

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



**Belfast  
City Council**

14th October, 2022

**MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the **Council Chamber and remotely via Microsoft Teams** on Wednesday, 19th October, 2022 at 5.00 pm., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

**AGENDA:**

**1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

**2. Delegated Matters**

- (a) HMO Licences Issued Under Delegated Authority (Pages 1 - 4)
- (b) Licences Issued Under Delegated Authority (Pages 5 - 8)
- (c) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - The Central Catholic Club, 43a Rosemary Street (Pages 9 - 18)
- (d) Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence - St. Malachy's College Old Boys' Association, 442 Antrim Road (Pages 19 - 52)
- (e) Application for the Grant of an Amusement Permit - Playland, 24-28 Bradbury Place (report to follow)

**3. Non-Delegated Matters**

- (a) Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (Pages 53 - 70)



<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	19th October, 2022
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager
<b>Contact Officer:</b>	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	The Committee is requested to note those applications which have been issued under the Scheme of Delegation during September, 2022.

<b>3.0</b>	<b>Main Report</b>																																																																																																																
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123 Malone Avenue	Ms. Mary Flynn	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 109 University Avenue	Mrs. Bernie Taheny	CENTRAL	HOLYLAND HMO 2/22
114 University Avenue	Mr. Turlough Kennedy	CENTRAL	HOLYLAND HMO 2/22
77 Upper Newtownards Road	RECOZ HOLDING LTD	KNOCK	None
8 Adelaide Avenue	Mr. Kieran McCullough	WINDSOR	ADELAIDE HMO 2/01
223 Springfield Road	Mr. Eugene Carragher	CLONARD	None
45 Damascus Street	Mr. Stephen Cousins	CENTRAL	HOLYLAND HMO 2/22
124 University Avenue	Mr. Fintan Dolan	CENTRAL	HOLYLAND HMO 2/22
4 St Ives Gardens	Mrs. Judith Emerson	STRANMILLIS	SANDYMOUNT HMO 2/17
10 Olympia Street	Mrs. Rachael Spollen	BLACKSTAFF	BLACKSTAFF
8 Olympia Street	Mrs. Rachael Spollen	BLACKSTAFF	BLACKSTAFF
47 Fitzroy Avenue	Mr. Thomas Doherty	CENTRAL	HOLYLAND HMO 2/22
7 Damascus Street	Mr. Diarmuid O'Hare	CENTRAL	HOLYLAND HMO 2/22
49 Agincourt Avenue	Mr. Anthony Lundy	CENTRAL	HOLYLAND HMO 2/22
50 Lower Windsor Avenue	Mr. Dominic Morris	WINDSOR	MEADOWBANK HMO 2/15
54 Sandhurst Gardens	Miss Riley Napier	CENTRAL	STRANMILLIS HMO 2/19

**Financial and Resource Implications**

3.2 None

**Equality or Good Relations Implications/Rural Needs Assessment**

3.3 There are no issues associated with this report.

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<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	19th October, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to note the licences which have been issued under the Scheme of Delegation.

**3.0 Main Report**

**Key Issues**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Belfast Harlequins, 45A Deramore Park, Belfast, BT9 5JX.	Renewal	Mr. Peter Kelly
Ben Madigan's Bar & Kitchen, 169-175 Cavehill Road, Belfast, BT15	Grant	Mr. Kelvin Collins, Ben Madigan's Bar & Kitchen Ltd
Cassidys Bar, 347-349 Antrim Road, Belfast, BT15 2HG.	Renewal	Mr. Eugene Cassidy, Cassidy's Inn Ltd
Deanes Restaurant, 28-40 Howard Street, Belfast, BT1	Renewal	Mrs. Rachel McCreight, Deanes Restaurant Group
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD.	Renewal	Mr. Stephen McCann, Bachus Inns Ltd
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD.	Renewal (Outdoor)	Mr. Stephen Mc Cann, Bachus Inns Ltd
Gallaher's Bar, Cityside Retail Park, 100-150 York Street, Belfast, BT15 1JH.	Renewal	Mr. Samuel Stranaghan, GILTA Ltd
Haymarket, 84 Royal Avenue, Belfast, BT1 1DJ.	Grant	Mr. Gareth Murphy, Coobet Trading Ltd
Henry's & The Jailhouse, 4 Joys Entry, Belfast, BT1 4DR.	Renewal	Mr. Paul Langsford, 3 Wise Men Pubs Ltd
Newforge Country Club, 18b Newforge Lane, Belfast, BT9	Renewal	Mr. Alistair McGowan
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU.	Renewal	Mr. Stephen Magorrian, Northern Whig Trading Ltd
Oh Yeah Music Centre, 15-21 Gordon Street, Belfast, BT1	Renewal	Mr. Ryan O'Neill, Oh Yeah Music Centre Ltd
QUB, One Elmwood Student Centre, 77 University Road, Belfast, BT7 1NF.	Grant	Mr. Brian Horgan, QUB
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG.	Renewal	Mr. Robert Jameson
RBAI Common Hall, Royal Belfast Academical Institute, College Square East, Belfast, BT1 6DL.	Renewal	Ms. Elaine Davidson
St John's Orangefield, 397 Castlereagh Road, Belfast, BT5	Renewal	Ms. Lilian Jean Matchett
St John's Parish Hall, 444 Falls Road, Belfast, BT12 6EN.	Renewal	Fr. Martin Magill
The Bowery & Crafty Vintner, 701-703 Lisburn Road, Belfast, BT9	Renewal	Mr. Paul Complisson, Belfast Pub Co Ltd



<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
The Points, 44 Dublin Road, Belfast, BT2 7HN.	Renewal	Mr. Stephen Mc Cann, Corick Facilities Management Ltd
The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH.	Renewal	Mr. Bobby Robertson, Glendola Leisure (Holdings) Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4GW.	Renewal	Mr. Stephen Boyd, Endless Music Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4GW.	Renewal (Outdoor)	Mr. Stephen Boyd, Endless Music Ltd
Town Square, 12-13 Lower Crescent, Belfast, BT7 1NR.	Renewal	Mr. Ben Ringland, Victoria 1 Ltd
Whites Tavern, 2-4 Winecellar Entry, Belfast, BT1 1QN.	Renewal	Mr. Paul Langsford, Clover Pubs NI No.3 Ltd

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, no Amusement Permits were issued since your last meeting.

3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991, the following Cinema Licence was issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
QUB, Centre for Drama & Film Studies, 20 University Square, Belfast, BT7 1PA.	Renewal	Ms. Joanne Clague, QUB

3.4 Under the terms of the Petroleum Consolidation Act 1929, the following Petroleum Licences were issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Lagmore Service Station, 220 Stewartstown Road, Belfast, BT17 0LE.	Renewal	Mr. Henry Curran
Mace Mount Alverno, 703 - 705 Springfield Road, BT12 7FP	Renewal	Mr. Brendan Nugent, BN Hire Ltd
Maguires Garage, 534 Falls Road, Belfast, BT12 6EQ.	Renewal	Mr. James Maguire
Saveways Eurospar, 111-129 Springfield Road, BT12 7AE.	Renewal	Mr. Brendan McKee
Spar/BP Filling Station, 220-230 Holywood Road, Belfast, BT4	Renewal	Mr. Alan Armstrong, Henderson Retail Ltd
Tates Avenue Filling Station, 252 Tate Avenue, Belfast, BT12 6NB.	Renewal	Mr. Alan Armstrong, Henderson Retail Ltd

3.5	Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.										
	<table border="1"> <thead> <tr> <th data-bbox="236 253 614 320">Location</th> <th data-bbox="614 253 805 320">Type of Application</th> <th data-bbox="805 253 1013 320">Commodity</th> <th data-bbox="1013 253 1241 320">Hours Licensed</th> <th data-bbox="1241 253 1473 320">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="236 320 614 477">Ballyhackamore, Ballymacarratt, Ballynafeigh, Belmont, Bloomfield, Knocknagoney, Strandtown, Sydenham,</td> <td data-bbox="614 320 805 477">Mobile</td> <td data-bbox="805 320 1013 477">Cold Beverages, Confectionary, Ice Cream</td> <td data-bbox="1013 320 1241 477">Mon – Sat: 13:00 – 20:30</td> <td data-bbox="1241 320 1473 477">Mr Simon Allen</td> </tr> </tbody> </table>	Location	Type of Application	Commodity	Hours Licensed	Applicant	Ballyhackamore, Ballymacarratt, Ballynafeigh, Belmont, Bloomfield, Knocknagoney, Strandtown, Sydenham,	Mobile	Cold Beverages, Confectionary, Ice Cream	Mon – Sat: 13:00 – 20:30	Mr Simon Allen
Location	Type of Application	Commodity	Hours Licensed	Applicant							
Ballyhackamore, Ballymacarratt, Ballynafeigh, Belmont, Bloomfield, Knocknagoney, Strandtown, Sydenham,	Mobile	Cold Beverages, Confectionary, Ice Cream	Mon – Sat: 13:00 – 20:30	Mr Simon Allen							
3.6	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, no Road Closure Orders were made since your last meeting.										
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, no Pavement Café Licences were issued since your last meeting.										
	<b><u>Financial and Resource Implications</u></b>										
3.8	None										
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>										
3.9	There are no issues associated with this report.										



<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - The Central Catholic Club, 43a Rosemary Street</b>
<b>Date:</b>	19th October, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Monica Gallagher, Senior Building Control Surveyor, ext 2567

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

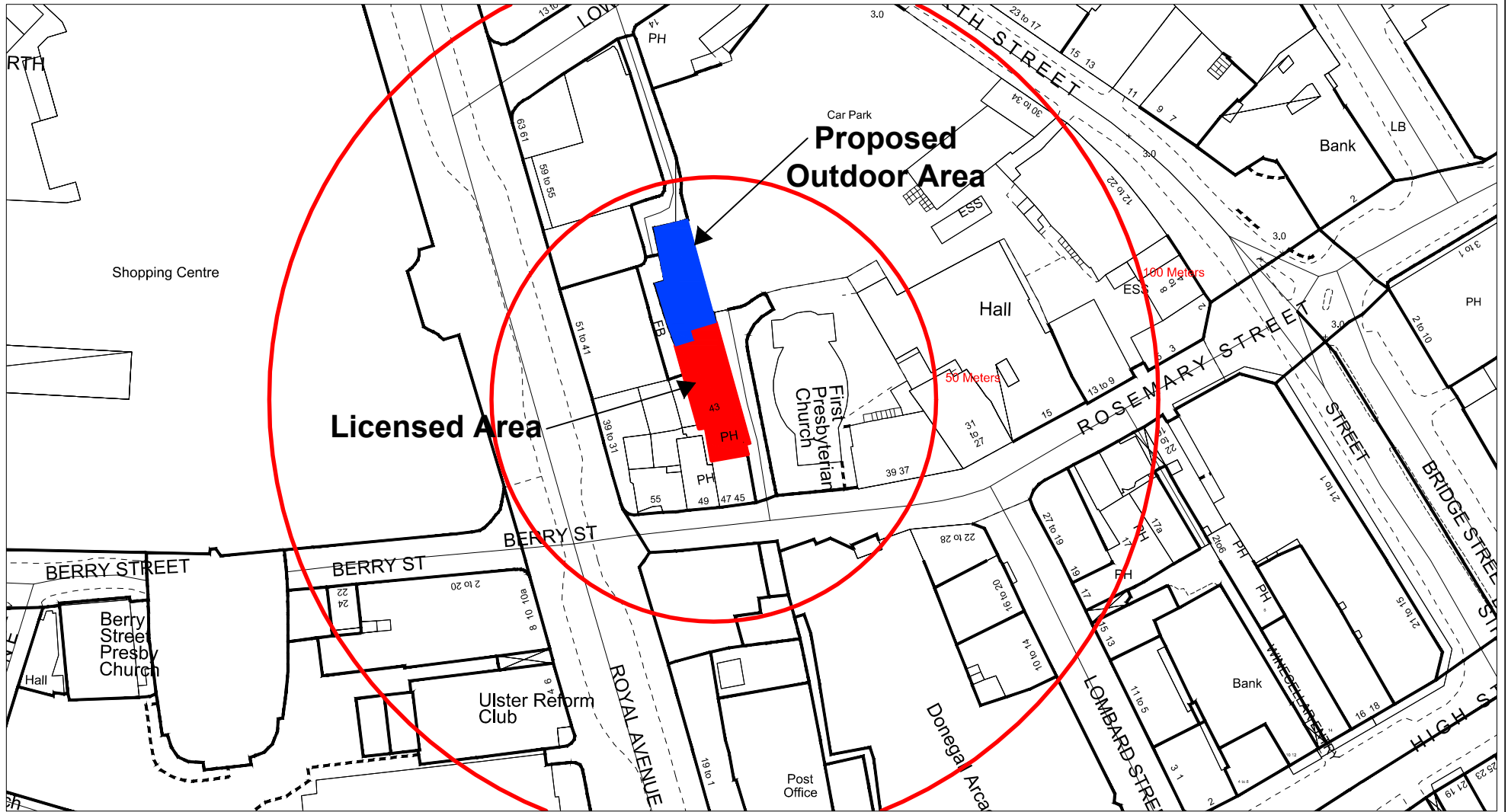
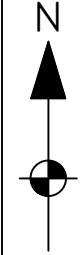
<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>			
1.1	<p>To consider an application for the grant of a Seven-Day Annual Outdoor Entertainments Licence for the following premises, based on the Council's standard conditions, to provide outdoor musical entertainment for:</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Area and Location</b> Central Catholic Club, 43a Rosemary Street Belfast, BT1 1QB</td> <td style="width: 33%;"><b>Ref. No.</b> WK/2020/02063</td> <td style="width: 33%;"><b>Applicant</b> Patrick McAviney Club Chairman</td> </tr> </table>	<b>Area and Location</b> Central Catholic Club, 43a Rosemary Street Belfast, BT1 1QB	<b>Ref. No.</b> WK/2020/02063	<b>Applicant</b> Patrick McAviney Club Chairman
<b>Area and Location</b> Central Catholic Club, 43a Rosemary Street Belfast, BT1 1QB	<b>Ref. No.</b> WK/2020/02063	<b>Applicant</b> Patrick McAviney Club Chairman		
1.2	A location map is attached at Appendix 1.			

<b>2.0</b>	<b>Recommendations</b>
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"> <li>a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence, or</li> <li>b) Approve the application for the grant with special conditions, or</li> <li>c) Refuse the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.</li> </ul>
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>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	<p>The applicant has applied to provide musical entertainment in the form of live music, within an outdoor area adjacent to the Club's main building. The club has an existing indoor Entertainments Licence.</p>
3.2	<p>A layout plan is attached at Appendix 2.</p>
3.3	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 a m to 11.00 p m.</li> </ul>
3.3	<p>Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.</p>
	<b><u>Representations</u></b>
3.4	<p>No written representation has been received as a result of the public notice of the application.</p>
	<b><u>PSNI</u></b>
3.5	<p>The Police Service of Northern Ireland has been consulted in relation to the application and has confirmed that it has no objection to the application.</p>
	<b><u>NIFRS</u></b>
3.6	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the outdoor application and has confirmed that it has no objection to the application.</p>
	<b><u>Health, Safety and Welfare</u></b>
3.7	<p>The applicant is developing a management plan outlining how the area will be managed to ensure the health and safety of their patrons and staff.</p>
	<b><u>Noise</u></b>
3.8	<p>The applicant has provided the Service with a noise impact assessment report from an acoustic consultant for the outdoor area, which has been forwarded to our Environmental Protection Unit (EPU) for evaluation.</p>

3.9	The provision of only amplified background music and the performance of live small acoustic bands is proposed, and should Members be minded to grant the Outdoor Entertainments Licence the licensee is content for a special condition to this effect be placed on the licence.
3.10	Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.  <b><u>Applicant</u></b>
3.11	The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.
3.12	A supplementary letter from the applicant outlining their reasons for applying for an outdoor licence is attached at Appendix 3.
<b>4.0</b>	<b>Financial and Resource Implications</b>  None
<b>5.0</b>	<b>Equality or Good Relations Implications/Rural Needs Assessment</b>  There are no issues associated with this report.
<b>6.0</b>	<b>Documents Attached</b>
	Appendix 1 – Location map  Appendix 2 – Layout plan  Appendix 3 – Letter from applicant

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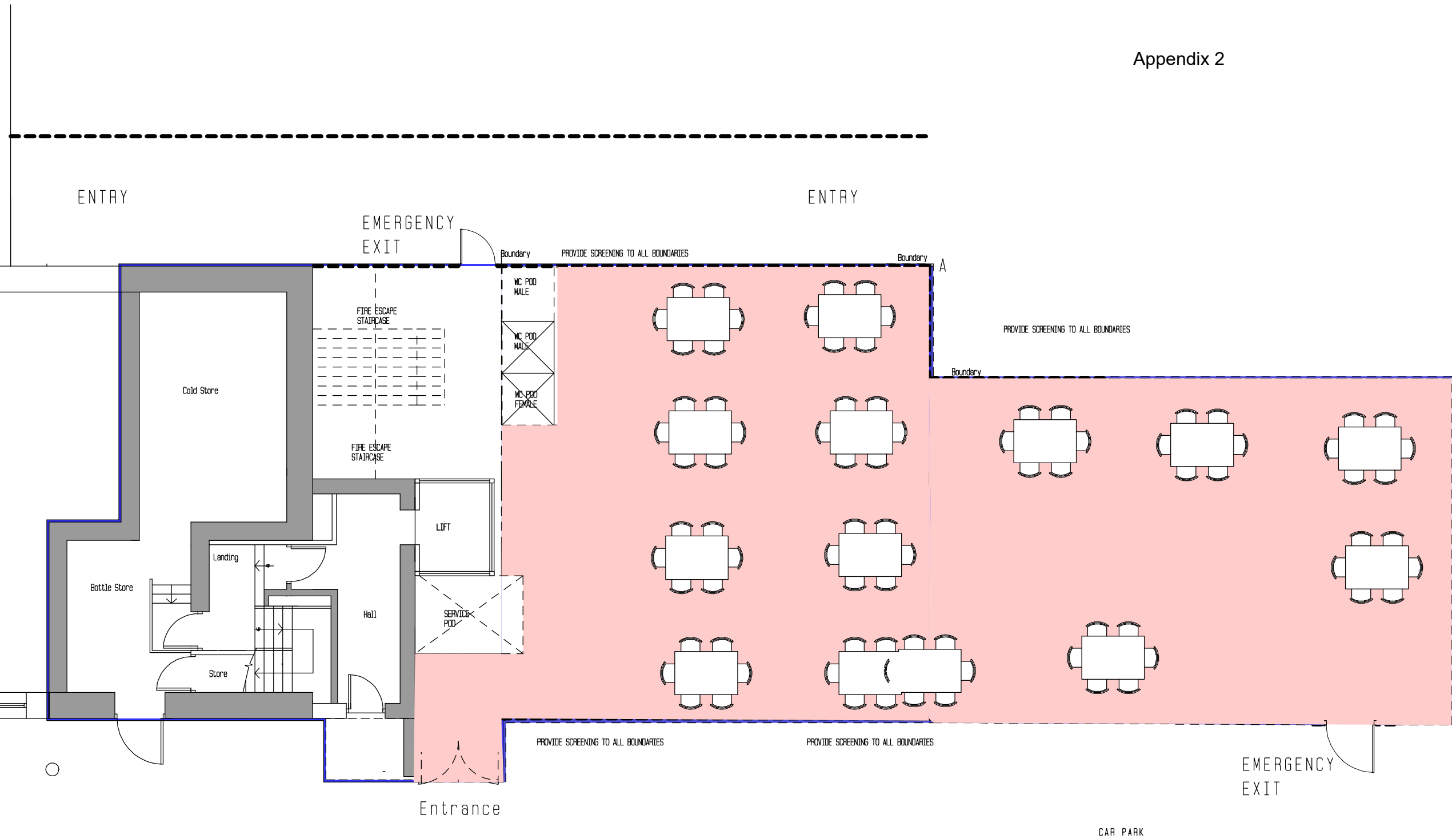
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DATE	8/2/2022

Central Catholic Club  
43a Rosemary Street

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**PROPOSED GROUND FLOOR PLAN**

EXTENT OF REGISTERED CLUB PREMISES SURROUNDED BLUE THUS

AREA WHERE ALCOHOL MAY BE SUPPLIED TO MEMBERS AND THEIR GUESTS COLOURED RED



**KEVIN FENNELL DESIGN**  
N.A.B.C. Architectural Design and Planning S.A.S.

Proposed Renovation 43A, Rosemary Street, Belfast for Central Catholic Club	
PROPOSED GROUND FLOOR PLAN	
DATE: SEPT 20	Amended: JULY 21
SCALE: 1:100	Kevin Fennell Design
Drawg No: kf 1224 20	2a Dorchester Park Belfast 9
Drawn By:	Ph 90663524

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## CENTRAL CATHOLIC CLUB

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[centralcatholicclub@gmail.com](mailto:centralcatholicclub@gmail.com)



[028 9032 5898](tel:02890325898)

43A ROSEMARY ST, BELFAST  
BT1 1QB

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To Belfast city council,

We the Central Catholic Club acquired a piece of the carpark beside our club during the 1<sup>st</sup> lockdown we fenced it off from the public and incorporated it into our club. Plans were sent to the council and the police.

We decided to make an outside area for our members and guests as covid isn't as spreadable in outside settings and our plan is to use the outside space as much as possible to try and curtail the spread of covid.

We thought our original entertainment license would have covered us but we have since found out that we needed another entertainment license for this part of our club.

The entertainment we wish to provide is a bit of background music and possibly a 1- or 2-piece acoustic group when the warmer weather comes in.

Thank you for taking the time to read this letter, yours Patrick McAviney (Chairman)



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<b>Subject:</b>	<b>Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence - St. Malachy's College Old Boys' Association, 442 Antrim Road</b>
<b>Date:</b>	19th October, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Monica Gallagher, Senior Building Control Surveyor, ext 2567

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an objection to the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence for the following premises:</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Area and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>St. Malachy's College Old Boys Association 442 Antrim Road Belfast BT15 5BG</td> <td>WK/2020/02479</td> <td>Mr. Conor Cassidy Club Chairman</td> </tr> </table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	St. Malachy's College Old Boys Association 442 Antrim Road Belfast BT15 5BG	WK/2020/02479	Mr. Conor Cassidy Club Chairman
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
St. Malachy's College Old Boys Association 442 Antrim Road Belfast BT15 5BG	WK/2020/02479	Mr. Conor Cassidy Club Chairman					
1.2	A location map is attached at Appendix 1.						

<b>2.0</b>	<b>Recommendations</b>
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"> <li>a) Approve the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence, or</li> <li>b) Approve the application for the renewal with special conditions, or</li> <li>c) Refuse the application for the renewal of the Seven-Day Annual indoor Entertainments Licence.</li> </ul>
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.</p>
2.3	<p>Should the applicant decide to appeal, the existing Licence will continue with its present conditions until the appeal is determined.</p>
<b>3.0</b>	<b>Main Report</b>
	<p><b><u>Details of the Premises</u></b></p> <p>3.1 St. Malachy's Old Boys' Association has held a Seven-Day Annual Indoor Entertainment Licence since 1998.</p> <p>3.2 The current days and hours during which entertainment can be provided are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 a.m. to 11.00 p.m. and</li> <li>• Sunday: 12.30 p.m. to 11.00 p.m.</li> </ul> <p>3.3 Under the provisions of the Licensing and Registration of Clubs (Amendment Act) (Northern Ireland) 2021, in addition to the normal hours shown above, the club may apply for up to 104 extensions a year to sell alcohol until 01.00 am on any day of the week. These are authorised at the discretion of the Police Service of Northern Ireland (PSNI) and, if granted, these also enable entertainment to be provided to the end of the drinking up period on those nights. The drinking up period extends to 2.00am on those nights that an extension licence has been approved by the PSNI.</p> <p>3.4 The areas currently Licensed to provide indoor entertainment and their occupancies are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor lounge bar with a maximum capacity of 45 people</li> <li>• Ground Floor Main Function Hall with a maximum capacity of 200 people</li> <li>• Ground Floor Darts room with a maximum capacity of 38 people</li> <li>• First Floor Recreation room with a maximum capacity of 50 people.</li> </ul> <p>3.5 The Function Hall is used on an ad hoc basis for family parties and charity functions which usually involve a late licence to 1:00am with music provided by a DJ operating via their noise limiting device.</p> <p>3.6 The Club has advised that it has not had entertainment scheduled since before Covid-19.</p>

### **Licensing History**

- 3.7 An application for an Entertainments Licence for this premises was first received in 1997, and, whilst objections were received for the initial grant and first renewal, the licence was renewed under delegated authority, with no objections having been received, for the years 2000 - 2008.
- 3.8 In March 2009, an objection to the renewal of the licence was received by the Service. This objection was resolved through a resident meeting with the Club and with special conditions being added to the licence following a special meeting of the Licensing Committee on 29 April 2009. The licence subsequently has been renewed under delegated authority with no objections received on each subsequent year until the present.
- 3.9 At the Licensing Committee meeting in April 2009, the Club agreed to the following special conditions being attached to its licence:
1. Bottle bins to be moved to a location away from the wall adjacent to residential property;
  2. Fire doors at the rear of the function room to be used only in emergency situations and not to be used at any other time;
  3. The smoking area to be restricted to that part of the alleyway immediately adjacent to the premises;
  4. Patrons to be discouraged from using the rear yard immediately adjacent to residential property; and
  5. Regular meetings to be established between the club committee and officers from the Service in order to deal with any problems which might arise in respect of the licence.

### **Representations**

#### **Objector's Representation**

- 3.10 One written representation was received as a result of the public notices of application from a local resident. This was received within the 28-day statutory period.
- 3.11 The letter of objection is attached at Appendix 2.
- 3.12 The objector submitted video clips on two memory sticks to support their objection. The video clips were dated from 2nd July, 2021 to 27th May, 2022. The issues arising from these videos relate to:
- Patron conversations in the rear garden
  - Beer bottle delivery and collections causing noise
  - Damage to wall at objector's property alleged to be from beer bottle collections
  - Patrons at rear garden of premises calling objector's name as she videos.
- 3.13 The Building Control Service sent a letter offering to facilitate a meeting between the objector and applicant, but this offer was not accepted. The Service also offered to meet with the objector independently, but this too has not been accepted.
- 3.14 The objector's Representation Form is attached at Appendix 3 and it has been provided to the applicant, as required by the protocol.

3.15	<p>In general, the representation relates to concerns as follows:</p> <ul style="list-style-type: none"> <li>• noise nuisance and abusive behaviour from patrons gathering at the rear of the premises;</li> <li>• nuisance caused by beer deliveries and collections; and</li> <li>• failure to comply with conditions attached to the entertainment licence.</li> </ul>
3.16	<p>The objector has been invited to attend the Committee meeting to discuss any matters relating to the objections, should they arise.</p>
<p><b><u>Applicant's Representation</u></b></p>	
3.17	<p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response, along with letters of support, is attached at Appendix 4.</p>
3.18	<p>The applicant's Representation Form has also been provided to the objector, as required by the protocol.</p>
3.19	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> <li>• They have not been made aware of any complaints about the club and, had they been aware of any problems, they would have investigated these with a view to taking any reasonable steps to address them;</li> <li>• They have had no complaints raised with them by either the PSNI or the Council's noise team;</li> <li>• They are open to discussion on any steps they can take to address the objector's concerns; and</li> <li>• Other residents in the area are supportive of the club and have no complaints.</li> </ul>
3.20	<p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p>
<p><b><u>Counter Representations</u></b></p>	
3.21	<p>No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided at the meeting in respect of any further representations which are received.</p>
<p><b><u>PSNI</u></b></p>	
3.22	<p>The Police Service of Northern Ireland has been consulted and confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 5.</p>
<p><b><u>NIFRS</u></b></p>	
3.23	<p>The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.</p>
<p><b><u>Health, Safety and Welfare</u></b></p>	
3.24	<p>There are no issues relating to health, safety and welfare in relation to this renewal application.</p>



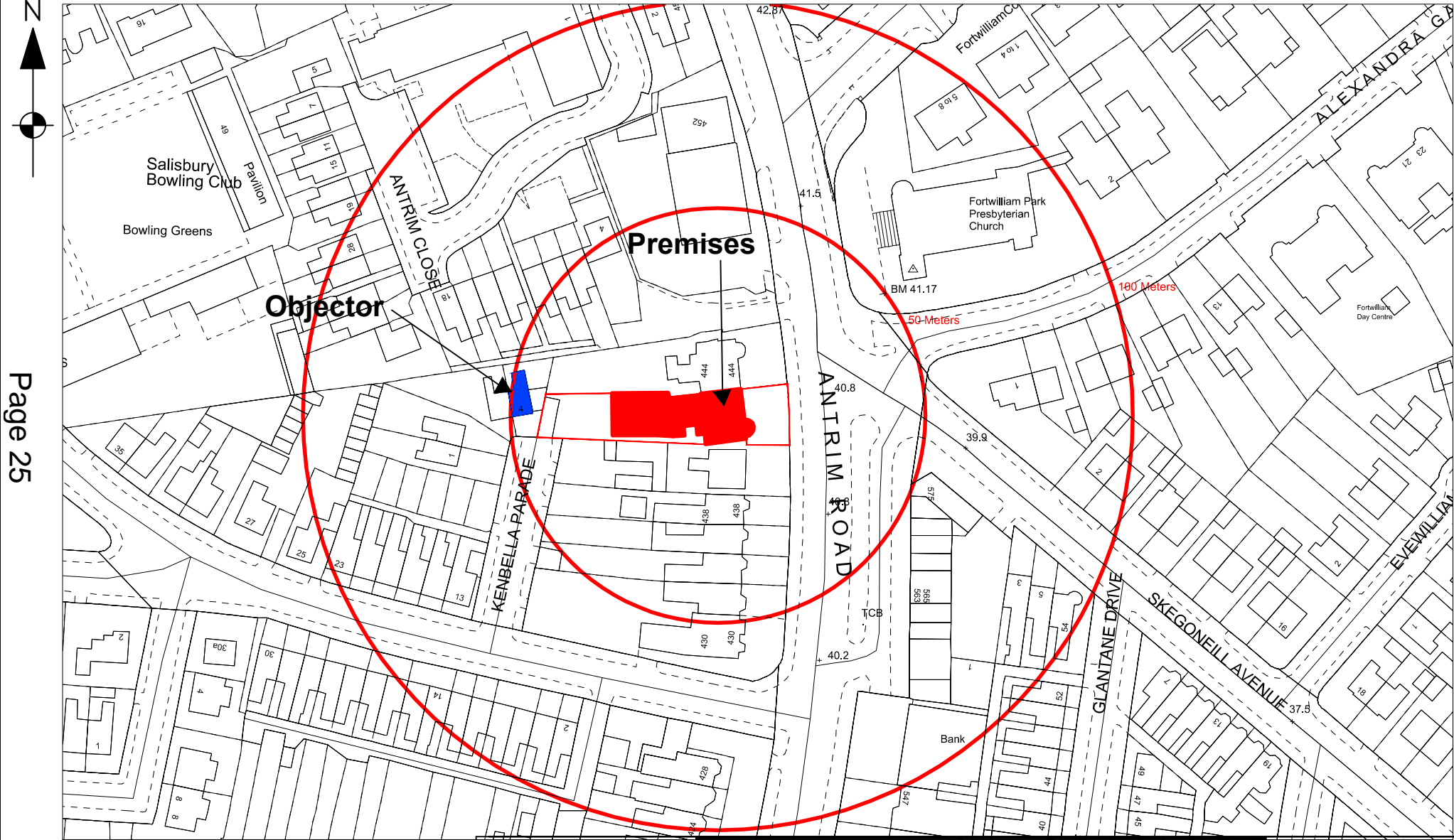
3.25	<p><b><u>Noise and Complaints</u></b></p> <p>There have been no complaints communicated to the Environmental Protection Unit's night-time noise team and the Service has no record of any other complaints concerning the premises in the past 12 months.</p>
4.0	<p><b>Financial and Resource Implications</b></p>
4.1	<p>None</p>
5.0	<p><b>Equality or Good Relations Implications/Rural Needs Assessment</b></p>
5.1	<p>There are no issues associated with this report.</p>
6.0	<p><b>Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 - Location map</li> <li>• Appendix 2 - Letter from Objector</li> <li>• Appendix 3 - Objector's Representation Form</li> <li>• Appendix 4 - Applicant's Representation Form and letters of support</li> <li>• Appendix 5 - PSNI Comments</li> </ul>

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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  
© CROWN COPYRIGHT 2003



DRAWN BY	M Treacy
DATE	08/09/2022

St Malachys Old Boys Association  
442 Antrim Road, Belfast

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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Also that all current COVID – 19 guidance will be considered by the licence holder.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A large black rectangular redaction box covering the signature of the licensing officer.

Licensing Officer, Musgrave Station, Belfast



Subject:	<b>Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021</b>
Date:	19th October, 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager (ext: 2435)
Contact Officers:	Nora Largey, Divisional Solicitor, Regulatory and Planning (ext: 6049)

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To provide an update on the trial period which the Committee, at its meeting on 13th April 2022, agreed to extend for a further six months, with authority delegated to Council officers to deal with all Article 44A extension applications both for City centre and non-City centre locations in the manner which had been previously agreed by the Committee.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The legislation to permit Article 44A extension applications and Police Service of Northern Ireland authorisations for additional hours has been in place for over a year. Given the limited uptake by businesses availing of their use, the Committee is asked to consider either:</p> <ul style="list-style-type: none"> <li>i. delegating authority to officers to deal with all such applications in the manner previously agreed; or</li> <li>ii. further extending the trial period whereby authority is delegated to officers to deal with all such applications in the manner previously agreed for a timeframe to be determined.</li> </ul>

2.2	For either option, this would be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
2.3	In such instances, these applications would be presented to the Committee for consideration.
<b>3.0</b>	<b>Background</b>
3.1	<p>The Committee, at its meeting on 19th January, considered a report on the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 and agreed:</p> <ul style="list-style-type: none"> <li>i. to delegate authority to Council officers, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddu Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances those applications will be presented to the Committee for consideration;</li> <li>ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and</li> <li>iii. that the report on pubs and hotels in City centre locations, the operation of Biddu Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.</li> </ul>
3.2	<p>At the Committee meeting on 13th April, the trial period was extended for an additional 6 months in the manner previously agreed by Committee.</p> <p><b><u>Summary Position following the April Committee Meeting</u></b></p> <p><b>Biddu Duffy's, 133 Andersonstown Road</b>  <b>Horatio Todd's, 406 – 408 Upper Newtownards Road</b></p>
3.3	<p>The Committee agreed to offer no objection to Article 44A extension applications for Biddu Duffy's and Horatio Todd's up to 19th October 2022 and that each applicant be requested:</p> <ul style="list-style-type: none"> <li>i. to agree to withdraw all Article 44A extension applications beyond 19<sup>th</sup> October, to allow officers to provide at the Committee meeting in October an update on any issues which had arisen from the operation of the premises during the 9-month trial period, given that both premises were located in close proximity to residential accommodation; and</li> <li>ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.</li> </ul> <p><b><u>Pubs and Hotels – Non-City Centre Locations Generally</u></b></p>
3.4	<p>The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between the April meeting and 19<sup>th</sup> October 2022, officers should deal with them in a similar way as those for Biddu Duffy's and Horatio Todd's, in that each applicant would be requested:</p>

	<ul style="list-style-type: none"> <li>i. to agree to withdraw all Article 44A extension applications beyond 19<sup>th</sup> October, to allow officers to provide at the Committee meeting in October an update on any issues which had arisen from the operation of the premises during the 9-month trial period, given that they were located in close proximity to residential accommodation; and</li> <li>ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.</li> </ul>
3.5	This was provided that the application did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
3.6	In such instances, the application would be presented to the Committee for consideration.
	<b><u>Pubs and Hotels – City Centre Locations</u></b>
3.7	<p>The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:</p> <ul style="list-style-type: none"> <li>i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and</li> <li>ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.</li> </ul>
3.8	It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.
	<b><u>Police Service of Northern Ireland Authorisations for Additional Hours</u></b>
3.9	<p>The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:</p> <ul style="list-style-type: none"> <li>a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),</li> <li>b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and</li> <li>c. Building Regulation or other Council statutory enforcement issues.</li> </ul>
3.10	The reports from your meeting of 19 <sup>th</sup> January and 13 <sup>th</sup> April, 2022 are attached at Appendix 1.

4.0	<p><b>Key Issues</b></p>
	<p><b><u>Summary of 9-month Trial Period</u></b></p>
	<p><b>Biddy Duffy's, 133 Andersonstown Road</b>  <b>Horatio Todd's, 406 – 408 Upper Newtownards Road</b></p>
4.1	<p>To date, Biddy Duffy's has only once availed of the additional hours of operation permitted by their Article 44A applications whilst Horatio Todd's has not used any of their additional hours applications.</p>
4.2	<p>The licensee of Biddy Duffy's has advised that they are not using their additional hours because customers are no longer interested in late nights, post covid, whilst the licensee for Horatio Todd's will not be applying for any further additional hours claiming that they cost too much in legal fees and provide no return.</p>
4.3	<p>Given that the premises are close to residential properties, the intention of the extended trial period was to consider whether the premises operating to the later hours, or any period immediately following their termination, led to undue inconvenience to persons residing in the vicinity.</p>
4.4	<p>Despite a prolonged trial period of over 9 months, there is still no evidence to provide for Committee in relation to the impact, if any, of these bars selling alcohol to 2.00 am on their local neighbourhood.</p>
	<p><b><u>Pubs and Hotels – Non-City Centre Locations Generally</u></b></p>
4.5	<p>Since the Committee meetings in January and April, no other Article 44A extension applications for non-City centre locations have been received by the Council.</p>
4.6	<p>There is, therefore, still no evidence to provide for the Committee in relation to the impact, if any, of pubs and hotels in other non-city centre locations selling alcohol to 2.00am on their local neighbourhood.</p>
	<p><b><u>Pubs and Hotels – City Centre Locations</u></b></p>
4.7	<p>The Council has received Article 44A extension applications for 25 City centre pubs and hotels and these have been responded to, as outlined in section 3.6 above.</p>
4.8	<p>To date, we have not received any noise complaints in relation to any of these venues nor are we aware of any concerns that the PSNI have in relation to these properties selling alcohol to 2.00 am.</p>
	<p><b><u>Police Service of Northern Ireland Authorisations for Additional Hours</u></b></p>
4.9	<p>The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 introduced new, or amended existing, powers for police authorisations for additional hours which,</p> <ol style="list-style-type: none"> <li>1. allows pubs which have an Article 44 licence to apply to the PSNI for ad-hoc late opening (11.00 pm - 1.00 am) up to 20 times per year for a day not covered by the article 44 Order,</li> <li>2. increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 licence) can apply for late opening (11.00 pm - 1.00 am) from 20 to 104 times per year, and</li> <li>3. increases the number of occasions registered clubs can apply for late opening (11.00 pm - 1.00 am) from 85 to 104 times per year.</li> </ol>



4.10	The applicant must display notice of the application on or near their premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.
4.11	The Council has not received notification of any applications in relation to the Police Service of Northern Ireland authorisation for additional hours since your April meeting last December.
4.12	Again, despite over 9 months of a trial period, there is still no evidence to provide for Committee in relation to the impact, if any, of any applications to the Police for authorisation for additional hours on local neighbourhoods.
	<b><u>Conclusions</u></b>
4.13	Coronavirus has had a significant impact on the licensed trade and it would seem that the introduction of new legislation to permit longer opening hours has not had the widespread uptake that might have been expected.
4.14	When reporting to the Committee in April, it was anticipated that trade in the industry and tourism generally would pick up, and that there would be greater interest from pubs and hotels in availing of the opportunity to serve alcohol until 2.00 am.
4.15	No doubt the more recent pressures that businesses are enduring due to the cost of living crisis has had a further impact on recovery and, in turn, their desire to avail of late licences.
4.16	The facility for pubs and hotels to avail of the opportunity to serve alcohol until 2.00 am was introduced on 1st October 2021 but the uptake has been limited to date.
4.17	At present, there is no evidence to suggest that the introduction of the new legislation has had any impact on local residents in terms of subjecting them to any additional unacceptable disturbance.
4.18	This situation will be kept under review and any emerging problems that may arise can be reported to the Committee in due course.
	<b><u>Financial and Resource Implications</u></b>
5.1	None.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
6.1	None.
7.0	<b>Document Attached</b>
	Appendix 1 - Minutes of the Licensing Committee meetings of 19 <sup>th</sup> January and 13 <sup>th</sup> April, 2022.

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**Extract of the Licensing Committee Minutes of Wednesday, 19th January, 2022**

**Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021**

The Building Control Manager submitted for the Committee's consideration the following report:

**“1.0 Purpose of Report/Summary of Main Issues**

- 1.1 To consider how Article 44A extension liquor licence applications for non-City centre locations for dates in February prior to the Committee meeting on 16th February, and, in particular, St. Valentine's night, are dealt with.**

**2.0 Recommendations**

- 2.1 The Committee is asked to consider if authority should be delegated to officers to deal with any Article 44A extension applications for non-City centre locations for dates up to and including 16th February 2022, in a similar way to that agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December 2021.**
- 2.2 This would again be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.**
- 2.3 In such instances, the application would be presented to the Committee for consideration.**

**3.0 Background**

- 3.1 At the meeting on 15th December, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021. The outcome is set out below:**

**Pubs and Hotels – City Centre Locations**

- 3.2 The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:**
- i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and**
  - ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an**

entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

- 3.3 It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

**Pubs and Hotels – Non-City Centre Locations**

**Biddy Duffy’s, 133 Andersonstown Road/**

**Horatio Todd’s, 406 – 408 Upper Newtownards Road**

- 3.4 The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy’s and Horatio Todd’s up to 31st January 2022 and that each applicant be requested:
- i. to agree to withdraw all Article 44A extension applications beyond 31st January, to allow officers to provide at the Committee meeting in February an update on any issues which had arisen from the operation of the premises during the month of January, given that both premises were located in close proximity to residential accommodation; and
  - ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

**Pubs and Hotels – Non-City Centre Locations Generally**

- 3.5 The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between this meeting and 31st January 2022, officers should deal with them in a similar way as those for Biddy Duffy’s and Horatio Todd’s, as long as they did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
- 3.6 In such instances, the application would be presented to the Committee for consideration.

**Police Service of Northern Ireland**

**Authorisations for Additional Hours**

- 3.7 The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:
- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),
  - b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and

c. **Building Regulation or other Council statutory enforcement issues.**

**3.8 The minute from the meeting of 15th December has been circulated.**

**4.0 Key issues**

**4.1 Members will be aware that new Coronavirus restrictions came into force on 26th December 2021 which, amongst other measures, required nightclubs to close and prohibited dancing in all other licensed premises.**

**4.2 Should these restrictions be lifted prior to the Committee meeting on 16th February, there is a possibility that a number of pubs and hotels in non-City centre locations may wish to apply for an Article 44A order for additional permitted hours to serve alcohol until 2.00 am for St. Valentine's night and/or the weekend nights leading up to it.**

**4.3 As your decision in relation to any Article 44A extension applications for non-City centre locations only covers the period to 31st January 2022, that would preclude officers from making any delegated decision in relation to applications associated with St. Valentine's night or any other application for dates from 1st February to 16th February.**

**4.4 Given the additional impact on the hospitality sector that the latest restrictions have created and the fact that any venues that have applied for extension licences will have had limited opportunity to utilise them to date, the Committee may wish to consider reviewing how any extension applications for dates prior to your meeting on 16th February, and in particular St. Valentine's night, are dealt with.**

**Financial and Resource Implications**

**4.5 None.**

**Equality or Good Relations Implications/ Rural Needs Assessment**

**4.6 None."**

After discussion, the Committee agreed:

- i. to delegate authority to the Director of Planning and Building Control, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances, those applications will be presented to the Committee for consideration;
- ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and

- iii. that the report on pubs and hotels in City centre locations, the operation of Biddu Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.



**Licensing and Registration of Clubs (Amendment) Act (NI) 2021**

The Committee considered the undernoted report:

**“1.0 Purpose of Report or Summary of main Issues**

To update Members on a three-month trial, where authority was delegated to Council officers, to deal with any Article 44A extension applications for non-City centre locations and to report on pubs and hotels in City centre locations, the operation of Biddu Duffy’s and Horatio Todd’s and on Police Service of Northern Ireland Authorisations for Additional Hours.

**Recommendations**

Given the limited uptake in Article 44A extension applications and Police Service of Northern Ireland authorisations for additional hours Members are asked to consider either:

- I. Extending the trial period whereby authority is delegated to officers to deal with all such applications in the manner previously agreed for a timeframe to be determined; OR
- II. Delegating authority to officers to deal with all such applications in the manner previously agreed until such times as there are sufficient applications made and evidence of any issues arising therefrom, if any, are such that would require those matters to be brought back to Committee for further consideration.

For either option this would be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.

In such instances, these applications would be presented to the Committee for consideration.

**3.1 Main report**

**Background**

At your meeting of 19th January, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 and agreed:



- i. to delegate authority to Council officers, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddu Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances those applications will be presented to the Committee for consideration;
- ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and
- iii. that the report on pubs and hotels in City centre locations, the operation of Biddu Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.

**Summary position following January Committee**

**Biddu Duffy's, 133 Andersonstown Road  
Horatio Todd's, 406 – 408 Upper Newtownards Road**

The Committee agreed to offer no objection to Article 44A extension applications for Biddu Duffy's and Horatio Todd's up to 13th April 2022 and that each applicant be requested:

- i. to agree to withdraw all Article 44A extension applications beyond 13<sup>th</sup> April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that both premises were located in close proximity to residential accommodation; and
- ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

**Pubs and Hotels – Non-City Centre Locations Generally**

The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between the January meeting and 13th April 2022, officers should deal with them in a similar way as those for Biddu Duffy's and Horatio Todd's, in that each applicant would be requested:

- i. to agree to withdraw all Article 44A extension applications beyond 13th April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that they were located in close proximity to residential accommodation; and
- ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

This was provided that the application did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.

In such instances, the application would be presented to the Committee for consideration.

#### **Pubs and Hotels – City Centre Locations**

The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:

- i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and
- ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

**Police Service of Northern Ireland  
Authorisations for Additional Hours**

The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:

- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),
- b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and
- c. Building Regulation or other Council statutory enforcement issues.

**Key Issues**

**Summary of 3-month trial period**

**Biddy Duffy's, 133 Andersonstown Road  
Horatio Todd's, 406 – 408 Upper Newtownards Road**

To date neither licensee has availed of the additional hours of operation permitted by their Article 44A applications granted by the Courts. As we understand it both licensees currently only intend to use their additional hours for special occasions such as Christmas, Easter or other significant celebrations.

Given that the premises are close to residential properties the intention of the 3-month trial period was to consider whether the premises operating to the later hours, or any period immediately following their termination, led to undue inconvenience to persons residing in the vicinity.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of these bars selling alcohol to 2.00am on their local neighbourhood.

**Pubs and Hotels – Non-City Centre Locations Generally**

Since your meeting in January no other Article 44A extension applications for non-City centre locations have been received by the Council.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of pubs and hotels in other non-city centre locations selling alcohol to 2.00am on their local neighbourhood.

#### **Pubs and Hotels – City Centre Locations**

The Council has received 22 Article 44A extension applications for City centre pubs and hotels and these have been responded to as outlined in section 3.6 above.

To date we have not received any noise complaints in relation to any of these venues nor are we aware of any concerns that the PSNI have in relation to these properties.

#### **Police Service of Northern Ireland Authorisations for Additional Hours**

The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 introduced new, or amended existing, powers for police authorisations for additional hours which,

1. allows pubs which have an Article 44 licence to apply to the PSNI for ad-hoc late opening (11.00pm - 1.00am) up to 20 times per year for a day not covered by the article 44 Order,
2. increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 licence) can apply for late opening (11.00pm - 1.00am) from 20 to 104 times per year, and
3. increases the number of occasions registered clubs can apply for late opening (11.00pm - 1.00am) from 85 to 104 times per year.

The applicant must display notice of the application on or near their premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.

The Council has not received notification of any applications in relation to the Police Service of Northern Ireland authorisation for additional hours since your meeting last December.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of any applications to the Police

for authorisation for additional hours on local neighbourhoods.

**Conclusions**

Coronavirus has had a significant impact on the licensed trade and it would seem that the introduction of new legislation to permit longer opening hours has not had the widespread uptake that might have been expected.

As trade in the industry and tourism generally begins to pick up again it is anticipated that there will be greater interest from pubs and hotels in availing of the opportunity to serve alcohol until 2.00am.

To date the introduction of the new legislation does not appear to have had any impact on the rights of local residents not to be subject to unacceptable disturbance. This situation will be kept under review as the licensed trade recovers from the impact of the pandemic.

**Financial and Resource Implications**

None

**Equality or Good Relations Implications/  
Rural Needs Assessment**

None.”

The Committee agreed to extend the trial period for a further six months and delegated authority to the Director of Planning and Building Control to deal with all such applications in the manner which had been previously agreed.

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