

Title of Report:	ENTERTAINMENT LICENCE FEES 2021
Committee Report Submitted To:	ENVIRONMENTAL SERVICES COMMITTEE
Date of Meeting:	9th March 2021
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2021-25)	
Strategic Theme	Local Economy
Outcome	Compliance with Legislation
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	Approximately £50,000.00
Included in Current Year Estimates	YES/NO
Capital/Revenue	Revenue
Code	24009 4211
Staffing Costs	Included in current Budget

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to provide members with an update on the determination by the Department for Communities (DfC) regarding fees for Entertainment Licences for the duration of the 2021/2022 financial year and to advise on the current arrangements within council regarding Entertainments Licences for the year 2020/2021.

2.0 Background

- 2.1 Under Article 3 and Schedule 1 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, certain specified entertainment shall not be provided at places, except, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. The legislation also requires that any application for the grant, renewal, transfer or variation of an entertainment shall be accompanied by fee as the DfC may from time to time determine.
- 2.2 On the 10th February 2021 the DfC announced a change in the fees for Entertainment Licences for one year with effect from 6th April 2021. A nominal licence fee of £1 has been introduced for renewal applications only. A copy of the circular 4/2021 is provided at Appendix 1 to this report.
- 2.3 The reduction is to remain in place for the duration of the 2021/2022 financial year and will be subject to review early next year to determine whether there is a need to extend the measure beyond this period.
- 2.4 This temporary easement directly addresses the issue of costs to businesses, applies some consistency across all council areas, and keeps the arrangement within the scope of the current legislation.
- 2.5 Council has lost a significant portion of income from the entertainment licensing fees during 2020/2021 as a result of the Covid 19 restrictions on the hospitality and the process of adding time on to entertainment licences that were not used during this time. The introduction of the nominal licence fee will result in a further loss of income from this source during the year to come.
- 2.6 Councils have been asked to continue to notify the DfC of any potential loss of income incurred which can be met from funding provided by the Executive. A claim will be submitted in this regard.

3.0 Current Arrangements

- 3.1 Entertainment premises were asked to close from 21st March 2020 and have remained as such, unable to provide entertainment and therefore use their Entertainment Licence since this time.

- 3.2 Such premises were advised from this time that the enforced closure would not be detrimental to them and that time would be added to their Entertainment Licence when restrictions were lifted.
- 3.3 Under the Order a premise must apply for the renewal of their licence before the expiry of the current licence – otherwise their application will be for the grant of a new licence and not a renewal.

4.0 Considerations

- 4.1 A number of premises decided not to renew their licence over the past year due to business restrictions and some have not been able to pay the fee. (approximately 20% at time of writing). These premises will need to apply for the grant of licence when they reopen and hence will need to meet the full licence fee and cannot avail of this revised £1 fee.
- 4.2 Whilst this amendment to the fee is to be welcomed in that it will support some businesses it only covers premises renewing their licence after the 6 April 2021.
- 4.3 Businesses that have had to renew since last March when the COVID pandemic arrived will still need to pay the full fee to renew their licence for the current year. To prevent any detriment however, the equivalent time lost will be added to the renewed licence.
- 4.4 Whilst the Department did request information regarding the impact on the council's income prior to issue of the circular, they did not consult on their proposals to assist businesses.
- 4.5 It is considered that the Council should write to the Department and raise their concern that this amendment of the fee structure will not support all licensed premises especially those who did not renew their licence over the past year due to health restrictions. Consideration should be given to extending this licence fee to cover those premises if they wish to renew their licence in the coming year.

5.0 Recommendation

- 5.1 It is recommended that Council notes the report and considers writing to the Department to ask that consideration be given to extending the £1 licence fee to those premises applying for a grant of licence if they previously held an entertainment licence prior to the COVID restrictions coming into effect in March 2020.



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10 February 2021

Dear Chief Executive

LOCAL GOVERNMENT CIRCULAR 4/2021

FEES FOR ENTERTAINMENT LICENCES – DETERMINATION

(LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985)

As you know, 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 that certain specified entertainments shall not be provided at places, except under, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. The legislation also requires that any application for the grant, renewal, transfer or variation of an entertainments shall be accompanied by such fee as the Department for Communities may from time to time determine.

Towards the end of last year, representations were made to the Minister for Communities by one of the trade bodies for the hospitality industry, seeking easements to the costs of entertainment licences in order to alleviate hardship being experienced by the industry as a result of COVID-19 restrictions. That many businesses were struggling with the cost of renewing their entertainment licences was confirmed by councils in their responses to a request from the Department in December last for some brief detail on licences issued in 2020. Indeed, some councils have already introduced measures to help with the renewal of licences, including the deferral of fees,



suspending the requirement to advertise applications in the local press, and extending the period for which existing licences remain in force.

The Minister for Communities, Deirdre Hargey MLA, having considered a number of options on this issue, has decided that the Department will amend the licensing fees structure to introduce a nominal fee of £1 for renewal applications only, for all categories of entertainment licence, with effect from 6 April 2021. The reduction will remain in place for the duration of the 2021/2022 financial year and will be subject to review early next year to determine whether there is a need to extend the measure beyond this period. This temporary easement directly addresses the issue of costs to businesses, applies some consistency across all council areas, and keeps the arrangement within the scope of the current legislation.

It is appreciated that councils have already lost a significant portion of their income from entertainment licensing fees during 2020 as a result of the Covid-19 restrictions on the hospitality industry. It is also accepted that the introduction of this measure will result in a further loss of income from this source during the year to come. However, councils should continue to notify this Department of any potential loss of income incurred which can be met from funding provided by the Executive to support local councils with their financial pressures in respect of lost income and exceptional costs as a result of the COVID-19 pandemic.

Details of the revised fees, **effective from 6 April 2021**, are set out in the attached formal determination.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Liam Quinn".

LIAM QUINN
SOCIAL POLICY UNIT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985

DETERMINATION OF FEES FOR ENTERTAINMENT LICENCES

The Department for Communities, 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 1985¹, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992², hereby determines that, with effect from 6 April 2021, 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 Fee³	Full Licence Fee⁴	Renewal of a Full or Occasional Licence Fee
	£	£	£
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	1
- 101 to 200 persons;	75	150	1
- 201 to 300 persons;	125	250	1
- 301 to 500 persons;	200	400	1
- 501 to 1,000 persons; and	375	750	1
- Over 1,000 persons	500	1,000	1

	Licence Fee	Renewal Licence 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	1
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	1

¹ S.I. 1985/1208 (N.I. 15)

² S.I. 1992/810 (N.I. 6)

³ A licence granted under paragraph 4(2) of the above mentioned Schedule (i.e. an occasional licence)

⁴ A licence granted under paragraph 3 of the above mentioned Schedule.

<p>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:</p> <p>(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;</p> <p>(b) a place used for religious meetings or services 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 performed as an incident of a religious meeting or service; or</p> <p>(c) an educational institution while not being used as such in relation to an entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies.</p>	50	1
<p>An application relating to an indoor place of entertainment of any capacity to which paragraph 1(a), (b) or (d) and (6) of the above mentioned Schedule apply for a licence to be granted under paragraph 4(2) of that Schedule (i.e. an occasional licence) where the application is made by a voluntary organisation⁵ or a charity.</p>	50	1
<p>An application by a voluntary organisation or a charity relating to outdoor musical entertainments to which paragraph 2 of the above mentioned Schedule applies, where that place may hold</p> <ul style="list-style-type: none"> - not more than 500 persons; or - over 500 persons. 	125 250	1 1
<p>An application, other than by a voluntary organisation or charity, relating to outdoor musical entertainments to which paragraph 2 of the above mentioned Schedule applies, where that place may hold:</p> <ul style="list-style-type: none"> - not more than 500 persons; or - over 500 persons. 	1,000 2,000	1 1
<p>An application under paragraph 7A of the above mentioned Schedule for the variation of the terms, conditions or restrictions on, or subject to, which an entertainment licence is held.</p>	80	N/A

Dated this 10 day of February 2021



A senior officer of the Department for Communities

⁵ 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.