

Licensing Committee

Wednesday, 15th April, 2015

MEETING OF LICENSING COMMITTEE

Members present: Councillor Hussey (Chair);
the Deputy Lord Mayor Alderman Spence;
Alderman L. Patterson; and
Councillors Armitage, Attwood, Bell, Brown,
Campbell, Carroll, Clarke, Craig, Dudgeon,
E. Groves, Hanna, Hutchinson, Jones,
Magennis, McConville and Sandford.

In attendance: Mrs. S. Toland, Lead Operations Officer/
Head of Environmental Health;
Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Declarations of Interest

No declarations of interest were reported.

Non-Delegated Matters

Date and Time of Future Meetings

The Committee agreed to hold its monthly meeting at 5.00 p.m. on the third Wednesday of each month and, on that basis, approved the following schedule of meetings for the remainder of 2015:

Wednesday, 20th May;
Wednesday, 17th June;
Wednesday, 19th August;
Wednesday, 16th September;
Wednesday, 21st October;
Wednesday, 18th November; and
Wednesday, 16th December.

Licensing Committee

The Committee agreed to receive at the conclusion of business a presentation from the Head of Building Control and the Solicitor on the role and remit of the Licensing Committee.

**Review of Advertising Requirements for
Entertainments Licensing Applications**

The Head of Building Control informed the Committee that the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 included a requirement for an applicant seeking the grant, renewal, variation or transfer of an Entertainments Licence to provide public notice of an application by publishing an advertisement in newspapers circulated within the relevant Council district. The number and type of papers in which advertisements might be placed was entirely at the discretion of the Council. He explained that the current policy within Belfast had existed since 1985 and that it required notices to be advertised in two newspapers, with at least one being placed in the Belfast Telegraph, Newsletter (Ulster Edition), Daily Mirror (Northern Ireland Edition) or the Irish News. A second notice could be placed in one of the local newspapers distributed or sold in the area in which the premises were located. However, should that be within the City centre, it must be placed in two of the aforementioned main newspapers.

He reported that the former Licensing Committee, at its meeting on 18th February, had considered a report which had recommended that the number of statutory notices required to be placed by applicants in local newspapers be reduced from two to one, together with a revised list of newspapers and form of wording. The recommendation had been formulated primarily to facilitate those premises which would, under Local Government Reform, be transferring into the Council area from Castlereagh Borough Council and Lisburn City Council and which would be facing an additional financial burden due to the Council's current advertising requirements. Accordingly, the Committee had agreed to recommend to the new Licensing Committee the following changes to the policy governing advertising requirements:

- (i) that the new Council would no longer require licensees to advertise in two newspapers for Entertainments Licences and that it would only be necessary to advertise in one newspaper;
- (ii) that an applicant may advertise in a local newspaper (titles to be agreed by the Council) distributed or sold in the area where the premises were located, unless the premises were located within the City centre, in which case the applicant would be required to advertise in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or News Letter (Ulster Edition); and
- (iii) that the Advertising Notice wording, as set out in the revised template within the report, be adopted.

After discussion, the Committee adopted the recommendations and noted that officers would submit to a future meeting a map defining the boundary for the City centre area. The Committee noted also that a Working Group had been established by the Environment Minister, Mark. H. Durkan MLA, to review the Entertainment Licensing legislation and that it was considering, amongst other things, the requirement to use newspapers to advertise applications and other potential options.

Presentation - Police Service of Northern Ireland

The Committee was advised that the former Licensing Committee had invited a senior representative of the Police Service to attend a future meeting in order to discuss a number of licensing issues which had arisen over several of its meetings.

It was reported that Chief Superintendent N. Grimshaw and Chief Inspector R. Murdie were in attendance and they were welcomed to the meeting.

Chief Superintendent Grimshaw informed the Members that the policing boundaries across Northern Ireland had changed recently to reflect those of the new council areas and that Belfast would now operate as a single District. He made the point that the majority of licensed premises/entertainment venues in the City were well managed. However, there were a number which created difficulties and, accordingly, he highlighted the importance of building upon the work of the Licensed Premises Group, which had in 2008 been established between the Police Service of Northern Ireland and the Council to promote good management practices in licensed premises.

In terms of licensing applications where objections had been received, Chief Superintendent Grimshaw confirmed that the Police Service would share information with the Council and ensure that a senior representative would attend meetings of the Licensing Committee in order to provide clarification on any issue. However, he pointed out that there would be instances where the Police Service could not provide specific details around an application due to data protection and other constraints.

Chief Inspector Murdie addressed a number of issues which had been raised by the Members. He highlighted the positive work which had been undertaken by the Police Service and the Council, which had led to 'legal highs' being banned from open sale in the City and indicated that the Home Office had been approached with a view to introducing legislation to deal with their sale on the internet. He explained that the Police Service was undertaking also significant enforcement activity in response to illegal gaming and was assisting the Council in enforcing the legislation governing sex establishments. He concluded by confirming that he was unable to provide specific details around a case which was being considered currently by the Public Prosecution Service involving a Police officer who had, in June 2013, addressed the Licensing Committee in relation to the grant of an Outdoor Entertainments Licence for the Ardoyne Fleadh.

The Chairman thanked Chief Superintendent Grimshaw and Chief Inspector Murdie for their contribution and they left the meeting.

The Committee noted the information which had been provided.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF
THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Licences Issued under Delegated Authority

The Committee noted a list of licensing applications which had been granted under the Council's Scheme of Delegation.

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
Irish National Foresters' Club, 14-18 Albert Street**

The Head of Building Control informed the Committee that an application had been received for the renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises. He explained that, under the terms of the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985, the Committee, in considering an application for the grant, renewal or transfer of an Entertainments Licence, must have regard to any convictions of the applicant relating to an offence under the Order which had occurred within a five-year period immediately preceding the date on which the application had been made.

He reported that a representative of the club had, on 22nd November, 2011, been convicted at the Belfast Magistrates Court of an offence under the aforementioned Order. That offence had related to an inspection in June, 2011 of the premises by officers from the Building Control Service whilst entertainment was taking place, which had found that an emergency exit to the rear of the ground floor had been locked. As a result, a fine of £400 and costs of £66 had been imposed. The former Licensing Committee, at its meetings on 17th October, 2012 and 20th November, 2013, had agreed to renew the Entertainments Licence, on the basis that the Building Control Service had been satisfied that the premises were being managed in accordance with the Entertainments Licensing legislation. He reported further that, since the latest renewal of the Licence, officers had undertaken three inspections of the premises whilst entertainment was being provided, one of which had revealed that the log book, which confirmed that the required pre-event safety checks had been carried out, had not been completed and that part of the front door and outer gate had been locked. The officers had raised those issues with the management of the club and had been satisfied that the appropriate measures had been implemented to ensure the safe evacuation of patrons in the event of an emergency. That had been confirmed during two further inspections of the premises.

The Head of Building Control pointed out that no written representations had been received in relation to the current application and that the Police Service of Northern Ireland had offered no objection.

Accordingly, the Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Entertainments Licence in respect of the Irish National Foresters' Club, 14-18 Albert Street.

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
The Cuckoo, 149 Lisburn Road**

The Committee was advised that an application had been received for the renewal of a Seven-day Annual Entertainments Licence in respect of The Cuckoo, 149 Lisburn Road. The Head of Building Control explained that the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985 required the Committee, in considering an application for the grant, renewal or transfer of an Entertainments Licence, to take into account any convictions of the applicant relating to an offence under the Order which had occurred within a five-year period immediately preceding the date on which the application had been made.

He reported that the applicant had, on 26th March, 2013, been convicted at the Belfast Magistrates Court of an offence under the aforementioned Order, which had arisen from an inspection of the premises by officers from the Building Control Service whilst entertainment had been taking place. That had revealed that the log book confirming that the necessary pre-event safety checks had been carried out, had not been completed and that one of the exits had been locked. As a result, a fine of £400 and costs of £69 had been imposed upon the licensee.

The Head of Building Control confirmed that, following that conviction, officers had met with the applicant to review the fire safety and evacuation procedures in place within the premises, which had resulted in the former Licensing Committee, at its meeting on 18th September, 2013, agreeing to renew the Licence. He pointed out that four further inspections had been carried out by the Building Control Service whilst entertainment had been taking place, one of which had revealed that a designated means of escape had been submerged in water following sustained rainfall. The licensee had taken steps on the night to eliminate any potential danger to patrons and, following discussions with Council officers, had installed an effective drainage and pumping system. Since then, three further inspections had been carried out whilst entertainment was being provided, which had confirmed that the premises were being managed appropriately.

He pointed out that no written representations had been received in relation to the current application and that the Police Service of Northern Ireland had offered no objection.

The Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Indoor Entertainments Licence in respect of The Cuckoo, 149 Lisburn Road.

Chair