

**MID ULSTER DISTRICT COUNCIL**

**Licensing of Places of Entertainment in accordance with  
The Local Government (Miscellaneous Provisions) (NI) Order 1985**

**Article 3 and Schedule 1**

**ENTERTAINMENT LICENSING POLICY**

1. Subject to Paragraph 2 an Entertainments Licence shall remain in force for a period not exceeding twelve months from the date of issue of licence.
2. Where before the date of expiry of an occasional or annual type Entertainments Licence an application has been made for its renewal it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the Council.
3. Each application for the grant or renewal of an entertainments licence can be received electronically or in hard copy form and shall be accompanied by: –
  - a. one copy of the application form
  - b. the prescribed fee
  - c. a certificate to confirm public liability insurance and limit of indemnity
  - d. an electrical certificate completed and signed by a competent Electrical Engineer (such certificate shall be required with each application for the grant of a licence and at intervals not exceeding three years thereafter). (Inspection and Test Certificates in respect of fire alarm systems and emergency lighting shall be required annually).
  - e. one copy of the layout plans of the premises which are detailed to include all fire safety measures (such plans shall be required with each application for the grant of a licence but shall not be required with subsequent renewal applications unless significant alterations have been carried out).
  - f. a fire risk assessment which will be current for three years subject to an annual review.
4. Each application for the variation or transfer of an entertainments licence (which does not constitute part of an application for renewal of a licence) shall be accompanied by: –
  - a. One copy of the application form
  - b. the prescribed fee
  - c. a certificate to confirm public liability insurance and limit of indemnity (in the case of a transfer application).
5. Public notice of each application shall be given in one of the local newspapers (except in the case of certain 14 day type licence applications, which are exempt from this requirement) not later than seven days after the date of the application. A copy of such notice shall be submitted to the council as soon as practicable after publication.
6. A copy of each application received shall be sent to the appropriate Sub-Divisional Police Commander and to the Fire Authority requesting observations/comments within 14 Days..
7. In the case of new applications the Fire Authority shall be requested to inspect the premises and provide a copy of their report.
8. Where a generic response/objection has been forwarded by the PSNI or NIFRS, the Head of Service will request detailed comments in relation to the premises within 14 days. Where no response or insufficient comments have been forwarded within 14 days, the Entertainment Licence application will be processed in accordance with the delegated arrangements
9. Following receipt of applications for the grant or renewal of licences, arrangements shall be made to inspect the premises (where possible within 14 days).

10. Each applicant shall be informed of any matters which require attention before the licence can be granted or renewed. A maximum period of two months shall be permitted to enable such matters to be attended to where the application is in respect of the grant of a licence. In the case of a renewal application the maximum period of time shall be one month.
11. Where prior inspection has not been requested by the applicant a follow-up inspection shall be undertaken at the expiry of the period specified in Paragraph 10. In the event of all of the items previously notified to the applicant not having been satisfactorily attended to the applicant shall be informed that failure to confirm satisfactory completion within a further period of fourteen days shall result in the application being refused. The applicant shall, at the same time, be informed of their right to appear before and be heard by the Council/Committee.
12. In the event of matters still not having been attended to in accordance with paragraphs 10 and 11 the application shall be refused.
13. When an application is refused the applicant shall be informed of their right of appeal. The applicant shall also be informed that the premises may be monitored and should a breach of Article 3 and Schedule 1 of the 1985 Order be observed, this will be reported to the Council and legal proceedings may follow.
14. Where there is reason to suspect that entertainment to which the Order applies is, or is intended to be, provided at a place to which the Order applies the occupiers or other responsible person shall be requested to submit a licence application. Where, after a period of twenty-one days, an application has not been received arrangements shall be made to carry out a during performance inspection. Any observed breach of Article 3 and Schedule 1 of the 1985 Order shall be reported to the Council to enable legal action to be considered.
15. The application of Paragraph 14 shall not preclude legal action being considered before the expiry of the twenty-one day period in exceptional circumstances where there is a serious risk with regard to safety and/or disturbance.
16. Where following statutory consultation and inspection of the premises, the premises are considered to be in compliance with the requirements, the application shall be brought before the Committee for consideration through its Delegated arrangements. Any objections received as a result of the statutory consultations and public notice shall be included in a report to be considered by Committee, together with the nature of the entertainment proposed and the days/hours requested.
17. Where the Council is minded to refuse an application or to impose additional terms, conditions or restrictions the applicant shall be afforded the opportunity of appearing before and of being heard by the Council Committee.
18. Each approved application for the Grant, Renewal, Variation or Transfer of a Licence shall be subject to the terms, conditions and restrictions as approved by the Council and which may be subject to amendment.
19. A copy of each approved application for the grant, renewal, variation or transfer of a licence shall be sent to the appropriate Sub-Divisional Police Commander and the Fire Authority.
20. Where an Entertainments Licence is in force, selective during performance inspections may be carried out. Any observed breaches of the terms, conditions and restrictions applicable to the licence shall be brought to the licensee's attention and where necessary, follow-up inspections may be undertaken. Failure to rectify any matters brought to the licensee's attention or where the breaches are of a particularly serious nature shall be reported to the Council to enable legal action to be considered.
21. A review of this Policy will be undertaken after 12 months and appropriate revisions made as required.

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