

Local Government Policy Division

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Your reference:
Our reference: LGD 3/20/07
Date: 27 October 2008

Dear Consultee,

Consultation on the determination of fees for entertainments licences

Proposal

1. To determine the fees to accompany applications to district councils for the grant, renewal, transfer or variation of entertainments licences.

Background

2. Article 3 and Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, make provision for district councils in Northern Ireland to require that adequate safety measures are established in places where certain entertainments are available.
3. The legislation makes clear that entertainments to which Article 3 and Schedule 1 refer shall not be provided at places except under, and in accordance with, the terms, conditions or restrictions that are included in entertainments licences granted by district councils. Examples of entertainments which require an entertainments licence and examples of those that do not require a licence are listed in Appendix A.
4. In accordance with the legislation, any application for the grant, renewal, transfer or variation of an entertainments licence shall be accompanied by such fee as the Department of the Environment may from time to time determine.
5. It is many years since fees for entertainments licences were reviewed and the existing fees were determined by the Department in October 1995.

Issues relating to the setting of fees

6. When introducing fees, the objective is generally to recover the total cost of carrying out a function or providing a service, thus ensuring value for money. District councils, however, are currently not fully recovering the cost of administering the system for entertainments licences.
7. Departmental officials and members of the sub group of the Licensing Forum Northern Ireland examined the existing fee structure and the level of entertainment licence fees compared with current costs. Consideration was also given to developments in the entertainment industry over recent years and in particular, to the growing interest in open-air concerts. An analysis of administration costs (at today's prices) was carried out across the 26 councils and this exercise has confirmed that there is a serious shortfall in the income from fees. On average, only 14% of expenditure is currently being recovered.
8. A more realistic fee structure and set of fees for entertainment licences are recommended and these are detailed in the draft determination at Appendix B. It is accepted that the levels of fees indicated would not achieve full recovery but are a first step in that direction.
9. The draft determination provides for some changes in the categories of entertainments licences, as set out below:
 - Currently the maximum fee for **indoor** places of entertainment (occasional and full licences) is for a capacity of more than 300 persons. However, since 1995, there are significantly more venues in Northern Ireland capable of holding much larger numbers of people. The range has, therefore, been expanded to cater for 301-500 persons; 501-1000 persons; and over 1,000 persons. Separate fees are proposed for applications by both voluntary and non-voluntary organisations.
 - A separate and relatively small fee is proposed for **circuses**, in recognition that they are transient in nature and because there should be an entertainments licence for each venue.
 - Separate fees are proposed for applications by both voluntary and non-voluntary organisations relating to **outdoor** musical entertainments, where a place may hold:-
 - not more than 500 persons; and
 - over 500 persons.
10. The table at Appendix C summarises the fee categories and shows the level of fees determined in 1995 set aside those proposed for 2009.
11. It is anticipated that the amended fee structure and the proposed level of fees detailed in the draft determination will enable district councils to recover, on average, 52% of their costs. Departmental officials and members of the sub group of the Licensing Forum Northern Ireland will undertake an exercise, after the new fees have been in place for 12 months, to ascertain the extent of recovery actually achieved. A further increase will be considered at that stage, if necessary.

Equality impact assessment

12. Section 75 of the Northern Ireland Act 1998 places a duty on public authorities to have due regard to the need to promote equality of opportunity. The Department has completed an Equality Impact Assessment screening exercise in order to identify if any of the proposals included in this consultation will have an impact on the Section 75 groups and has concluded that no adverse differential impact is likely.

Comments

13. The Department is seeking comments on the draft determination. Any such comments should be forwarded to me at the address above or by e-mail to marie.finnegan@doeni.gov.uk no later than 30 January 2009. Unless you indicate otherwise, we will assume that you have no objection to your comments being made public if we were requested to do so.

14. A list of consultees is attached at Appendix D for your information.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'M. Finnegan'.

MFT Finnegan (Miss)

Examples of entertainments requiring licences under Article 3 and Schedule 1 to the Local Government (Miscellaneous Provisions) (NI) Order 1985; and

Examples of entertainments that do not require licences.

Indoor places of entertainment

Type of entertainment requiring a licences	Type of entertainment <u>not</u> requiring licences
<ul style="list-style-type: none"> • A theatrical performance. • Dancing, singing or music or any other entertainment of a like kind. • A circus. • Any entertainment which consists of, or includes any public contest, match, exhibition or display of:- <ul style="list-style-type: none"> (i) boxing, wrestling, judo, karate or any similar sport; (ii) billiards, pool, snooker or any similar game; or (iii) darts. • Machines for entertainment or amusement and equipment for the playing of billiards, pool, snooker or other similar games provided in places. <p>In all the above categories a licence is required where on payment of a charge¹:-</p> <ul style="list-style-type: none"> (i) persons are admitted for the purpose of entertainment or amusement; (ii) meals or refreshments are supplied to the public; and (iii) persons may use any machines or equipment referred to above for the purpose of entertainment or amusement. 	<ul style="list-style-type: none"> • 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. • Machines or equipment provided incidentally to the main purpose or use of any place. • Machines or equipment provided wholly or mainly in the open air. • Gaming machines, that is to say machines which are constructed or adapted for playing games of chance by means of them and have slots or apertures for the insertion of money in the form of cash or tokens.

	<ul style="list-style-type: none"> • Any premises licensed under Article 3 of the Cinemas (NI) Order 1991. • An educational institution while being used as such.
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Outdoor musical entertainments	
Type of entertainment requiring a licence	Type of entertainment <u>not</u> requiring licences
<ul style="list-style-type: none"> • Any public musical entertainment² which is held:- <ul style="list-style-type: none"> (i) wholly or mainly in the open air; and (ii) at a place on private land³. 	<ul style="list-style-type: none"> • Garden fete; • Bazaar; • Sale of work • Sporting or athletic event; • Exhibition; • Display or other function or event of a similar character, whether limited to one day or extending over two or more days, where music or singing is incidental to it. • A religious meeting or service, where music or singing is incidental to it. • Entertainment held in a pleasure fair.

¹ A “charge” includes any form of charge whenever paid and whether paid by money or money’s worth.

² An entertainment is musical if music or singing is a substantial ingredient.

³ Land is private if the public has access to it (whether on payment or otherwise) only by permission of the owner, occupier or lessee.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985
DRAFT DETERMINATION OF FEES FOR ENTERTAINMENTS LICENCES**

The Department of the Environment, in exercise of the powers conferred by Article 3 of, and paragraph 5(2)(c) of Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(a), as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992(b), hereby determines that, with effect from 1 April 2009, the fees to accompany an application to a district council for the grant, renewal, transfer or variation of an entertainments licence shall be the amounts specified in the following table:

TABLE

	Occasional Licence Fee¹	Full Licence Fee²
	£	£
An application relating to an indoor place of entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies, where that place or premises (as the case may be) may hold:		
- not more than 100 persons;	50	100
- 101 to 200 persons;	75	150
- 201 to 300 persons;	125	250
- 301 to 500 persons;	200	400
- 501 to 1,000 persons; and	375	750
- over 1,000 persons.	500	1,000

	Fee
	£
An application relating to an indoor place of entertainment to which paragraph 1(2)(c) and (6) of the above mentioned Schedule applies (i.e. a circus).	50
An application relating to an indoor place of entertainment to which paragraph 1(4) and (6) of the above mentioned Schedule applies (i.e. where machines for entertainment or amusement, or equipment for the playing of billiards, pool, snooker or other similar games, are provided).	100
An application relating to an indoor place of entertainment of any capacity for a licence to be granted under paragraph 4(2) of the above mentioned Schedule (i.e. an occasional licence) in respect of:	50
(a) a place used wholly or mainly for public religious worship in relation to an entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies other than any music or singing;	

(a) S.I. 1985/1208 (N.I. 15)

(b) S.I. 1992/810 (N.I. 6)

Comparison of Current and Proposed Fees

Category	Current Fee 1995 £	Proposed Fee 2009 £
An application relating to an indoor place of entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of Schedule 1 applies:		
<u>Full licence fee</u>		
- not more than 100 persons;	40	100
- 101 to 200 persons;	80	150
- 201 to 300 persons;	120	250
- 301 to 500 persons;	160	400
- 501 to 1,000 persons; and	160	750
- over 1,000 persons.	160	1,000
<u>Occasional licence fee</u>		
- not more than 100 persons;	30	50
- 101 to 200 persons;	30	75
- 201 to 300 persons;	30	125
- 301 to 500 persons;	30	200
- 501 to 1,000 persons; and	30	375
- over 1,000 persons.	30	500
An application relating to an indoor place of entertainment to which paragraph 1(2)(c) and (6) of Schedule 1 applies (i.e. a circus).	Between 40 - 160	50
An application relating to an indoor place of entertainment to which paragraph 1(4) and (6) of Schedule 1 applies (i.e. where machines for entertainment or amusement, or equipment for the playing of billiards, pool, snooker or other similar games, are provided).	50	100

Comparison of Current and Proposed Fees

Category	Current Fee 1995 £	Proposed Fee 2009 £
An application relating to an indoor place of entertainment of any capacity for a licence to be granted under paragraph 4(2) of Schedule 1 (i.e. an occasional licence) in respect of i) premises used wholly or mainly for public religious worship; ii) premises used for religious meetings or services; iii) an educational institution while not being used as such; or iv) where an application is made by a voluntary organisation or a charity.	30	50
<p>An application by a voluntary organisation or a charity relating to outdoor musical entertainments to which paragraph 2 of Schedule 1 applies, where that place may hold:-</p> <ul style="list-style-type: none"> - not more than 500 persons; or - over 500 persons. 	<p>30</p> <p>30</p>	<p>250</p> <p>500</p>
<p>An application, other than by a voluntary organisation or a charity, relating to outdoor musical entertainments to which paragraph 2 of Schedule 1 applies, where that place may hold:-</p> <ul style="list-style-type: none"> - not more than 500 persons; and - over 500 persons 	<p>30</p> <p>30</p>	<p>1000</p> <p>2000</p>
An application under paragraph 7A of Schedule 1 for the variation of the terms, conditions or restrictions on or subject to which an entertainments licence is held.	40	80

List of consultees

Age Concern
Ancient Order of Hibernians
Apprentice Boys
Archbishop of Armagh and Primate of all Ireland
Assembly Business Office
Assembly Departmental Committee
Assembly Library
Association of Local Government Finance Officers
Belfast Solicitors Association
Carers Northern Ireland
Catholic Bishops of Northern Ireland
Chief Local Government Auditor
Chinese Welfare Association
Church of Ireland
Civic Forum
Civil Law Reform Division
Clerk of Petty Sessions Laganside Courts
Community Relations Council
Community Technical Aid
Confederation of British Industry, Northern Ireland Branch
Disability Action
District Councils
Equality Commission for NI
Executive Council of the Inn of Court of NI
Executive Ministers and Junior Ministers
Federation of Small Businesses
Federation of the Retail Licensed Trade
Food Standards Agency
Free Presbyterian Church in Ireland
Gaelic Athletic Association
General Consumer Council for NI
Gingerbread (NI)
Help the Aged (NI)
HM Council of County Court Judges
HM Revenue & Customs
Human Rights Commission (NI)
Irish Football Association
Irish Hockey Association
Irish Rugby Football Union
Law Centre (NI)
Law Commission (NI)
Law Society of NI
Leaders of Northern Ireland Political Parties

Legal Deposit Libraries
Local Government Staff Commission
Masonic Institution
Men's Action Network
Methodist Church in Ireland
Members of European Parliament (NI)
Members of Parliament (NI)
Members of the Legislative Assembly
Ministry of Defence
National Association of Councillors
National Society for the Prevention of Cruelty to Children (NSPCC)
National Union of Students-Union of Students in Ireland (NI) (NUS-USI)
Newtownabbey Ratepayers Association
Northern Ireland Association for Mental Health
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Audit Office
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
Northern Ireland Committee - Irish Congress of Trade Unions
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Departments
Northern Ireland Economic Council
Northern Ireland Federation of Clubs
Northern Ireland Fire and Rescue Service
Northern Ireland Food & Drink Association
Northern Ireland Gay Rights Association
Northern Ireland Hotels Federation
Northern Ireland Judicial Appointments Commission
Northern Ireland Local Government Association
Northern Ireland Office
Northern Ireland Ombudsman
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Resident Magistrates' Association
North South Ministerial Council - NI Secretariat
OFMDFM Central Management Unit
OFMDFM Machinery of Government Division
Participation & the Practice of Rights Project
POBAL
Police Service of Northern Ireland
Presbyterian Church in Ireland
Queens University Belfast – Institute of Professional Legal Studies
Queens University Belfast – School of Law
Royal National Institute for the Blind (NI)
Royal National Institute for the Deaf (NI)

Rural Community Network
Society of Local Authority Chief Executives
Staff Commission for Education and Library Boards
The Grand Orange Lodge
The Rainbow Project
The Royal Black Institution
The Speaker of the Assembly
Town Centres Forum
Traveller Movement NI
Ulster Farmers Union
UNISON (NI)
University of Ulster – (School of Law)
Victims Groups and Individuals
Women’s Forum Northern Ireland
Young Farmers’ Clubs of Ulster
Youth Council for Northern Ireland