



## Entertainments licensing policy

DCSDC Policy	
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# ENTERTAINMENTS LICENSING POLICY

## 1.0 Introduction

Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (“the Order”) make provision for district councils in Northern Ireland to regulate places where certain, regulated entertainments are provided, through a regime of licensing.

The purpose of the entertainments licensing regime is essentially two-fold:

- to ensure the safety of the individuals attending the entertainment; and
- to avoid the entertainment causing undue disturbance to people in the surrounding area.

## 2.0 Purpose

This policy document has been produced to consolidate and develop earlier decisions and resolutions that have been made to regulate and improve entertainment licensing in our District. Derry City and Strabane District Council strives for continuous improvement in the provision of the service thereby linking with the strategic theme of the Corporate Plan 2024/25 and Improvement Plan 2024/25 which also represents our priority outcomes as a Council for the next year. It reflects the Council led priorities set out in the Inclusive Strategic Growth Plan. Our desired outcome is to address the need for safety and wellbeing by putting local people and visitors first, thereby contributing to the Council’s vision of being “a strong, vibrant, safe and inclusive community where people work together to improve the quality of life for all”.

This policy has been prepared to ensure that all staff involved in determining applications for entertainments licences are aware of the process to be followed. This will facilitate consistency in our approach to applications.

It is designed to ensure a fair, transparent process that maximises efficiency and minimises unnecessary delays to the application process. It is based on best practice for similar types of application and adherence to the procedure will reduce the risk of challenges to our decisions, complaints to the ombudsman or judicial reviews on legal grounds.

While there is no statutory determination period, we aim to process applications as quickly as possible and targets have, therefore, been set for different stages of the process. These targets constitute performance indicators and may be utilised for reporting performance to Council on a quarterly and/or annual basis.

By providing a framework for the management of entertainments licensing applications, the policy will:

- promote consistency in decision-making processes
- assist in ensuring that applications are dealt with as quickly and fairly as possible

- provide clarity and transparency in Council’s decision-making process and give prospective applicants an early indication as to what is required and whether their application is likely to be granted or not
- ensure that Council meets its legal obligations in relation to the administration of the licensing regime

### 3.0 Background

Article 3 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 makes provision for councils to regulate places where certain types of entertainments are provided.

The Order prohibits the provision of regulated entertainments except in accordance with an entertainments licence granted by the Council.

Businesses, organisations and individuals who want to provide entertainment may, therefore, require an entertainments licence granted by Council.

### 4.0 Scope

This policy outlines the process for dealing with applications for indoor entertainment licences under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.

This policy applies to applications for the grant, renewal, transfer and variation of a licence.

The legislation also provides for enforcement of the licensing system.

There are offences relating to providing entertainments in unlicensed premises and for breaching the terms, conditions or restrictions of an entertainments licence, for which persons may be prosecuted.

Where the holder of a licence is convicted of the offence of contravening a licence condition, Council may **revoke** the licence. If there is a serious threat to public order or public safety, Council may **suspend** a licence with immediate effect.

Enforcement of the licensing provisions is outside the scope of this policy; however, Council will actively enforce the provisions of the Order within its district in a proportionate, consistent, targeted and transparent manner, in accordance with Council’s Enforcement Policy.

A programme of inspections based on risk assessment criteria will be implemented to ensure that licences are in force for regulated entertainments and licensing conditions are being adhered to.

## **5.0 Review**

The policy will be kept under regular review.

A full review of the policy will be scheduled to take place three years from the date on which the policy is adopted by Council.

However, a review may take place sooner if there is reason to suspect that the policy or any part of it may no longer be valid.

## 6.0 Policy Statement

This policy sets out Derry City and Strabane District Council's approach to administering the entertainments licensing function within its district.

### Entertainments licensing – the application process

The licensing process involves five key stages:

- Stage 1: Pre-application
- Stage 2: Validation and registration
- Stage 3: Consultation and information gathering.
- Stage 4: Consideration and determination
- Stage 5: Granting or refusing an application

The stages are summarised as flowcharts in Appendix 1.

#### Stage 1: Pre-application

##### 1.1 Applicant considers if a licence is required.

Stage 1: Pre-application begins when the prospective applicant considers whether they require a licence, at which stage they may contact Council for advice and/or for an application pack.

##### 1.2 Advice regarding when an entertainments licence will be required

#### Categories of entertainments

There are two main categories of entertainment – entertainments provided indoors and outdoors.

##### 1. Indoor entertainments

When deciding whether a licence is required for indoor entertainment, two questions must be considered:

- Is the type of entertainment subject to licensing?
- If so, will a charge be made?

A licence will only be needed if the answer to both questions is yes.

##### Is the type of entertainment subject to licensing?

The entertainments subject to licensing are:

- A theatrical performance
- Dancing, singing or music or any similar entertainment
- An indoor circus

- A public contest or display of boxing or other similar sports, or billiards, snooker and the like games, or darts.

An entertainment licence will also be required if machines are provided for entertainment and amusement (e.g. video games, but not gaming machines) as well as equipment for playing billiards, snooker or other similar games, unless the machines or equipment are incidental to the main use.

## Exemptions

There are a number of exemptions and a licence is not required for:

- Any music or singing in a church whether it is religious music or secular music, but music in a church hall or in a dual purpose building used as both church and church hall or in any other place is only exempt if it is incidental to a religious meeting or service;
- Any open-air entertainment, e.g. funfairs – although outdoor musical events taking place on private land will require an outdoor licence;
- Private clubs for boxing, wrestling, judo, karate or similar games – but a licence will be required for a private club which provides dancing singing or a theatrical performance;
- Machines for entertainment or amusement and equipment for billiards, pool or snooker or other similar games, if they are incidental to the main purpose or use of the place, e.g. 2 or 3 video games in a shopping mall or a couple of billiard tables in the lounge of a golf club. [However, amusement arcades with video games, commercial pool rooms, private snooker clubs and premises where the number of machines or equipment is significant will need a licence];
- Gaming machines;
- Premises licensed under the Cinemas (Northern Ireland) Order 1991; and
- An educational institution while being used as such, e.g. a school concert for pupils and parents (“educational institution” includes a school, university, teacher training college or further education college).

## Will a charge be made?

What is meant by “charge”?

The type of charges, which if levied at a place where the above entertainments are being given will mean an entertainment licence will be required, are as follows:

- An admission charge
- A charge for meals or refreshment
- A charge for using machines or equipment for entertainment or amusement.

A charge includes subscriptions to clubs, whether paid periodically or otherwise, and any other form of charge paid in money or money’s worth.

If the entertainments provided indoors are subject to licensing and a charge is made, then an indoors entertainments licence will normally be required.

## **2. Outdoor entertainments**

An entertainments licence is also required for any public musical entertainment which is held wholly or mainly in the open air and at a place on private land.

For this requirement to apply:

- music or singing must be a substantial ingredient of the entertainment
- the public must only have access to the venue (whether on payment or otherwise) with permission of the person in control of the venue.

### **Exemptions**

There are exemptions to the requirement for an outdoor entertainments licence:

The requirement for an outdoor entertainments licence does not apply to:

- to a 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; or
- to a religious meeting or service,

merely because music or singing is incidental to it.

### **1.3 Indoors v. outdoors**

Where entertainment is to be provided within a marquee or similar temporary structure, the place will be considered to be “indoors” if it would be considered to be enclosed, or substantially enclosed, for the purposes of smoke-free legislation.

### **1.4 Applicant completes and submits application form**

Where a licence is required, the prospective applicant must complete and submit the appropriate application form.

Applicants need to consider both the type of application that they need to make and the type of licence that they would like.

### **1.5 Types of application**

There are four types of application that councils may receive:

- Grant (of a new licence when applying for an entertainment licence for premises for the first time or if the previous licence has expired)
- Renewal of an existing licence
- Transfer of an existing licence to new licence holder, e.g. where a business is sold to another person.
- Variation of an existing licence

It is possible to vary an entertainment licence after it has been issued for the following reasons: to change the times or days that entertainment is licensed to take place; to change the types of entertainment that are covered by the licence; or to change the identified areas and/or buildings where entertainment may take place on the premises

## 1.6 Types of licence

In addition, there are three different types of licence available:

- A full licence, renewable annually;
- An occasional licence which either permits the provision of entertainments on a maximum of fourteen particular dates or on any fourteen unspecified days within 12 months
- A provisionally granted licence – this may be applied for an unfinished site, but it will not be valid until the site is complete and council has confirmed this, thereby making the licence final, e.g. where an event site is yet to be built, a provisional licence may be granted, but the licence will not be declared final until an inspection of the built site has been carried out

## 1.7 Completing applications

Applications must be made in writing by submitting the appropriate, current application form, the relevant application fee and the required supporting documentation.

The application form must be completed fully, in order to ensure that Council has all information that it reasonably requires for determining the application.

Anyone requiring help in making an application is invited to contact the Council's Licensing Section for assistance.

Good pre-application advice will increase the likelihood of a valid application being made, by ensuring that applicants are aware of everything that is required, thereby preventing difficulties for the applicants.

This advice may be given verbally; however, the pre-application advice is contained within the application packs prepared for each specific licence.

Encouraging good quality applications at this stage also:

- reduces delays in receiving responses from the statutory partners with whom we are required to consult; and
- assists officers in determining applications and deciding whether a licence should be granted or refused

Applicants are encouraged to apply electronically via e-mail and to submit a copy of any document that was prepared electronically by e-mail, to facilitate processing of the application.

For electronic applications, a typed signature of the applicant's name is acceptable.

The on-line application facility is currently unavailable, pending update of Council's web site.

### **1.8 Supporting documentation required ("Required items")**

For each type of application we have produced a list of "Required Items", which provides details of the essential application criteria, as well as serving as a "tick-box" checklist of the documents that must accompany the application

This will offer clarity for applicants in setting out which information items are required for each type of application and is available on the web site and in electronic / hard copy format

In preparing the list we have taken a proportionate approach so that applicants will only be asked to provide supporting documentation that is necessary for satisfying legal requirements and ensuring the safety of the premises – as set out in the revised Model Terms, Conditions and Restrictions issued by Department for Communities in January 2022.

The required items list for each category and/or type of application is attached as Appendix 2.

### **1.9 Fees**

The appropriate application fee must be paid at time of application.

Fees are set by the Department, at a figure designed to cover the cost of processing an application, and Council has no discretion over the fee payable.

The current fees are included with the entertainments licensing application packs.

Where officers reject an application as being invalid, any fee paid will be refunded.

However, where an application is refused or an applicant withdraws the application, the fee is non-refundable.

## **Stage 2: Validation and registration**

### **2.1 Council receives application**

Stage 2: Validation begins when the council receives an application.

Deciding that an application is valid is the first step in determining an application.

The validation process is essentially an administrative process that involves checking that the applicant has met the essential criteria for a valid application, i.e. that the necessary application form, the appropriate fee and supporting documents have been submitted, to the satisfaction of Council.

The validation process is concerned with both the type of documents provided and their content or quality - issues with content or quality that means that a document is not satisfactory, e.g. because it is out of date at time of receipt, should be notified to the applicant at time of acknowledgement.

Note: It is important that the application form has been completed in full, so that we can consult with PSNI and NIFRS – officers may use their discretion as to whether to request a new application form or to amend appropriately following discussion with the applicant, in which case any such amendment must be noted.

### **2.2 Determination period**

The length of time required for deciding whether the application should be granted or refused is referred to as the “determination period” and for an entertainments licence the target set is 12 weeks (60 working days). It should be noted, however, that on occasions, where there are objections or there are complex issues to consider, this process may take longer.

The determination period, from valid application to decision, begins the day after a valid application has been received (Day one)

Lodging a cheque or making an electronic payment for the correct fee amount is taken as payment; however, if a fee is paid by a cheque which is subsequently dishonoured or an electronic payment which is declined, the determination period is reset to begin the day immediately after the full fee has been received.

If an apparently valid application is later found to be invalid following registration, the original start date for processing the application should be disregarded. The time from application to decision should start again on the date the application is made valid. This is the only circumstance in which the start date should be amended.

If we request clarification or require additional information to determine the application, the ‘clock’ should not be stopped whilst waiting for this information, i.e. the determination period is unaffected.

## 2.3 Valid applications

On receipt of an application, officers will review the application to determine whether the applicant has:

- completed the application in the approved form and manner (i.e. using the current version of the specified application form)
- provided all the required information
- applied for the correct type of licence
- paid the appropriate fee for the type of licence and occupancy, and
- provided all the other supporting documents and certification, in accordance with the criteria set out in the “Required Items” list.

If the applicant has met the above criteria, the application is considered “valid” and will be registered.

For some applications, we may require submission of additional, non-standard, items, e.g. noise management plans, structural reports, etc. to determine an application. Failure to provide these additional items would not be a basis for refusing to validate the application, unless they have been requested prior to receipt of the application.

## 2.4 Invalid applications

If the application does not meet all of the requirements, it is considered invalid and the applicant will be advised of what additional information is required, in the letter of acknowledgement.

Following application, the applicant will have 28 calendar days to satisfy all requirements. The applicant may request an extension if required, which may be granted at the department’s discretion.

## 2.5 Rejection of applications that are not valid

Where an application has been made, but not all required items have been received within the requested (28 day) timeframe, the application will be rejected as incomplete and the applicant advised that they do not have a licence and must not provide regulated entertainments.

In such circumstances, any fee paid will be refunded or held pending submission of a new application, as appropriate.

## 2.6 Resubmission

If an applicant updates and resubmits their previously declined application, we will process it as a new application.

## 2.7 Acknowledgement of applications

All applications will be acknowledged as quickly as possible.

For valid applications, applicants will be advised:

- whether they may continue to provide entertainment (renewal and transfer applications only);
- the time period within which they can expect the licence to be granted, i.e. the target completion date;
- that they should contact the Licensing Section if they have not heard from Council by the target completion date of which they have been informed

For invalid applications, applicants will be made aware of the following:

- whether they may continue to provide entertainment (renewal and transfer applications only);
- what additional items are required to complete the application
- the timeframe within which the outstanding items must be received; and
- the consequences of failing to provide the required items within the requested timeframe

Note:

Where, before the date of expiry of an entertainments licence, a valid application has been made for its renewal, it shall be deemed to remain in force until the determination by the council.

Applications to renew a licence that are received after the expiry date of the previous licence will be rejected. In such cases the application will be deemed to be an application for the grant of a licence. The premises will no longer have an entertainment licence and can no longer provide entertainment until a new licence has been granted.

In order to avoid such circumstances, licence holders will be reminded of the need to renew their licence 3 months before the expiry date of their licence.

Where, before the date of expiry of an entertainments licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the determination notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on at the place in respect of which the licence was granted the functions to which it relates.

## **Stage 3: Consultation and information gathering.**

Stage 3: Consultation and information gathering involves carrying out the statutory consultation, collating any representations made in relation to the application and inspecting the premises to be licensed.

### **3.1 Consultation with other bodies**

On receipt of an application for an entertainments licence Council **will** consult with:

- The PSNI District Commander
- NIFRS
- Environment and Neighbourhoods Team

Council **may** also consult such other persons, as it considers appropriate, depending on the circumstances, e.g. Building Control, Planning and local residents living in the vicinity of a proposed outdoor event site.

#### **Consulting with PSNI and NIFRS**

The law requires that, as soon as an application is received, the council must send a copy to the local sub-divisional commander of the PSNI and the fire and rescue service and must take account of any representations made by those consultees in considering whether to grant the application.

In order to minimise delays to the application process, consultation will take place once we have received the application form, the required fee, the fire risk assessment and, where necessary, fire safety drawings.

All consultation responses will be recorded for later consideration.

#### **Consulting with Environment and Neighbourhoods team**

One of the purposes of entertainments licensing is to ensure that noise from the entertainments does not cause undue disturbance to residents living in the vicinity of the licensed premises.

On receipt of an application, Council will therefore, consult with the environmental health officers who regulate commercial noise.

The consultation response will be recorded for later consideration.

### **3.2 Collation of representations**

An important element of the licensing process is for applicants to publish public notice of their application in one local newspaper.

The law requires that the advertisement is placed within a prescribed period, being not later than 7 days after the date of the application.

A template public notice is provided to applicants within the application pack.

All advertisements must include the following information:

- That application has been made for grant, renewal, transfer or variation of an entertainments licence, as appropriate
- The nature of the entertainment and the place
- The name and address of the applicant, and
- That representation can be made to the council within 28 days of the application.

This is to provide those who wish to make a representation to the council in relation to the application with the necessary time in which to do so.

Anyone wishing to make a representation either in support of or objecting to the application must do so in writing, stating in general terms the nature of the representation, not later than 28 days after the date of the application.

Any representations will be recorded and collated for later consideration in the process.

### **3.3 Inspection of premises**

The premises will be inspected by an officer, prior to the grant of any licence.

Where an application is for the grant of a licence or there have been substantial changes to the licensed premises since the licence was previously granted or there are other significant concerns, we will liaise with NIFRS regarding the desirability of conducting a joint inspection. However, officer discretion is permitted and a joint inspection may not be necessary in single storey, simple premises with sufficient exits to the external air.

Only those parts of the premises to which members of the public attending entertainments would have access, under normal and emergency situations, are subject to inspection.

In advance of inspections, we will arrange for the appropriate person for fire safety to be present at the time of the inspection.

In addition to inspecting the premises, officers may inspect relevant documentation.

### **3.4 Memorandum of Understanding**

A Memorandum of Understanding is in place between Councils and the Northern Ireland Fire and Rescue Service (NIFRS) relating to co-ordination of fire safety enforcement in premises regulated and licensed by district councils under The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010.

## **Stage 4: Consideration and determination of the application**

When considering whether to grant, renew, vary or transfer an entertainment licence, officers will have regard to all material information collated in Stage 3, including information gathered during inspections.

### **4.1 Delegated authority**

Officers only have delegated authority to grant applications.

Where there are grounds for refusing an application, which cannot be resolved by officers, the application must be determined by Council.

In deciding whether to grant an application, officers will have regard to:

- whether the applicant has satisfied the requirements that Council imposes on applicants for the grant of an entertainments licence, including those relating to the provision of required documentation and certification
- any observations made by the PSNI sub-divisional commander and the Fire and Rescue Service
- observations regarding the suitability of the premises gathered during the inspection of the premises
- any convictions against the applicant in the five years preceding the date of the application
- any representation made in response to the advertisement of the application

Where no concerns arise, the application may be granted by the officer.

### **4.2 Grounds for refusing an application**

Where the following grounds apply, determination of the application will be made by elected members, unless the matters giving rise to the grounds can be resolved by officers:

- the applicant has been convicted of an offence under paragraph 10 of Schedule 1 to the Order, within the period of 5 years immediately preceding the date when the application was made, of having: allowed or permitted entertainment to which the order applies to take place without a valid entertainment licence; or allowed or permitted entertainment to take place otherwise than in accordance with the terms and conditions of an entertainment licence
- the District PSNI Commander and the Fire Authority (NIFRS) have raised concerns in their response to the consultation
- representations have been received within the permitted 28-day public consultation period
- the premises are deemed to be unsuitable, e.g. do not satisfy fire safety requirements
- entertainments noise is considered likely to cause undue disturbance to neighbouring properties
- the application for a renewal of licence is not “like for like”

### 4.3 Consideration of representations

Whenever representations are received in relation to an application, officers will attempt in the first instance to resolve the matters giving rise to the representations.

Where it has not been possible to resolve the matters, the application to which the representations relate, will be referred to Council for determination.

Council has developed a protocol for hearings to determine applications for entertainments licences, which is followed at all hearings.

Both the applicant and the persons making representations will be offered an opportunity to appear before and be heard by Council, before a decision is made.

In reaching a decision, elected members may decide to:

- grant the licence; or
- grant the licence, with such additional terms, conditions and/or restrictions, as Committee considers reasonable and appropriate under the circumstances; or
- refuse the application

They may also defer a decision, pending receipt of further information

Applicants have the right of appeal to the County Court in respect of any decision to either refuse an application or to grant a licence with terms, conditions or restrictions by which they are aggrieved; however, those making representations objecting to an application have no right of appeal against a decision made by Council.

Guidance on making representations is available on the Council website: <https://www.derrystrabane.com/business/business-licencing-and-permits/guide-to-making-representations>

## Stage 5: Granting or refusing an application

### 5.1 Granting an application

When, having taking all relevant matters into consideration, it is decided to grant an application for an entertainments licence, the licence will be granted on such terms and conditions, and subject to such restrictions as may be specified in it.

### 5.2 Terms, conditions and restrictions

In specifying any terms, conditions or restrictions in a licence Council must have regard to any model terms, conditions and restrictions published for the purposes of this paragraph by the Department for Communities.

The Model Terms, Conditions and Restrictions which may be specified in entertainments licences were revised in 2022.

These include Technical Requirements and Management Rules for Indoor and Outdoor places of entertainment

The Order details the purposes for which terms, conditions and restrictions may be specified in relation to both indoor and outdoor entertainments licences:

Indoor entertainment	Outdoor entertainment
(a) regulating the conduct, days and hours of use and general arrangement of the place;	(a) securing general safety at the entertainment for which the licence is granted;
(b) securing adequate fire precautions;	(b) securing adequate access for fire engines, ambulances, police cars or other vehicles that may be required in an emergency;
(c) securing the provision of facilities for the disabled;	(c) securing the provision and maintenance of adequate sanitary appliances and things used in connection with such appliances;
(d) securing the provision of adequate sanitary appliances and things used in connection with such appliances;	(d) preventing persons in the neighbourhood being unreasonably disturbed by noise;
(e) preventing persons in the neighbourhood being unreasonably disturbed by noise;	(e) securing the provision and maintenance of receptacles for litter.
(f) securing that there is in force a policy of insurance insuring the holder of the licence in respect of any liability which may be incurred by him in respect of the death of, or bodily injury to, any person while on or about the premises.	

**Table 1: Purposes for which terms, conditions and restrictions may be specified**

### 5.3 Terms of entertainments licences

Entertainments licenses will be granted to remain in force for one of the following terms:

Type of licence:	Term:
Indoor entertainments licence	i. one year or such shorter period specified in the licence as the council may think fit; or
	ii. not more than fourteen particular days specified in the licence; or
	iii. fourteen unspecified days within the period of twelve months next following the grant of the licence
Outdoor entertainments licence	iv. not more than fourteen particular days specified in the licence

**Table 2: Terms of entertainments licences**

When an application for the grant, renewal or transfer of a licence is granted, the term will commence from the date on which the determination is made; however, if an application for the variation of a licence is granted, this does not affect the term of the licence, i.e. the varied licence will remain in force for the remainder of its original term.

### 5.4 Restrictions relating to licences

Licences are subject to certain restrictions

#### Types of entertainments permitted

An entertainments licence may be granted for all or any of the entertainments regulated under the Order.

The entertainments permitted at any licensed premises are specified on the licence.

#### Days and hours during which entertainments will be permitted

The entertainments licence will specify the days and hours during which the provision of entertainments is permitted

Section 4 of The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 adds a new Article 44C in the Licensing Order (Alignment of closing time for liquor and entertainment) to ensure that the entertainment provided during later opening under Article 44, or further later opening under Article 44A, is not allowed to continue after the end of “drinking-up time”.

This ensures that entertainment must end at the latest at 2.00am when an Article 44 order applies and 3.00am when an Article 44A order applies.

As part of the consultation process, PSNI will advise of the latest time by which entertainments may be provided to ensure alignment of closing time for liquor and entertainment.

### **Outdoor events and events in marquees and other temporary structures**

Because of the increased likelihood of undue noise disturbance after 11:00pm, entertainments licences for outdoor events will restrict the provision of entertainment to 11:00pm.

Only in exceptional circumstances will consideration be given to permitting outdoor entertainments to be provided after 11:00pm. In such circumstances, applications for a finish time later than 11:00pm will require the approval of Council and additional noise controls may be required.

Because of the limited noise attenuation of marquees and other temporary structures, temporary events held within such structures may be regarded as being akin to outdoor events and will require the approval of Council and additional noise controls may be required.

### **The areas or parts of premises in which entertainment may be provided**

The licence will specify the rooms or parts of premises in which entertainments may be provided.

### **Maximum Occupant Capacity**

The licence will specify the maximum occupant capacity of each area of the Licensed Premises in which entertainments will be provided.

The maximum occupant capacity will be the lesser number of people who can either:

- safely occupy an area, calculated by using floor space factors; or
- safely escape from an area, calculated by using the width and capacity of exit routes.

A person guilty of an offence which relates to the restrictions connected to overcrowding can be fined up to £20,000 and/or imprisoned for up to 6 months.

## **5.5 Conditions relating to licences**

Licences are granted subject to conditions.

Standard conditions, relating to Technical Requirements and Management Rules, are based on the Model Terms.

The Model Terms include additional conditions for specific types of entertainments:

- Outdoor entertainments.
- Additional conditions for theatrical performances in theatres.

- Additional conditions for indoor children's entertainment and where children may be accommodated on the premises.
- Additional conditions for dance/music events.
- Additional conditions for indoor boxing, cage-fighting, kick-boxing, snooker, darts and similar types of public contests, matches, exhibitions or displays.
- Additional conditions for circuses.

In addition to the standard conditions, based on the Model Terms, Council may on occasions grant licences subject to special conditions which will be specified on the licence.

Such special conditions will always be considered, as appropriate, to alleviate any concerns or misgivings which might otherwise lead to the application being refused.

## **5.6 Refusing an application**

Delegated authority does not extend to making decisions to refuse licences.

Recommendations to refuse applications will be referred to Committee for decision.

When writing to inform an applicant of a decision to refuse an application or to grant a licence subject to additional terms, conditions or restrictions, Council will:

- set out all the grounds on which the proposed decision is based
- advise the applicant of the redress available

## **5.7 Redress available to applicants**

The Order provides the applicant with a right of appeal to the county court, within 21 days of the date of being notified of a decision, either:

- to refuse the application; or
- to attach any term, condition or restriction to the licence, by which he is aggrieved

In both cases, Council has a duty to give effect to an order of the county court.

### **Refusing to renew a licence or revoking or suspending an existing licence**

Where the application for the renewal of a licence is refused, or where an existing licence is to be revoked, the existing licence will be deemed to remain in force:

- until the end of the 21 day period within which an appeal may be made. If no appeal is made within that time, the existing licence will no longer be valid.
- where an appeal is lodged within 21 days, until the process of contesting the council's decision is completed, i.e. until a decision is given on that appeal or the appeal process is abandoned.
- where an appeal against the refusal to renew a licence is successful, until the Council renews that licence.

### **Imposing any term, condition or restriction other than one specified in an application for a variation of a licence**

Where a licence holder makes an application for the variation of the licence held and Council imposes any term, condition or restriction other than one specified in the application, the licence shall be deemed to be free of it until the 21 day permitted for bringing an appeal has expired.

Where an appeal is brought against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of the term, condition or restriction until the determination or abandonment of the appeal.

### **5.8 Notification of police and Fire Authority**

Council will send a copy of any entertainments licence granted by it to PSNI and NIFRS.

Council will similarly notify the PSNI and NIFRS of the renewal, transfer, variation, cancellation, revocation or suspension of an entertainments licence granted by it.

## 6.0 References

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

DfC Model Term, Conditions and Restrictions (revised) which may be specified in entertainments licences by councils under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

### Revision history

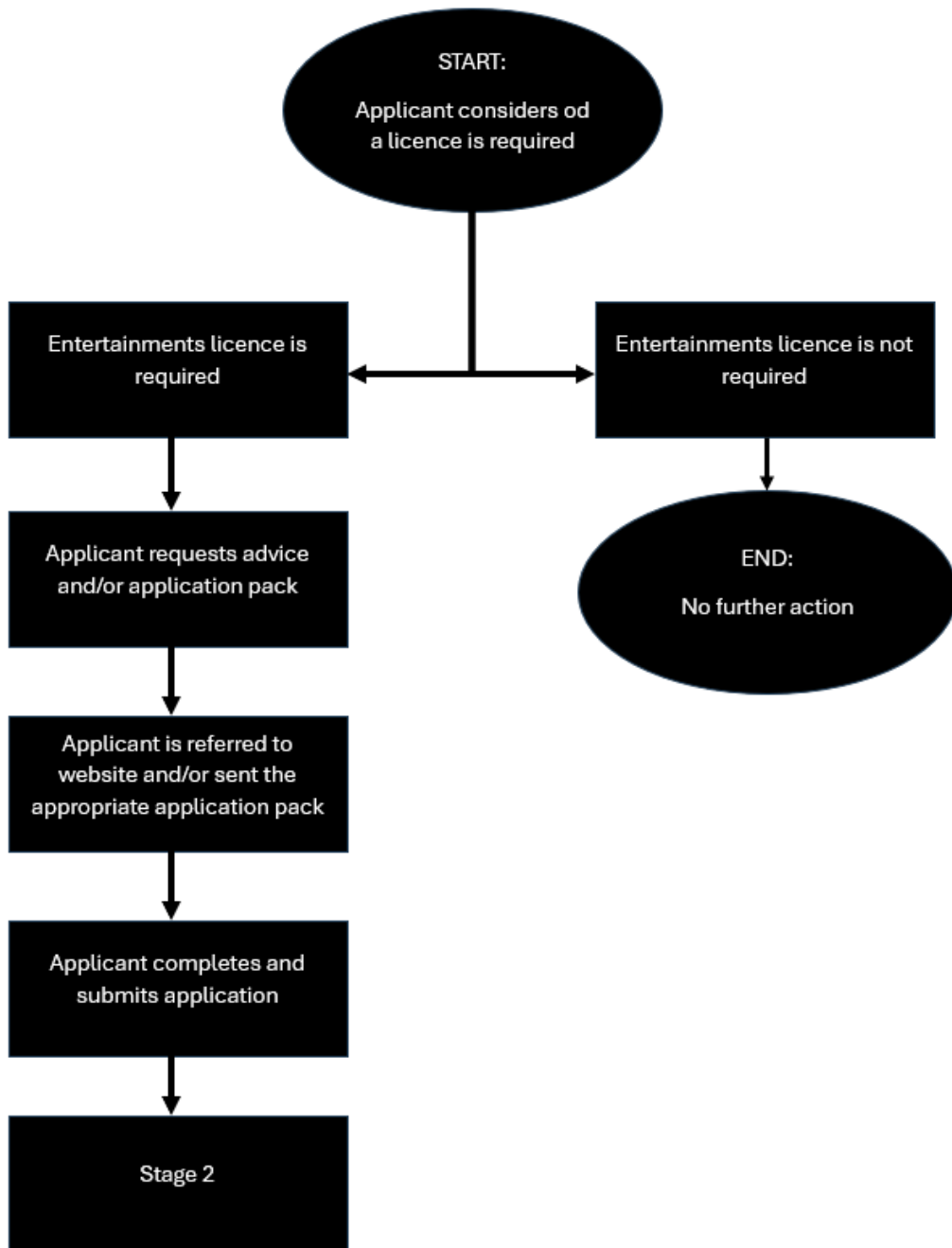
Version	Date	Section	Description of revision	Reason for revision

## Appendix 1:

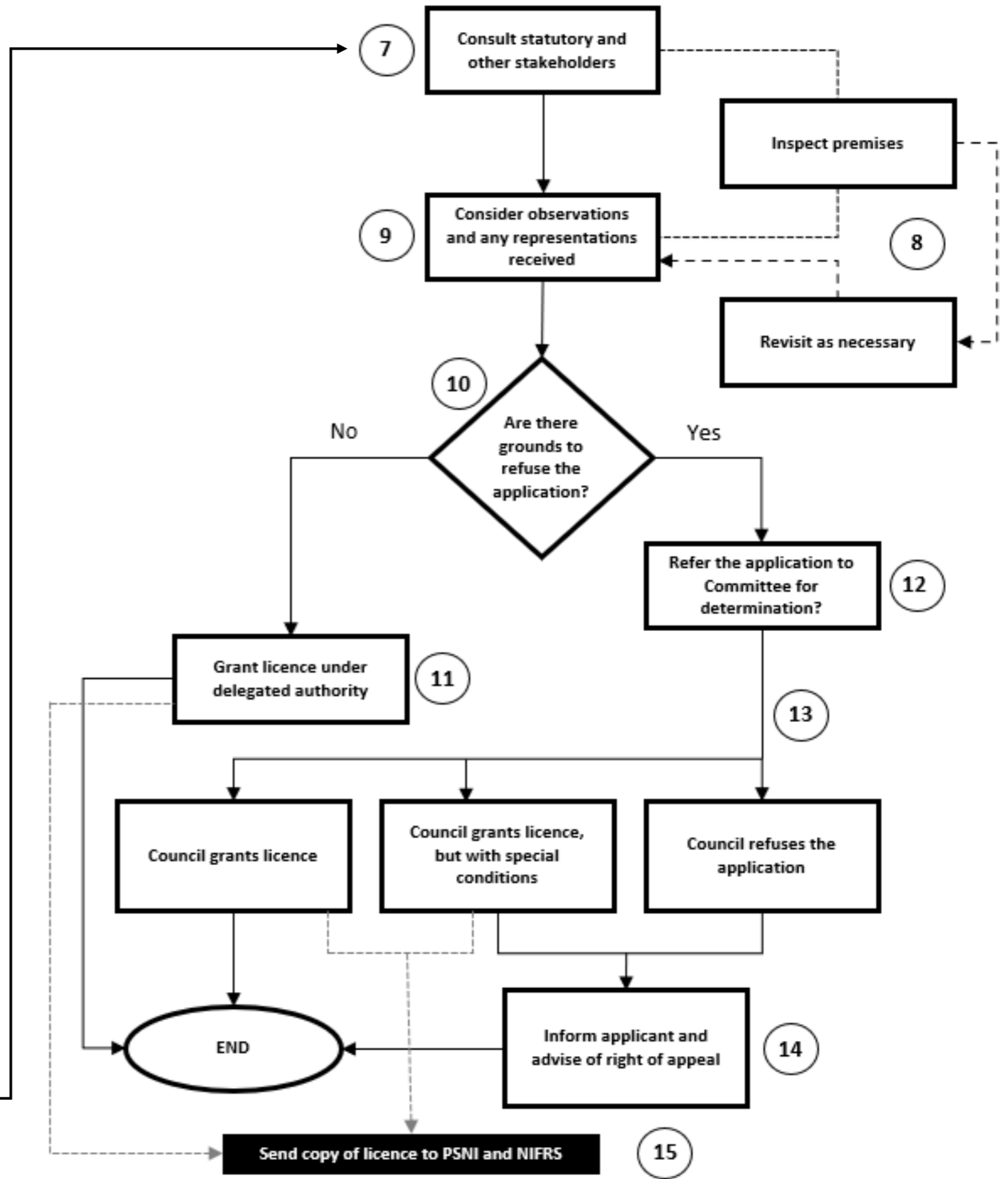
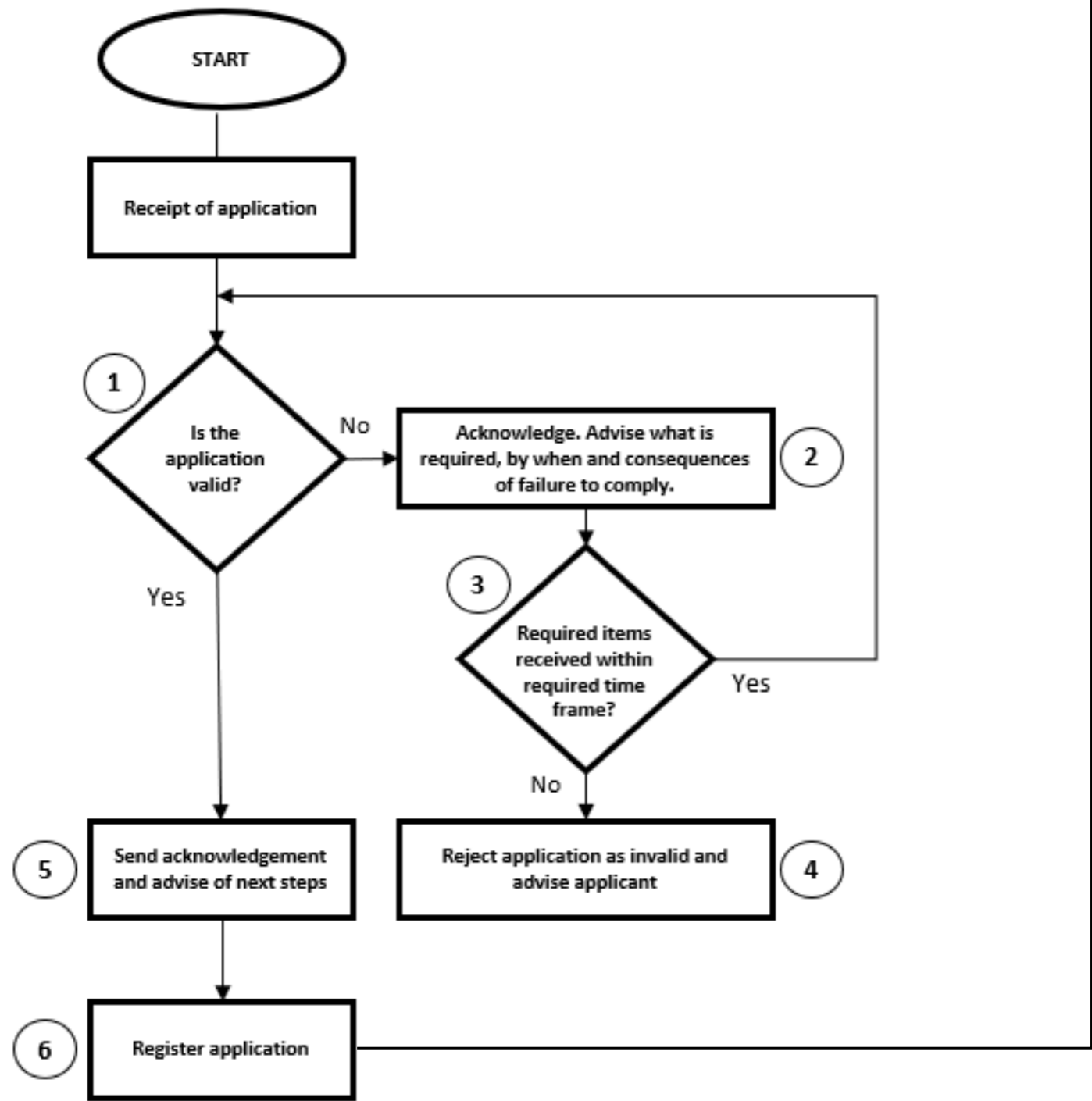
### Flowcharts summarising the stages of the entertainments licensing process

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#### Stage 1: Pre-application



# Entertainments licensing: application processing flowchart



## Appendix 2:

### Required items for each category and/or type of application



#### Items required at time of application for the grant of an indoor entertainments licence:

##### 1. Application form

Applications must be made in writing, using Council's approved application form, with all sections completed fully.

##### 2. Appropriate fee

The law requires that applications be accompanied by the appropriate fee, which will depend largely on the occupancy. Please note that the application fee has been determined by Government and is non-refundable. Refer to the "Table of Fees" to determine the appropriate fee for your premises.

Payment can be made by:

- Cash, by calling into the offices (do not send cash by post)
- Debit / Credit Card by calling into the offices or paying over the phone – Tel. 028 71253253
- Cheque, made payable to "Derry City and Strabane District Council"
- BACS, details for which are:

Bank Name & Branch:	DANSKE, 6 Shipquay Place, Derry, BT48 6DF. Head Office: PO Box 183, Donegall Square North, Belfast.
Bank Account Number:	40026018
Bank Sort Code:	950797
IBAN:	GB54DABA95079740026018
SWIFT/BIC:	DABAGB2B
Account Name:	DERRY & STRABANE C

Send remittance to [sales@derrystrabane.com](mailto:sales@derrystrabane.com) stating that the payment is for the purposes of paying a fee for an entertainments licence (Code: 0024/90105).

##### 3. Fire Risk Assessment.

Either:

- i. a suitable and sufficient fire risk assessment that has been carried out by a competent person within the preceding 12 months – **this must include occupancy calculations**; OR
- ii. a fire risk assessment that has been reviewed within the preceding 12 months to ensure it remains valid and up to date and, where necessary, revised by a competent person, e.g. to reflect any structural or material alterations to the premises or significant changes to the organisation and management of the premises that have impacted the fire safety arrangements

##### 4. Marked up fire drawings

Three hard copies\* of marked-up floor drawings, drawn to a scale of not less than 1:100 that reflect an accurate layout of the premises at time of application. The drawings should indicate all floors of the premises and clearly show the areas where entertainment will take place, indicating the occupancy numbers for each area. The drawings must have all fire safety measures marked, with an appropriate key, including: emergency lighting and maintained exit signage; door furniture, e.g. panic bars; where appropriate, fire alarm and smoke detection details; and firefighting equipment.

(\*we will accept one hard copy, on condition that the drawings are also provided in pdf format)

##### 5. Public notice advertisement

Not later than 7 days after the date of the application, public notice must be published, in the prescribed format, in **ONE** local newspaper and a copy of the advertisement (cut out from the paper, so that the publication's name and date is clear) supplied to the council as soon as possible thereafter.

**The requirement to advertise in a local newspaper does not apply to an application for an Occasional Licence for an educational institution or a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship.**

## 6. Public and employer's liability insurance

We require the Statement of Insurance to be completed by the insurance company to confirm that the applicant has public and employer's liability insurance cover for the premises. Please do not send insurance documents / schedules, as we cannot accept them.

## 7. Electrical installation condition report

The electrical installation condition report must satisfy the following requirements:

- A competent electrician must issue the EICR. Membership or registration with the following awarding bodies will provide assurance that the electrician is competent: National Inspection Council for Electrical Installation Contracting (NICEIC); Electrical Contractors Association (ECA); or Institute of Engineering & Technology (IET).
- The EICR must state that it has been prepared for the purpose of an Entertainments Licence
- Testing must have been carried out to 100% of circuits
- A sufficient percentage of the electrical installation, to be determined by the competent electrical contractor at time of inspection, must have been inspected visually to look for signs of defects and to provide assurance that the installation is safe for continued use.
- If the report indicates the need for remedial work ("C1" or "C2" defects) or further investigation ("FI" observations), additional written evidence must be submitted with the EICR confirming that the work has been carried out, e.g. a "minor works certificate"
- The maximum acceptable interval between periodic tests and inspections for entertainment premises is 3 years; however, a shorter period may, depending on the circumstances, be recommended by the inspecting contractor. Where a shorter period has been recommended by a contractor, the EICR will only be deemed to remain valid for that period

## 8. Emergency lighting certificate

The emergency lighting certificate must satisfy the following requirements:

- i. It must be valid (less than 12 months) at the time of application or being submitted, if later
- ii. 100% of the system must have been inspected and tested in accordance with the latest British Standard BS5266-1:2016. The inspection and test should be for 100% of the system.
- iii. The certificate must be in an approved format

## 9. Fire alarm certificate

The fire alarm certificate must satisfy the following requirements:

- i. It must be valid (less than 6 months) at the time of application or of submission, if later.
- ii. 100% of the system must have been inspected and tested in accordance with the latest British Standard (BS5839-1:2017).
- iii. The certificate should be in accordance with BS 5839-1:2017 Annex G - Model Certificates.

## 10. Fire Fighting Equipment Certificate

A firefighting equipment certificate that is valid (less than 12 months) at the time of application or submission, if later

## 11. Gas Safe Register certificate

If applicable, a Gas Safe Register certificate that is valid (less than 12 months) at the time of application or submission, if later

## 12. Building Control Completion certificate

If any works attracting building control approval have been carried out since the previous application

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**Please note that in certain circumstances Council may request additional documentation and / or certification, e.g. a structural certificate, ceiling certificate, acoustic report, etc.**

## Items required at time of application for the renewal of an indoor entertainments licence:



### 1. Application form

Applications must be made in writing, using Council's approved application form, with all sections completed fully.

### 2. Appropriate fee

The law requires that applications be accompanied by the appropriate fee, which will depend largely on the occupancy. Please note that the application fee has been determined by Government and is non-refundable. Refer to the "Table of Fees" to determine the appropriate fee for your premises.

Payment can be made by:

- Cash, by calling into the offices (do not send cash by post)
- Debit / Credit Card by calling into the offices or paying over the phone – Tel. 028 71253253
- Cheque, made payable to "Derry City and Strabane District Council"
- BACS, details for which are:

Bank Name & Branch:	DANSKE, 6 Shipquay Place, Derry, BT48 6DF. Head Office: PO Box 183, Donegall Square North, Belfast.
Bank Account Number:	40026018
Bank Sort Code:	950797
IBAN:	GB54DABA95079740026018
SWIFT/BIC:	DABAGB2B
Account Name:	DERRY & STRABANE C

Send remittance to [sales@derrystrabane.com](mailto:sales@derrystrabane.com) stating that the payment is for the purposes of paying a fee for an entertainments licence (Code: 0024/90105).

### 3. Fire Risk Assessment.

Either:

- a suitable and sufficient fire risk assessment that has been carried out by a competent person within the preceding 12 months – **this must include occupancy calculations**; OR
- a fire risk assessment that has been reviewed within the preceding 12 months to ensure it remains valid and up to date and, where necessary, revised by a competent person, e.g. to reflect any structural or material alterations to the premises or significant changes to the organisation and management of the premises that have impacted the fire safety arrangements

### 4. Public notice advertisement

Not later than 7 days after the date of the application, public notice must be published, in the prescribed format, in **ONE** local newspaper and a copy of the advertisement (cut out from the papers, so that the publication's name and date is clear) supplied to the council as soon as possible thereafter.

**The requirement to advertise in a local newspaper does not apply to an application for an Occasional Licence for an educational institution or a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship.**

### 5. Public and employer's liability insurance

We require the Statement of Insurance to be completed by the insurance company to confirm that the applicant has public and employer's liability insurance cover for the premises. Please do not send insurance documents / schedules, as we cannot accept them.

### 6. Electrical installation condition report

The electrical installation condition report must satisfy the following requirements:

- A competent electrician must issue the EICR. Membership or registration with the following awarding bodies will provide assurance that the electrician is competent: National Inspection Council for Electrical Installation Contracting (NICEIC); Electrical Contractors Association (ECA); or Institute of Engineering & Technology (IET).
- The EICR must state that it has been prepared for the purpose of an Entertainments Licence
- Testing must have been carried out to 100% of circuits
- A sufficient percentage of the electrical installation, to be determined by the competent electrical contractor at time of inspection, must have been inspected visually to look for signs of defects and to provide assurance that the installation is safe for continued use.
- If the report indicates the need for remedial work ("C1" or "C2" defects) or further investigation ("FI" observations), additional written evidence must be submitted with the EICR confirming that the work has been carried out, e.g. a "minor works certificate"
- The maximum acceptable interval between periodic tests and inspections for entertainment premises is 3 years; however, a shorter period may, depending on the circumstances, be recommended by the inspecting contractor. Where a shorter period has been recommended by a contractor, the EICR will only be deemed to remain valid for that period

### **7. Emergency lighting certificate**

The emergency lighting certificate must satisfy the following requirements:

- iv. It must be valid (less than 12 months) at the time of application or being submitted, if later
- v. 100% of the system must have been inspected and tested in accordance with the latest British Standard BS5266-1:2016. The inspection and test should be for 100% of the system.
- vi. The certificate must be in an approved format

### **8. Fire alarm certificate**

The fire alarm certificate must satisfy the following requirements:

- iv. It must be valid (less than 6 months) at the time of application or of submission, if later.
- v. 100% of the system must have been inspected and tested in accordance with the latest British Standard (BS5839-1:2017).
- vi. The certificate should be in accordance with BS 5839-1:2017 Annex G - Model Certificates.

### **9. Fire Fighting Equipment Certificate**

A firefighting equipment certificate that is valid (less than 12 months) at the time of application or submission, if later

### **10. Gas Safe Register certificate**

If applicable, a Gas Safe Register certificate that is valid (less than 12 months) at the time of application or submission, if later

### **11. Building Control Completion certificate**

If any works attracting building control approval have been carried out since the previous application

### **12. Marked up fire drawings – required if structural changes have been made since last application.**

Three hard copies\* of marked-up floor drawings, drawn to a scale of not less than 1:100 that reflect an accurate layout of the premises at time of application. The drawings should indicate all floors of the premises and clearly show the areas where entertainment will take place, indicating the occupancy numbers for each area. The drawings must have all fire safety measures marked, with an appropriate key, including: emergency lighting and maintained exit signage; door furniture, e.g. panic bars; where appropriate, fire alarm and smoke detection details; and firefighting equipment.

[\*We will accept one hard copy, on condition that the drawings are also provided in pdf format.]

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**Please note that in certain circumstances Council may request additional documentation and / or certification, e.g. a structural certificate, ceiling certificate, acoustic report, etc.**



Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSraitha Báin  
Derry Citty & Stràbane  
Destrìck Cooncil

## Items required at time of application for the variation of an indoor entertainments licence:

### 1. Application form

Applications must be made in writing, using Council's approved application form, with all sections completed fully, to include details of the variation requested and the reason for the request, and the declaration completed and signed.

### 2. Appropriate fee

The law requires that applications are accompanied by the appropriate fee of £80.00.

Please note that this application fee has been determined by Government and is non-refundable.

Payment can be made by:

- Cash, by calling into the offices (do not send cash by post)
- Debit / Credit Card by calling into the offices or paying over the phone – Tel. 028 71253253
- Cheque, made payable to "Derry City and Strabane District Council"
- BACS, details for which are:

Bank Name & Branch:	DANSKE, 6 Shipquay Place, Derry, BT48 6DF. Head Office: PO Box 183, Donegall Square North, Belfast.
Bank Account Number:	40026018
Bank Sort Code:	950797
IBAN:	GB54DABA95079740026018
SWIFT/BIC:	DABAGB2B
Account Name:	DERRY & STRABANE C

Send remittance to [sales@derrystrabane.com](mailto:sales@derrystrabane.com) stating that the payment is for the purposes of paying a fee for an entertainments licence (Code: 0024/90105), referencing the name of the premises.

### 3. Public notice advertisement

Not later than 7 days after the date of the application, public notice must be published, in the prescribed format, in **ONE** local newspaper, and a copy of the advertisement supplied to the council as soon as possible thereafter. You should supply the full page of the newspaper containing the notice, so that the publication's name and date is clear, i.e. do not simply cut out notice.

**The requirement to advertise in a local newspaper does not apply to an application for variation of an Occasional Entertainments Licence for an educational institution or a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship.**

### 4. Additional documentation / certification

Please note that in certain circumstances, depending on the nature of the variation requested, Council may request additional documentation and / or certification before making a determination of the application.

## Items required for an application for the grant of an outdoors entertainments licence:



Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSratha Báin  
Derry Citty & Strabane  
Districk Council

### 1. Application form

Applications must be made in writing, using Council's approved application form, with all sections completed fully.

### 2. Appropriate fee

The law requires that applications be accompanied by the appropriate fee. This will depend on both the type of organiser and the capacity of the venue. Please note that the application fee has been determined by Government and is non-refundable.

Type of outdoors event:	Full licence fee (£):
An application by a <b>voluntary organisation or a charity</b> relating to outdoor musical entertainments, where that place may hold: <ul style="list-style-type: none"> <li>• Not more than 500 persons...</li> <li>• Over 500 persons...</li> </ul>	 125 250
An application, <b>other than by a voluntary organisation or a charity</b> , relating to outdoor musical entertainments, where that place may hold: <ul style="list-style-type: none"> <li>• Not more than 500 persons...</li> <li>• Over 500 persons...</li> </ul>	 1,000 2,000

Note: A 'voluntary organisation' means an organisation carrying on or proposing to carry on activities otherwise than for the purpose of gain by the organisation or individual members thereof.

Payment can be made by:

- Cash, by calling into the offices (do not send cash by post)
- Debit / Credit Card by calling into the offices or paying over the phone – Tel. 028 71253253
- Cheque, made payable to "Derry City and Strabane District Council"
- BACS, details for which are:

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Bank Account Number:	40026018
Bank Sort Code:	950797
IBAN:	GB54DABA95079740026018
SWIFT/BIC:	DABAGB2B
Account Name:	DERRY & STRABANE C
Send remittance to <a href="mailto:sales@derrystrabane.com">sales@derrystrabane.com</a> stating that the payment is for the purposes of paying a fee for an entertainments licence (Code: 0024/90105)	

### 3. Public notice advertisement

Not later than 7 days after the date of the application, public notice must be published, in the prescribed format, in **ONE** local newspaper. A copy of the newspaper page containing the advertisement must be supplied to the council (together with the completed form, "Proof of Public Notice") as soon as possible after the publication date, making sure that the publication's name and date is clear on the page – i.e. do not simply cut around the public notice.

Note: on request, the newspaper may be able to send you the full page containing the public notice, as a pdf document, which can then be e-mailed to the licensing team.

#### 4. Event Management Plan

As an event organiser, you need to determine what resources and facilities will be required to ensure that your event is safe and minimises any disruption to the local community, taking into account factors such as: the scale, type and scope of the event; the type and size of audience; the location; the duration of the event; and the time of day and year the event will be held. Risk assessments will help you identify what the required resources and facilities will be. These should then be recorded in an event plan that details the organisation and arrangements that will be in place for managing health, safety and welfare at your event.

The specific information that should be included in an event plan will vary; however, it is likely that the following will be necessary:

- Location map
- Site layout plan
- Event management organisation (e.g. event controller, event safety advisor, etc.)
- Risk Assessments
- Crowd management and security arrangements (infrastructure, procedures, personnel deployment)
- Communication arrangements on site and external
- Evidence of pre-event business / community engagement
- Temporary structures
- Special effects including information on the use of lasers
- Electrical systems being installed and testing arrangements
- Medical and first aid arrangements on site
- Sanitary accommodation, including provisions for disabled people
- Travel and traffic management arrangements
- Ticket sales for the event
- Noise Assessment/Background Survey report
- Noise Management Plan
- Waste management arrangements
- Emergency arrangements, including access routes for police and emergency services
- Evacuation procedures
- Adverse weather management
- Accessibility arrangements
- Child welfare arrangements

#### 5. Fire Risk Assessment

Adequate and appropriate fire safety measures will be required to minimise the risk of injury or loss of life in the event of a fire. We will require a suitable and sufficient fire risk assessment that has been carried out by a competent person specifically for the event. This must include occupancy calculations and identify the fire safety measures that will be implemented.

Guidance on carrying out a fire risk assessment for an outdoor event are available on the NIFRS website:

<https://www.nifrs.org/wp-content/uploads/2021/02/Open-Air-Events-and-Venues.pdf>

#### 6. Public and employer's liability insurance

We require the Statement of Insurance to be completed by the insurance company to confirm that the applicant has public and employer's liability insurance cover for the premises. Please do not send insurance documents / schedules, as we cannot accept them.