and many of those attending may not be familiar with the premises.

Within Mid Ulster, many of the applicable venues have a Church/Parochial Hall in close proximity that are used as a place of assembly. At present 30 Entertainment Licences are in place with 7 being full annual licences and 23 being 14 day occasional licences. In many cases the hall is used for such events as there are suitable facilities to serve the patrons attending the event.

In addition, a place of religious worship is limited to the seating available and therefore numbers would not exceed the numbers that can be accommodated in usual circumstance.

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) 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.

3.3 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.

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.

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

Currently there are 7 educational institutions which have an Entertainment Licence in place with all being 14 day occasional licence.

The current arrangement for educational institutions appears to be adequate at present with the option being available to apply for an entertainment licence where considered appropriate.

3.4	It should also be noted that where an application is submitted under the current legislation for a 14 day occasional entertainment licence for a place of religious worship or an educational institution, there is a reduced fee of £50 and there is no requirement for the placing of a public advertisement in the local press.
3.5	A draft copy of the response to the Department for Communities has been attached - see Appendix 2.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: None
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	It is recommended that Members give consideration to the following matters in responding to the Department of Communities on these issues in relation to Entertainment Licensing:
5.2	Places of religious worship <ul style="list-style-type: none"> (i) A definition for “A Place of Worship” should be included in any future legislation. (ii) The current arrangements for “Places of Religious Worship” are adequate. (iii) Places of Religious Worship should be licensed for activities not directly relating to religious worship.
5.3	Educational Institutions <ul style="list-style-type: none"> (i) A definition for “An Educational Institution” should be included in any future legislation. (ii) The current arrangements for “Educational Institutions” are adequate. <p>A draft response has been included at Appendix 2 for this purpose .</p>

6.0	Documents Attached & References
6.1	Appendix 1 – Correspondence form Department for Communities on relation to Entertainment Licensing
6.2	Appendix 2 – Draft response to Department for Communities