

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

12th January, 2024

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 5.15 pm on Wednesday, 17th January, 2024.

Yours faithfully,

JOHN WALSH

Chief Executive

AGENDA:

- 2 (c) Application for the Variation of a 7-Day Annual Outdoor Entertainments Licence for The Tipsy Bird, 96-100 Ann Street (Pages 1 - 12)

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Subject:	Application for the Variation of a 7-Day Annual Outdoor Entertainments Licence for The Topsy Bird, 96-100 Ann Street.
Date:	17 January 2024
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application for the variation of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions, to provide outdoor musical entertainment for:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Area and Location</td> <td style="width: 33%;">Ref. No.</td> <td style="width: 33%;">Applicant</td> </tr> <tr> <td>Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH</td> <td>WK/2022/02837</td> <td>Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF</td> </tr> </table>	Area and Location	Ref. No.	Applicant	Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/02837	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF
Area and Location	Ref. No.	Applicant					
Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/02837	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF					
1.2	A location map is attached as Appendix 1						

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> a) Approve the application for the variation of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or b) Approve the application for the variation with special conditions, or c) Refuse the application for the variation of the 7-Day Annual Outdoor Entertainments Licence.
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
3.0	Main report
	<p><u>Key Issues</u></p>
3.1	<p>Members are reminded that, at your meeting on 16 August 2023, due to concerns raised by Translink you agreed to approve the application for the grant of the 7-Day Annual Entertainments Licence for the Topsy Bird, subject to terms and conditions in relation to the management of sound.</p>
3.2	<p>The following special conditions relating to noise were attached to the outdoor licence:-</p> <ul style="list-style-type: none"> 1. Entertainment provided to the outdoor area must be no greater than 75dB LAeq at 1m from the loudspeaker. 2. Licensee to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level and keep a regular check on volume levels at noise sensitive facades. 3. Music must be provided through the in-house sound system. 4. Provide good management practice to ensure that no excessive noise levels are generated from patrons in the beer garden. 5. If noise disturbance is caused by Entertainment the noise level may require to be reduced to ensure that it does not impact on local properties.
3.3	<p>The applicant has applied to vary the hours during which entertainment may be provided, within the outdoor area.</p>
3.4	<p>The days and hours during which entertainment may be provided under the terms of the current Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Friday 4:00 pm to 10.30pm • Saturday 2:00 pm to 8.30pm • Sunday 2:00 pm to 8.30pm
3.5	<p>The days and hours proposed to provide entertainment within the outdoor area pursuant to the application to vary the outdoor licence are:</p> <ul style="list-style-type: none"> • Monday - Saturday 11:30 am to 11.00pm • Sunday 12:30 pm to 11.00pm
3.6	<p>A layout plan is attached as Appendix 2.</p>

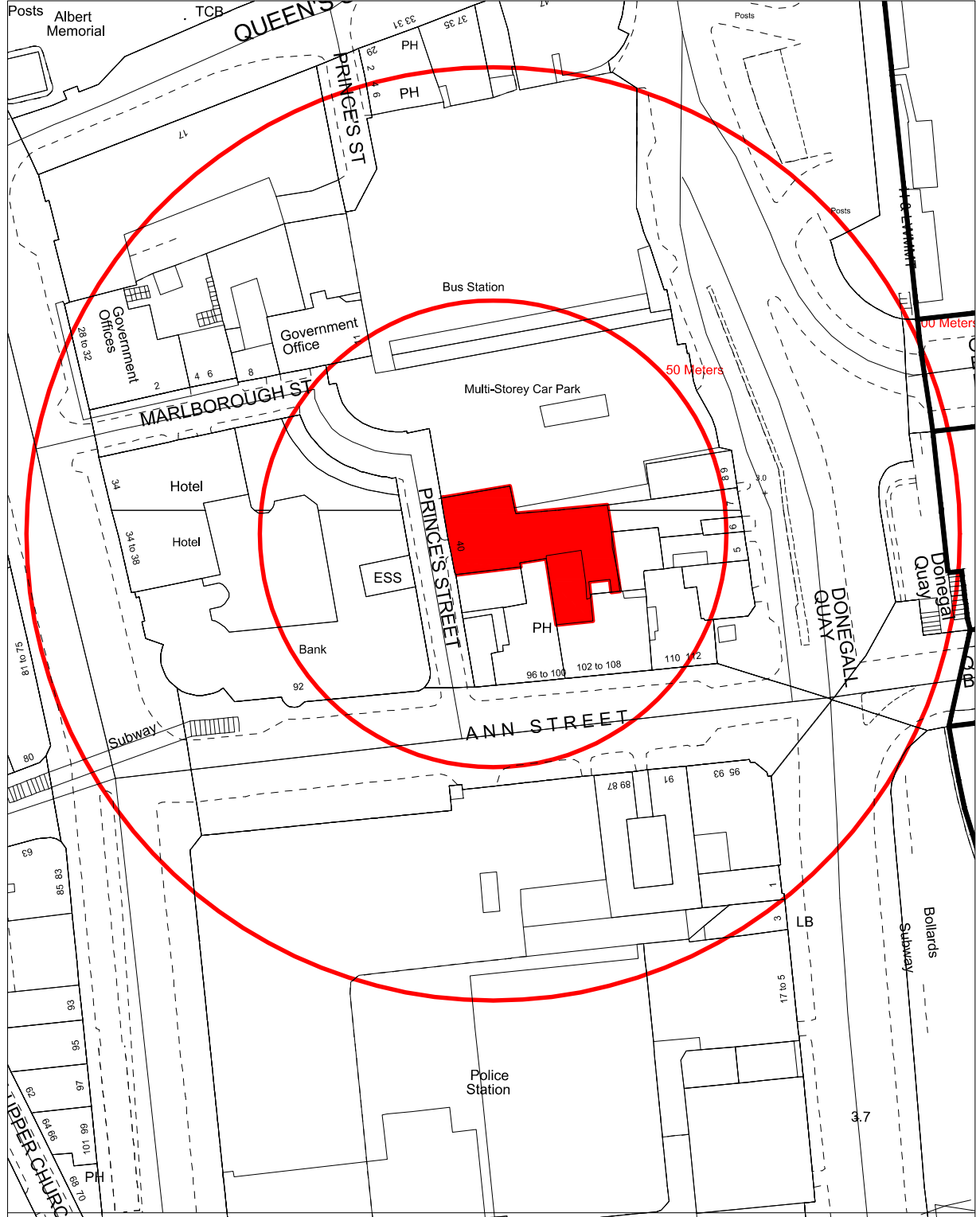
3.7	Members are reminded that all applications for an Outdoor Entertainments Licences must be brought before Committee for consideration. <u>Representations</u>
3.8	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement. <u>PSNI</u>
3.9	The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.
3.10	A copy of their response is included as Appendix 3 to this report. <u>NIFRS</u>
3.11	The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application. <u>Health, safety and welfare</u>
3.12	The premises have been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory. <u>Noise</u>
3.13	No noise complaints have been received by the Service since the outdoor entertainment licence was issued on 16 August 2023. <u>Applicant</u>
3.14	The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.
4.0	Financial & Resource Implications
4.1	None
5.0	Equality or Good Relations Implications/Rural Needs Assessment
5.1	There are no issues associated with this report.
6.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Layout plan • Appendix 3 – PSNI Comments

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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive
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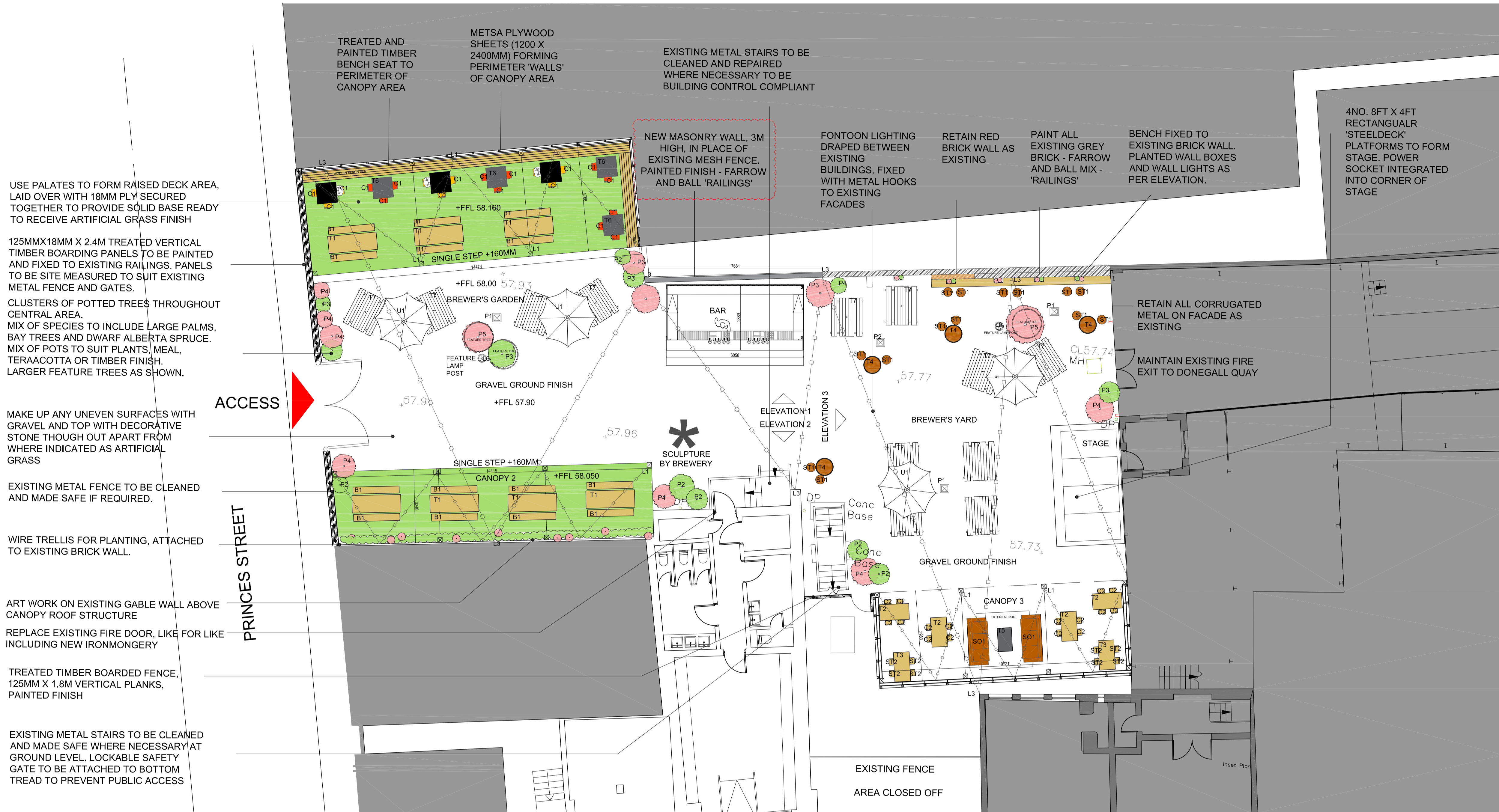


DRAWN BY **M Treacy**
DATE **14/06/2023**

Tipsy Bird Outdoor
Ann Street
Princes Street

SCALE **1:1250 @ A4**

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125MM X 2.4MM TREATED CLOSE BOARDED TIMBER, 10MM GAPS. TO BE PAINTED AND FIXED TO EXISTING RAILINGS. PANELS TO BE SITE MEASURED TO SUIT EXISTING METAL FENCE AND GATES. ART WORK / BRANDING TO PAINTED FENCE (TO BE AGREED)

FINISHES KEY

GROUND FINISHES

ARTIFICIAL GRASS

AREA AS SHOWN = APPROX 100M2.

ALLOW FOR RAISED DECK AREA MADE FROM TIMBER PALATES WITH 18MM PLY TOP TO LAY ARTIFICIAL GRASS

STONES/GRAVEL

GENERALLY THROUGHOUT;

LAY WEED BARRIER/MEMBRANE BELOW STONE/GRAVEL; 10MM NATURAL BUFF COLOUR.

AREA OF STONED SURFACE = 450M2.

PROVIDE 50MM COVERAGE THROUGHOUT

NOTE:
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PROJECT NAME
TIPSY BIRD / BREWER'S YARD BEER GARDEN,
BELFAST
DRAWING TITLE
PROPOSED GROUND FLOOR PLAN AND PRINCES
STREET ELEVATION

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1497	01 - 01	B	
DRAWN	CHECKED	SCALE	DATE
VC	RJ	1:100@A1	09.07.2020
PLANNING	B. CONTROL	TENDER	CONSTR.
		X	

RMI
ARCHITECTS
EST.1963

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Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

17th October 2023

Dear Richard

[Redacted text block containing multiple lines of blacked-out content]

The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH.

Please note that District Councils are the lead organisation for Entertainment Licensing and the provisions of the Order under Schedule 1 allows for the application, regulation and restriction following consideration by the licensing authority.

The Order allows for the granting of a licence with conditions with the overarching aim of maximising safety and minimise risk and impact that may result from the granting of a licence. The role of the Police Service in consideration of entertainment licenses is limited. I would however highlight current regulatory practice:

- Private Security Industry Act 2001 – covers the requirement for the provision of licensed activities that may impact this application.
- Responsible retailing code (NI) – covers the responsible promotion and retail of alcohol.

There are no current PSNI objections to the above applications being further considered by Belfast City Council, residents, other local business and NIFRS, with attention on the compliance of the conditions in APPENDIX E – Safer Dancing / Reduction in the supply of drugs within the BCC Rules of Management.

If the Entertainment Licence is granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that the Licensing (NI) Order 1996 will also be adhered to by the licence holder.

Can you please ensure that the applicant has registered the premises with the ongoing 'Ask for Angela' campaign as we continue to raise awareness for this simple, yet effective initiative that allows those who may find themselves in a vulnerable situation, with a quick and discreet way to access the help they need. Please feel free to share and encourage your applicants to register and appear on the province wide map.



The Police Service of Northern Ireland has developed a short training package, in partnership with Hospitality Ulster for the 'Ask for Angela' safeguarding initiative across Northern Ireland. People who feel unsafe, vulnerable or threatened can discreetly seek help by approaching

venue staff. Asking for 'Angela' will indicate to trained staff that this person requires help in the form of; reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or Police. The training package for the scheme is now available to access on the Hospitality Ulster website here:

<https://hospitalityulster.org/askforangela> or on the Northern Ireland Hotel Federation website here: <https://www.nihf.co.uk/ask-for-angela/> Any venue that wishes to take part must **first register via the link** above to sign up to the scheme and then they will be given access to the bespoke training package for their staff and promotional materials for their venue.

Once venues have signed up they will be added to a map that has been designed to make the public aware of what once venues have signed up they will be added to a map that has been designed to make the public aware of what venues are involved.

[REDACTED]
Licensing Constable
Belfast City

[REDACTED]
[REDACTED]
Email: [REDACTED]@[psni.police.uk](mailto:[REDACTED]@psni.police.uk)

Musgrave Police Station • 60 Victoria Street • Belfast • BT1 3GL

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