

REGULATIONS ON PLACES OF ENTERTAINMENT 2009
MINISTRY OF INFORMATION & COMMUNICATIONS

REGULATIONS ON PLACES OF ENTERTAINMENT 2009

Section	Contents	Page
1.	Introduction	2
2.	Issuance of Rules	2
3	Integrate Strategies and avoid duplication	3
4	General principles of regulations and the role of licensing	3
5	Rights of applicants & those making representations against Applications	4
6	Licensing Objectives:	4
6.1.1	Prevent Crime and Disorder	4
6.1.2	Ensure Public Safety	5
6.1.3	Prevent Public Nuisance	5
6.1.4	Protect Children from Harm	6
7	Other Key Issues	6
8	Licensing Hours	7
9	Conditions of licence	7
10	Live music, dance and theatre	7


1

1 Introduction

- 1.1 The Ministry of Information and Communications (Ministry) hereby issues these "Regulations on Places of Entertainment 2009" to Bhutan Infocomm and Media Authority (BICMA) as per clause 122 and 123 of the Bhutan Information, Communications and media Act 2006 (The Act).
- 1.2 BICMA as the Authority to issue License for operation of Entertainment Places in the country shall be responsible for approving licenses and determining applications for, and representations against Premises Entertainment Licenses and Temporary Entertainment Licenses permitted for temporary activities in respect of movie hall, dance halls, discotheques, music halls, gaming parlours, public houses, bars equipped with entertainment facilities, hospitality lounges, video/computer gaming arcades, circuses, magic show, fetes, concerts, fairs, carnivals, wrestling bouts, sporting events, bingo halls, and other forms of entertainments.
- 1.3 The authority of BICMA to issue license for Entertainment Places shall not extend to institutional and cultural places of entertainment that are non-commercial in nature. Such entertainment places shall include Tshechu, traditional local festivals, and other entertainments hosted by village communities and educational institutions.
- 1.4 As per provisions of these regulations, BICMA shall establish rules and operating mechanisms including delegation of its mandates to other organizations to implement the following four licensing objectives and any other provisions contained herein:
 - Prevent crime and disorder
 - Ensure public safety
 - Prevent public nuisance
 - Protect children from harm

2 Issuance of Rules

- 2.1 BICMA shall draft and issue rules to:
 - 2.1.1 Delegate Dzongkhag/Thromde to approve and administer licensing of Entertainment Places and Temporary Entertainment activities in their respective jurisdictions and to take ownership for effective monitoring including imposition of fines and penalties to realize the four policy objectives.
 - 2.1.2 Institute Licensing Committees (LC) in the Dzongkhag/Thromde chaired by the Dzongdags or CEO of Thromde (for large towns).



- 2.1.3 Provide rules, standards and guidelines to the LC to review and approve applications for entertainment licenses; review compliance reports, and take administrative decisions in consultation with the BICMA.
- 2.1.4 Provide LC with technical standards, terms and conditions for licensees to qualify for applying for licenses.
- 2.1.5 Institute monitoring mechanism in the Dzongkhag/Thromde using the services of Royal Bhutan Police (RBP).
- 2.1.6 Institute reporting and monitoring mechanism between BICMA and Dzongkhag/Thromde to review the licensing and monitoring activities.
- 2.1.7 Fix license fees and collection modalities as per rules in consultation with the Ministry of Economic Affairs and the Ministry of Finance.

3 Integrate Strategies and avoid duplication

- 3.1 In consultation with the relevant agencies, BICMA shall develop and institute a formal working relationship between BICMA, Dzongkhag/Thromde and RBP for effective enforcement of laws, regulations and rules at the licensed premises. While enforcement will primarily be the function of Police, some enforcement may be carried out jointly with officers from BICMA, Dzongkhag/Thromde and Police. Enforcement activity must be consistent, transparent and proportionate to the nature of the licensed premises.
- 3.2 Dzongkhag/Thromde shall ensure that all applications for new license demonstrate that their proposals are lawful in all respects.
- 3.3 BICMA and Dzongkhag/Thromde shall receive regular reports from the police regarding the state of compliance and provide a wider picture in pursuit of the licensing objectives.

4 General principles of regulations and the role of licensing authorities and licensees

- 4.1 Terms and conditions attached to the licensing approval granted by the licensing authority must be related to matters over which a licensee has direct or indirect control.
- 4.2 The focus must be on the licensed premises and its activities having direct or indirect impact on members of the public living, working, or engaged in normal activities in the area.



- 4.3 No entertainment license shall be issued to a licensee if the location proposed is in a non-commercial area or involves conversion of part of a residential structure.
- 4.4 Non-compliance with licensing objectives and technical requirements shall result in the rejection of an application for entertainment license or the invalidation of an existing license as well as imposition of fines equal to fifty times the value of a license for the first offense and higher penalties including termination of license thereafter
- 4.5 A licensee shall be obliged to prevent crime and disorder including violence, immoral and indecent activities on the licensed premises by means, such as:
- Positive measures to create a safe and clean environment in partnership with local businesses and local authorities, businesses, and residents.
 - Enforcement of restriction on sale of alcohol to minors below the age of 18.
 - Cooperate with Police in the enforcement of the normal law concerning disorder, violence, immoral and indecent activities.
- 5 Rights of applicants and those making representations against applications**
- 5.1 These regulations will not supersede any rights of applicants enshrined in the Act and other legislation or of those making representations against applications or fines/penalties.
- 5.2 Each application and representation will be treated on its merit taking into account legal and policy provisions.
- 6 Licensing Objectives**
- 6.1 BICMA, Dzongkhag/Thromde, Educational Institutes and the Licensee must affirm and uphold the licensing objectives in spirit and action to prevent crime and disorder; ensure public safety; prevent public nuisance; and protect children from harm.
- 6.1.1 Prevent Crime and Disorder**
- Licensed premises can be a source of crime and disorder such as including violence, immoral and indecent activities. It shall therefore be the duty of a licensee to act responsibly to ensure that customers do not contribute to crime and disorder while on the premise and in the vicinity of their premise.

4

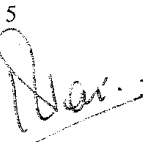

- An applicant for Entertainment License must state in the Operating Schedule, (which forms an integral part of the application), an undertaking how a licensee will address the crime and disorder issue including a list of security measures that will be adopted. BICMA and Dzongkhag/Thromde may be able to offer advice but the responsibility for the Operating Schedule rests with the applicant.
- The officials of the BICMA and Dzongkhag/Thromde shall work closely with the police to ensure that license conditions are met and that licensed premises are operated according to the requirements of the law and these regulations.

6.1.2 Ensure Public Safety

- It is the responsibility of the licensee to ensure that the licensed premise is safe for the public and employees in accordance with safety standards established by BICMA.
- Dzongkhag/Thromde and enforcement officials shall have the power to impose specific conditions to ensure public safety on any licensed premise.
- Officials of BICMA, Dzongkhag/Thromde and police may conduct periodic inspections of licensed premises to ensure that the approved safety standards are being maintained and that license conditions are being complied with.
- The periodic inspections will be risk based. Consequently, high risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the license.

6.1.3 Prevent Public Nuisance

- An applicant for license must address the issue of potential public nuisance including excessive noise and other disturbances, and what measures will be taken to ensure that nuisance is not caused, in their Operating Schedules as an integral part of their application. **[To be formulated by BICMA]**
- An application shall be evaluated on its individual merit and the Licensing Authority will have the power to impose specific conditions to ensure the prevention of public nuisance following relevant representations. In determining whether adequate measures are being taken or are being proposed to prevent the occurrence of nuisance, the Licensing Authority may also take into account the proximity of residential accommodation. **[To be formulated by BICMA]**
- An application for license renewal shall be assessed and determined based on the history of previous nuisance complaints proved against

5


the premise, particularly where Statutory Notices have been served on the licensee and the history of the applicant in controlling anti-social behaviour and preventing nuisance.

- Dzongkhag/Thromde and the RBP shall be empowered to close down instantly for up to 24 hours or more with or without fines/penalties, any licensed premises or temporary event if excessive noise or other disturbances is emanating from that particular premise or event.

6.1.4 Protect Children from Harm

- To protect children from harm, minors under the age of 18 shall not be allowed on a premise such as public houses or entertainment places which are used exclusively or primarily for the supply of alcohol consumption. This restriction does not apply to premises such as restaurants and gaming arcades etc where the supply of alcohol is not the principal use of the premises. Admission of children in the gaming arcade will always be at the discretion of those managing the premise. **[List of entertainment premise to be drawn by BICMA where entry of children is permitted/not permitted]**
- Dzongkhag/Thromde will work closely with the police and other relevant bodies to ensure that children are protected from becoming victim to such harmful premises.
- Dzongkhag/Thromde, and Police shall impose restrictions on access to cinemas for children as per classification of films recommended by the BICMA Film Review Board.
- Where there is such regulated public entertainment for children, the Licensing Authority may require specific conditions to be imposed to ensure their safety.
- Protection of Children from harm at the entertainment premise shall be the responsibility of the licensee.

7 Other key issues

- 7.1 Whilst Bhutan does not have a large concentration of licensed entertainment premises, it nevertheless has a relatively large number of bars with entertainment provisions.
- 7.2 While these regulations do not govern issuance of bar licenses, Licensing Authorities and Dzongkhag/Thromde are obliged to carefully consider licenses dealing with consumption of alcohol based on past records of problems, disturbance and or disorder outside or away from those licensed premise.
- 7.3 Where a particular premise is identified as being responsible for a problem, rules and mechanisms must ensure specific administrative and

Na...

legal actions including imposition of fines and penalties on a violating individual licensee.

- 7.4 As Licensing Authorities, BICMA and the Dzongkhag/Thromde have the primary responsibility to prevent crime and disorder.

8 Licensing Hours

- 8.1 BICMA shall specify in its rules the timing for opening and closing of an entertainment place category wise. An applicant for license shall include the timing stipulated in the rules in its Operating Schedule and what measures the licensee will take to ensure that the licensee does not cause nuisance or disturbance to neighbours in the vicinity.
- 8.2 BICMA shall also provide conditions and circumstances under which the Licensing Authorities may grant exceptions to the timing stipulated in the rules.
- 8.3 Restrictions may be imposed where patrons or premises are linked to disorder and or disturbance.

9 Conditions of license

- 9.1 Conditions including imposition of penalties attached to licenses following relevant representations will focus on matters within the control of the licensee or person granted a relevant permit.
- 9.2 Technical standards and conditions [to be formulated by BICMA] will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.

10 Live music, dance and theatre

- 10.1 The Ministry, as the policy making body for issuance of general direction to the Licensing Authority, encourages the promotion of live music shows, group cultural dances and drama for the wider benefit of the community, particularly in pursuance of any cultural strategy with none or nominal fees.
- 10.2 Applicants for licenses to stage music, cultural dance and drama must meet prescribed standards.

Nav