

# Licensing Committee

Wednesday, 17th June, 2015

## MEETING OF LICENSING COMMITTEE

- Members present: Councillor Hussey (Chairperson);  
the Deputy Lord Mayor Alderman Spence;  
Alderman L. Patterson; and  
Councillors Attwood, Bell, Brown, Bunting,  
Campbell, Carroll, Clarke, Craig, Dudgeon,  
E. Groves, Hutchinson, Jones, Magennis,  
Mullan and Sandford.
- In attendance Mr. T. Martin, Head of Building Control;  
Mr. S. Hewitt, Building Control Manager;  
Ms. N. Largey, Solicitor; and  
Mr. J. Hanna, Senior Democratic Services Officer.

### Apology

An apology for inability to attend was reported for Councillor McConville.

### Minutes

The minutes of the meeting of 20th May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

No declarations of interest were reported.

### Delegated Matters

#### **THE INFORMATION GIVEN IN THE FOLLOWING REPORT IS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT(NI) 2014**

#### **Application for the renewal of a Stationary Street Trading Licence for a site in Duncrue**

The Committee was reminded that, at its meeting on 18th March, it had considered an application from Mr. J. Thompson for the renewal of a Stationary Street Trading Licence to sell hot food from a designated site in Duncrue Crescent. The Committee had been informed that Mr. Thompson had, as required within the application process, advised he had accrued a number of convictions since his previous

Licence had been issued. Accordingly, the Committee had agreed to defer consideration of the application to afford Mr. Thompson the opportunity to attend a future meeting in order to outline the circumstances surrounding the offences which had led to his convictions.

It was reported that Mr. Thompson was in attendance and he was admitted to the meeting and welcomed by the Chairperson.

Mr. Thompson outlined the nature of the two new convictions which he had received in April, 2013 and which had related to an incident which had occurred during November 2011. He pointed out that the offences had not been connected to his street trading activities and he had not committed any since that time.

The Chairperson thanked Mr. Thompson for being in attendance and he retired from the meeting.

After discussion, it was

Resolved – that the Committee, in its capacity as Licensing Authority, agrees to grant to Mr. J. Thompson a renewal of a Stationary Street Trading Licence in respect of the designated site at Duncrue Crescent.

**Request to Operate Beyond the Standard Hours of 11.00pm  
at Holy Cross Boys Primary School**

The Head of Building Control submitted for the Committee's consideration the undernoted report:

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

**1.1 To consider a request from the Ardoyne Fleadh Project to operate three nights of this year's Ardoyne Fleadh Event beyond the standard hours of 11:00pm to 12.00am; the dates of which are 7th, 8th and 9th August 2015.**

**1.2 It is a condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.**

<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>
<b>Holy Cross Boys Primary School Brookfield Street Belfast BT14 7EX</b>	<b>WK/201500283</b>	<b>Ardoyne Fleadh Project Ardoyne Community Centre 40 Herbert Street BT14 7FE</b>

**1.3 A copy of their request is attached as Appendix 1.**

**1.4 A location map is attached as Appendix 2.**

**2.0 Recommendations**

**2.1 Taking into account the information presented and representations made in respect of the request you are required to, either:**

- 1. Agree that the three proposed events on the 7th, 8th and 9th August 2015 should be permitted to take place beyond the standard hours of Licence to 12.00am or;**
- 2. Refuse to extend any or all of the hours as requested.**

**3.0 Main report**

**3.1 Key Issues**

**The standard days and hours for an Outdoor Entertainments Licence are:**

- Monday to Sunday 11:30am to 11:00pm**

**3.2 In addition, the following special conditions are attached to the Licence:**

- 1. The Licensee is required, at least one month in advance of any event, to submit a suitable noise assessment and noise management plan to demonstrate evidence of early consultation with local residents and have in place a robust system of dealing with any complaints. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to nearby residential properties. The plan shall be agreed to the satisfaction of the Council and failure to comply with the requirements set down in it shall be considered to be a breach of the licence conditions.**
- 2. Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.**
- 3. The licensee may, three months in advance of a proposed event, apply for additional hours to provide entertainment beyond 11.00pm. Such applications will be considered by the Licensing**

**Committee and any previous noise issues will be taken into account.**

- 3.3 Members will be aware that the Ardoyne Fleadh is an annual event which regularly takes place over the August Bank Holiday weekend at this location and was considered last year by the Licensing Committee on both 18th June and 20th August 2014.**
- 3.4 The Committee considered the matters and granted permission for entertainment to be provided at the event to 12.00am on each of the 3 nights requested at their meeting of 18th June 2014. The Committee then agreed to grant the renewal application at the subsequent meeting of 20th August 2014.**
- 3.5 The applicant has advised the Service that they will lodge an application to renew the Entertainments Licence in due course. However this is a request for permission to operate this year's event beyond the standard hours of 11.00pm under the terms of the current Entertainments Licence, which is due to expire on the 31st July 2015.**
- 3.6 As a result of last year's event the Council received a total of 37 complaints in comparison to 6 in 2013 and 119 received in 2012.**
- 3.7 1 complaint was received on each of the first two nights and 7 were received on the final night. However, a further 28 complaints were received after the event.**
- 3.8 The majority of the complaints received were regarding the lyrics of some of the songs being played.**
- 3.9 For this year's event the organisers have confirmed that guidelines have been drawn up for all acts and performers and they have reiterated what was released in a press statement last year regretting any offence caused by the Druids incident, that it was disappointing and should not have happened. A copy of their correspondence is attached as Appendix 3.**
- 3.10 The organisers have advised that the primary purpose of the Entertainments Licence is for the Fleadh event but it is also to provide a facility for the school and the local Community Centre to hold outdoor events and provide entertainment in a controlled, managed and safe environment.**
- 3.11 The Ardoyne Fleadh Project is now in its 24th year and plays host to a number of local acts of music, drama, comedy and**

family entertainment. The organisers have informed the Service that they are still awaiting decisions on funding applications and are therefore unable to confirm the acts for this year's event as yet.

3.12 As this is not an application to vary the terms of the licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement for public advertisement in this case.

3.13 PSNI

The PSNI has been consulted in relation to the request to operate the event to 12.00am on each night. They have also confirmed that the organisers of the Fleadh have been in contact with them about it. At the time of writing this report their response is outstanding but will be available at your meeting.

3.14 NIFRS

The Northern Ireland Fire and Rescue Service, as with other outdoor licences, will be invited to all pre-event meetings and will be provided with all relevant documentation in advance of any proposed concert to work with Officers of the Service regarding any technical requirements that need to be met.

3.15 Health, safety and welfare issues

Last year the organisers worked with Council Officers on all aspects of the event. Officers of the Service have already engaged with the applicant and organisers of the Ardoyne Fleadh and will ensure that appropriate measures with regard to health, safety and welfare management will again be in place for this year's event.

3.16 The applicant is required to develop an Event Management Plan, which will include an appropriate background noise survey, to allow Officers of the Building Control Service and Environmental Protection Unit to assess it and ensure that the relevant technical requirements are complied with.

3.17 In order to comply with the condition of the Licence to demonstrate evidence of early consultation with local residents the organisers will be sending a letter to residents within the vicinity of the venue at least 3 weeks before the event. This letter will provide specific detail about the event such as the set-up and take down times, the running order and the desired finish time of 12.00am. The content of the letter and extent of its delivery will be agreed with the Service before it is issued.

**3.18 Noise issues**

The Environmental Protection Unit (EPU) has been informed of the application and will comment on each individual outdoor event when information relevant to it has been provided, such as the appropriate noise report.

**3.19** Due to residential properties in close proximity to the venue EPU has emphasised the importance of protecting the night time period between 11.00pm and 7.00am. Given the cumulative impact of several late consecutive nights and the potential for sleep disturbance there is concern over a greater potential for complaints after 11.00pm. Members are reminded that the Clean Neighbourhoods and Environment (NI) Act 2011 gives council's additional powers in relation to entertainment after 11.00pm.

**3.20** For the purposes of this year's Ardoyne Fleadh an acoustic consultant will be appointed and a meeting to discuss noise issues and the formulation of a noise management plan will be organised in due.

**3.21** An officer from EPU will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.

**3.22 Licensee / Applicant**

The representatives from Ardoyne Fleadh Project have been invited to attend your meeting to answer any queries you may have in relation to their request.

**3.23 Financial and Resource Implications**

Officers will be required to carry out inspections for each outdoor event and attend any planned meetings but this is catered for within existing budgets.

**3.24 Equality and Good Relations Implications**

There are no equality or good relations issues associated with this report."

The Head of Building Control outlined the main aspects of the report and informed the Committee that no objections had been received in relation to the application. However, representatives of the Police Service of Northern Ireland were in attendance to answer any questions which the Members might have in relation to the application. Accordingly, Superintendent Singleton and Chief Inspector Kirkpatrick were invited to address the Committee.

Superintendent Singleton advised the Committee that the Police would not be offering any objections in relation to the application. He pointed out that, whilst a

performance by a band at the event the previous year had led to numerous complaints, those complaints had led to a police investigation and a submission of a prosecution file to the Public Prosecution Service. However, the decision of the Public Prosecution Service was that no criminal offence had been committed.

In answer to a number of questions, Superintendent Singleton pointed out that the Police Service of Northern Ireland had considered the event from a criminal and anti-social behaviour aspect and did not have any issues with it from a public order perspective. He added that the Police Service were aware of the public statements which had been made by the organisers in light of the issues which had occurred the previous year and that the organisers had been in contact with the Police Service to discuss this year's event.

The Chairperson thanked the representatives of the Police Service for attending and they retired from the meeting.

During discussion, the Committee was advised of the processes which were put in place before and during an outdoor event by the officers of the Environmental Protection Unit. In addition, the Committee was advised that the standard days and hours for an Outdoor Entertainments Licence were Monday to Sunday from 11.30am till 11.00pm. If a licensee wished to extend those hours then they had to submit an application and thereafter it would be a matter for the Committee to decide whether or not to permit entertainments to be provided beyond those hours.

After further discussion it was

Moved by the Deputy Lord Mayor, Alderman Spence,  
Seconded by Councillor Hussey,

That the Committee agrees to defer consideration of the application to afford the applicant the opportunity to address the Committee.

#### **Amendment**

Proposed by Councillor Attwood,  
Seconded by Councillor Campbell,

That the Committee agrees, in its capacity as Licensing Authority, to approve the application for additional hours, with entertainment being permitted until midnight on the nights of 7th, 8th and 9th August 2015.

On a vote by show of hands nine members voted for the amendment and five against and it was declared carried.

The amendment was put as the substantive motion with nine members voting for and five against and passed.

**Application for the renewal of a Stationary Street Trading Licence for a site in Cornmarket**

The Committee was reminded that, at its meeting on 18th February, it had agreed, in its capacity as Licensing Authority, that it was minded to refuse the application submitted by Mr. Wilkinson for the renewal of a Stationary Street Trading Licence for Cornmarket, on the discretionary grounds as set out in Section 9(1)(c) of the Street Trading Act (Northern Ireland) 2001, in that he was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence; and as such Mr. Wilkinson would be invited to a future meeting at which he could make representations in relation to the proposed refusal of his renewal application.

The Committee was advised that Mr. Wilkinson had contacted officers advising that he intended to make representation to the Committee; however, he had indicated the previous day that he would not be able to attend due to personal reasons.

During discussion, the view was expressed that if the Committee were minded to rescind its decision and approve the application for the renewal of the licence that, due to the number of breaches in the past, it should be renewed for a shorter period to allow the Committee to keep the use of the licence under review to ensure that there were no further breaches.

Moved by Councillor Craig,  
Seconded by Councillor R. Brown,

That the Committee, in its capacity as Licensing Authority, agrees to affirm its decision of 18th February and refuse to renew the Street Trading Licence.

**Amendment**

Moved by Councillor Campbell,  
Seconded by Councillor Magennis,

That the Committee, in its capacity as Licensing Authority, agrees to rescind its decision of 18th February and accordingly agrees to grant the Street Trading Licence to Mr. V. Wilkinson for a site in Cornmarket for a period of 6 months.

On a vote by show of hands ten Members voted for the amendment and five against and it was declared carried.

The amendment was put as the substantive motion and passed.



**Application for the Renewal and Variation of an Entertainments Licence for Biddu Duffy's**

The Committee considered the undernoted report:

**1.0 Purpose of Report or Summary of Main Issues**

- 1.1 To consider applications for the renewal and variation of a 7-Day Annual Entertainments Licence for Biddu Duffy's bar based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

Premises and Location	Ref. No.	Applicant
Biddu Duffy's 133 Andersonstown Road BT11 9BU	WK/2015/0120	Mr Peter Teague

- 1.2 Copies of the application forms are appended to this report as Appendix 1.
- 1.3 The nature of the variation is to extend the hours during which entertainment may be provided from 1.00am to 2.00am the following morning on Monday to Saturday and from midnight to 2.00am the following morning on Sunday.
- 1.4 Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation.
- 1.5 However, in light of the fact that the applicant has also applied for a variation to extend the hours of entertainment past 1.00am the applications are being presented to you for your consideration.
- 1.6 A location map is appended to this report as Appendix 2.

**2.0 Recommendations**

- 2.1 Taking into account the information presented and representations made in respect of the applications you are required to make a decision to either:
1. Approve the application for the renewal of the 7-day Annual licence, or
  2. Approve the application for the renewal with special conditions, or

3. Refuse the application for the renewal of the 7-day Annual licence.
- 2.2 Should you be of a mind to approve the application to renew the licence you are then required to determine, subject to all technical requirements being met, either to:
    1. Agree to the variation of the licence and that entertainment be permitted to take place beyond the standard hours of Licence to 2.00am Monday to Sunday or;
    2. Refuse to extend any or all of the hours as requested.
  - 2.3 If the applications are 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.
  - 2.4 Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.
- 3.0 **Main report**
  - 3.1 **Key Issues**

The areas of the premises licensed to provide entertainment are the:

    - Ground floor public bar with a maximum capacity of 50 persons, and
    - First floor bistro with a maximum capacity of 120 persons.
  - 3.2 The days and hours during which entertainment may currently be provided are:
    - Monday to Saturday: 8:00am to 1.00am the following morning, and
    - Sunday: 12.30pm to midnight
  - 3.3 Entertainment is currently provided in the form of a DJ and live band performances.

**3.4 Reasons for the Variation**

The applicant has stated that the main reason they wish to extend the hours of entertainment is to provide a better entertainment experience for customers.

**3.5** A copy of the applicant's submission is appended to this report as Appendix 3.

**3.6 Representations**

No written representation has been lodged as a result of the public notices of the applications.

**3.7 PSNI**

The PSNI have been consulted and also have no objection to the applications. A copy of their correspondence is appended to this report as Appendix 4.

**3.8 Health, safety and welfare inspections**

Three during performance inspections have been carried out on the premises by Officers from the Service in the last 12 months. The inspections revealed that the conditions of the Entertainments Licence were being adhered to and the Officers were satisfied that all operational and management procedures were being implemented effectively.

**3.9 Noise issues**

The Environmental Protection Unit (EPU) has been consulted in relation to the applications and they have confirmed that no complaints have been received over the last 12 months relating to noise break out from the premises or due to patron dispersal.

**3.10** Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00pm.

**3.11 Licensee / Applicant**

The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the request for additional hours.

**3.12 Financial and Resource Implications**

Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.

**3.13 Equality and Good Relations Implications**

There are no equality or good relations issues associated with this report."

The Committee was advised that Mr. Teague, the applicant, was in attendance and he was admitted to the meeting and welcomed by the Chairperson.

In response to a question, Mr. Teague indicated that it was not his intention to use the variation of the entertainments licence seven days a week and it was intended only to be used on Fridays and Saturdays and on dates when major festivals would be held in nearby venues and he indicated that he would be content if the licence was varied accordingly.

Mr. Teague thanked the Committee for receiving him and he retired from the meeting.

The Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a 7-Day Annual Entertainments Licence in respect of Biddy Duffy's, 133 Andersonstown Road. In addition, the Committee approved the variation to extend the hours during which entertainment might be provided from 1.00am to 2.00am the following morning on Fridays and Saturdays and on bank and public holidays.

**Application for the Grant of a 7-day Annual Outdoor Entertainments Licence for Villa**

The Committee agreed to defer consideration of an application for the grant of a 7-day Annual Outdoor Entertainments Licence for a smoking area at the front of Villa Night Club to enable clarification to be sought in relation to possible planning matters.

**Application for the Grant of a 7-day Annual Outdoor Entertainments Licence at Odyssey Car Park, Queens Quay and Arc Public Realm**

The Committee was advised that an application had been received for the grant of a 7-day Annual Outdoor Entertainments Licence in respect of the Odyssey Car Park, Queens Quay and Arc Public Realm.

The Committee was advised that the areas had previously been licensed to provide outdoor entertainment but the licence had since expired. Under the terms of the Outdoor Entertainments Licence, entertainment would be required to cease at 11.00pm and could only run beyond that time if approved in advance by the Licensing Committee.

The Head of Building Control confirmed that no written representations had been received in relation to the application and that the Police Service of Northern Ireland had offered no objection. Should the application be granted, the Police Service, together with the Northern Ireland Fire and Rescue Service and other partner agencies, would be invited to attend pre-event meetings and would work with the Council's Building Control Service and Environmental Protection Unit and event organisers to ensure that all requirements were met.

The Committee agreed, in its capacity as Licensing Authority, to grant a 7-day Annual Outdoor Entertainments Licence in respect of the Odyssey Car Park, Queens Quay and Arc Public Realm, with entertainment being permitted to take place until 11.00pm, with the following conditions being attached:

- (1) maximum numbers would be agreed at the discretion of the Building Control Service and would vary depending upon individual event set up proposals;
- (2) prior to any event taking place, the promoters would be required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which had been agreed in advance with the Council;
- (3) any request to provide entertainment any later than 11.00pm must be considered by the Licensing Committee, and, therefore must be made at least 3 months in advance of the proposed event; and
- (4) should an application to provide entertainment beyond 11.00pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint was of such significant impact, authority is granted to the Lead Operations Officer (Head of Environmental Health), in consultation with the Town Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.

**Application for the Renewal and Variation of a 7 day Annual Entertainments Licence for Lavery's Bar**

The Committee was advised that an application had been received for the renewal and variation of a 7-day Annual Entertainments Licence for Lavery's Bar based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

The Head of Building Control reported that the nature of the variation was to extend the hours during which entertainment might be provided from 1.00am to 2.00am on Saturday morning and from 2.00am to 3.00am on Sunday morning. The areas licensed to provide entertainment currently were:

- ground floor bar, with a maximum capacity of 485 persons;
- first floor lounge, with a maximum capacity of 300 persons;
- second floor (pool layout), with a maximum capacity of 300 persons or
- second floor (concert layout), with a maximum capacity of 600 persons;
- mezzanine, with a maximum capacity of 60 persons; and
- Woodworkers Bar, with a maximum capacity of 150 persons.

The days and hours during which the premises were currently licensed to provide entertainment were:

- Monday to Friday 11.30am to 1.00am the following morning;
- Saturday 11.30am to 2.00am the following morning;
- Sunday 12.30pm to midnight.

The Committee agreed, in its capacity as Licensing Authority, to approve the application for the renewal of the 7-day Annual entertainments Licence and to grant the variation to extend the hours during which entertainment might be provided from 1.00am to 2.00am on Saturday morning and from 2.00am to 3.00am on Sunday morning.

**Consideration of Designating Resolutions  
for New Street Trading Sites**

The Committee considered the undernoted report:

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

- 1.1 An important feature of the licensing provisions in the Street Trading Act (NI) 2001 is the power of a district council to designate specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets.**
- 1.2 If a street or commodity to be offered has not been designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.**
- 1.3 The process of considering and reviewing the designation of streets is therefore an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.**
- 1.4 Designation applications or expressions of interest have been received for the creation of new designated sites in streets at various locations throughout the City as listed below.**

	<b>Location</b>	<b>Commodity</b>
<b>1</b>	<b>Queens Quay situated beside Lagan Weir foot bridge (3 Sites)</b>	<b>Commodity to be determined.</b>
<b>2</b>	<b>Car park, 220 Stewartstown Road (1 Site)</b>	<b>Wet Fish.</b>
<b>3</b>	<b>Mountpottinger Link at the junction with Mountpottinger Road, situated on the left hand side of the road on the foot path (1 Site)</b>	<b>Hot and cold food, non alcoholic beverages, confectionery or similar commodities.</b>

## **2.0 Recommendations**

**2.1** The Committee is required to consider the applications that have been received for the creation of new designated sites and, subject to any amendments you may have, permission is sought to allow the publication of the statutory 28-day notice of the proposed resolution and to commence consultation with statutory bodies and other persons who may have an interest in the proposals.

**2.2** A further report will be brought to Committee, at a later date, detailing the outcome of the process of consultation. At that stage Members will be able to decide on the designation of the streets along with any restriction on the commodity to be sold and any recommendations about the restriction on the times of trading.

## **3.0 Main report**

### **3.1 Key Issues**

The Act sets down the procedures which must be followed in considering a designating resolution, including the types of trading which may or may not take place in that street. The main steps the Council must undertake may be summarised as follows:

- a) Give public notice of the proposed resolution;
- b) Consult with the Police and the Department of Regional Development and other persons it considers appropriate;
- c) Consider any representations relating to the proposed resolution which it has received;
- d) After the Council has considered those representations it may, if it thinks fit, pass the designating resolution;
- e) Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the resolution will come into effect.

**3.2** The Committee has previously considered a number of locations throughout the City and determined their appropriateness for designation.

### **3.3 Financial & Resource Implications**

The cost of the legal notices is included in current revenue budgets.

**3.4 Equality or Good Relations Implications**  
**There are no equality or good relations issues.”**

The Committee granted approval to initiate a process for designating resolutions for new street trading sites at locations as set out in paragraph 1.4 of the report.

**Licences Issued under Delegated Authority**

The Committee noted a list of licensing applications which had been granted under the Council’s scheme of delegation.

**Non-Delegated Matters**

**Institute of Licensing National Training Event**

The Committee was advised that the Institute of Licensing was the professional body for licensing practitioners in local government, the police, private sector and the legal profession. The Institute was established to provide education and training to disseminate knowledge in all matters relating to licensing. The Institute operated throughout England, Wales, Northern Ireland and Scotland.

The Head of Building Control reported that, this year, the Institute would hold its National Training Event at the Holiday Inn Hotel, Birmingham from Wednesday 18th to Friday 20th November, 2015. The training event would include topics such as:

- Licensing developments in Northern Ireland,
- Licensing Policy,
- Public Health in Licensing,
- Street Trading,
- Outdoor events and
- Case Law updates

The Committee was reminded further that Belfast was a Corporate member affiliated to the Northern Ireland region of the Institute and Mr. James Cunningham, Regulatory Services Manager with the Building Control Service, was the Chair of the Institute of Licensing (Northern Ireland Branch) and a Director and Trustee of the Institute. The Committee might wish to consider funding the travel to the conference of Mr. Cunningham in recognition of his work in maintaining his position of Chairman. His residential fee for the event would be paid for by the Institute of Licensing.

The Committee authorised the attendance at the Institute of Licensing National Training Event of the Chairperson, the Deputy Chairperson, the Director of Planning and Place and the Head of Building Control (or their nominees) and approved the funding of the travel fees to the conference of Mr. James Cunningham.



**List of Premises transferring under Lisburn and Castlereagh and Review of Application Certification**

The Committee considered the undernoted report:

**“1.0 Purpose of Report**

**1.1 To inform the Committee of the licensed premises which were previously within the Lisburn and Castlereagh areas and which are now within the new Belfast boundary.**

**1.2 To consider proposals to rationalise the certification required for an Entertainments Licence application so that the pre-requisites for all licensees of the former Belfast, Lisburn and Castlereagh Councils are aligned.**

**2.0 Recommendations**

**2.1 For Committee to note the information provided regarding the premises which transferred from the former Lisburn and Castlereagh Councils into the new Belfast City Council.**

**2.2 The Committee is also requested to consider and adopt the recommendations being proposed in respect of the revision to the certificates which are a pre-requisite to an Entertainments Licence application.**

**3.0 Main report**

**3.1 Key Issues**

**Members will recall that, at your previous meeting of 20th May 2015, you agreed to adopt the City Centre boundary area proposed for the purposes of determining the premises required to advertise an application for an Entertainments Licence in one of the four main newspapers.**

**3.2 Arising from your discussions the Committee also requested a report to be presented at a future meeting detailing the licensed premises which were previously within the Lisburn or Castlereagh areas and which are now within the new Belfast boundary.**

**3.3 As a result of Local Government reform, a total of 56 licences transferred across into the new Belfast area. A summary of the various licence types which transferred, is as follows:**

**Lisburn**

- 2 Hotels
- 5 Bars
- 2 Clubs
- 1 Amusement Arcade
- 1 Church
- 5 Petrol Stations
- 1 Outdoor space
- 5 Street Traders
- 1 Transferable Asset (activity centre)

**Castlereagh**

- 2 Hotels
- 3 Bars
- 3 Clubs
- 6 Churches
- 5 Petrol Stations
- 1 Outdoor space
- 6 Street Traders
- 7 Transferable Assets (activity/community centres)

- 3.4 This brings the total number of licences in Belfast to 588, which includes entertainment venues, amusement arcades, petrol stations, cinemas and street trading. However, this excludes temporary street trading licences, which fluctuate from year to year. It also excludes the number of events we deal with which is on average 63 per year.
- 3.5 A number of other commercial premises which transferred into the new Belfast City Council area have been identified and we are engaging with the owners of these premises to ascertain if they are required to apply for an Entertainments Licence.
- 3.6 A list of the premises which transferred from Lisburn and Castlereagh is attached as Appendix 1.
- 3.7 A map indicating the location of these premises is also attached as Appendix 2.
- 3.8 **Certification Pre-requisites for Entertainments Licence Applications**  
Along with every application for an indoor Entertainments Licence a variety of certificates and proofs are required to complete the process. The recent decision Members took, arising from the Reform of Local Government, to review the advertising requirements for an Entertainments Licence

provides an opportunity to rationalise the certification we require and to look to ensure consistency for all applicants, new and existing. Given the drive from Government to minimise 'red tape' for businesses there is also the prospect that we may be able to further ease the administrative and financial burden on licensees.

- 3.9 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the applicant for the grant, renewal or transfer of an Entertainments Licence shall provide such particulars as the council may reasonably require.
- 3.10 Currently upon application for a licence we request a list of application pre-requisites as follows:
- Public Liability Insurance – Provided annually.
  - Newspaper Adverts – One advertisement is now requested.
  - Fire Extinguisher Certificate – Provided annually.
  - Electrical Certificate – Valid for a maximum 3 years.
  - Emergency Lighting Certificate – Provided annually.
  - Heating Certificate – Provided every 2 years.
  - Ventilation Certificate – Provided every 2 years.
  - Ceiling Certificate – Provided every 4 years.
  - Structural Certificate – Required upon application for the grant of a licence (Thereafter, only required if the premises is altered or extended).
  - Acoustic Report – Requested upon application for the grant of a licence.
  - Fire Risk Assessment – Reviewed and updated annually.
- 3.11 In Belfast we also request confirmation as part of our application that, where Door Supervisors are employed, they are registered with the SIA.
- 3.12 Certification summary and recommendations  
A table is attached as Appendix 3 which provides a comparison of the pre-requisites Lisburn and Castlereagh asked for as part of their application process compared with what we currently ask for in Belfast.
- 3.13 All three Councils request public liability insurance, one newspaper advertisement, fire extinguisher and fire alarm certificates and a fire risk assessment. Thereafter there is a

variation in the certification requested or the length of time the certificate remains valid.

- 3.14** The need for heating, ventilation, electrical, ceiling, and structural certificates and the requirement for an acoustic report vary among the three Councils with Belfast currently requesting all this documentation.
- 3.15** Belfast City Council is also the only Council which seeks confirmation that, where Door Supervisors are employed, they are registered with the SIA.
- 3.16** Having reviewed the application pre-requisites for each Council a proposal for each is included in the table in Appendix 3 for consideration. It is proposed that those pre-requisites which are asked for by all 3 Councils are retained with some rationalisation of how long they remain valid.
- 3.17** In respect of Door Supervisors it is proposed that we retain the request for confirmation that, where Door Supervisors are employed, they are registered with the SIA. As we used to administer a Door Supervisors Scheme in Belfast we were keen to maintain some form of control over the function. It also helps promote the importance of employing properly registered door staff within licensed premises, which in turn is important to the safer night-time economy for Belfast.
- 3.18** A Structural Certificate will be requested at Grant stage only but may be required thereafter if further structural changes are made to the building.
- 3.19** A Ceiling Certificate will not now be required except in circumstances where, following a visual inspection of the premises by the surveyor, it is determined that one should be provided.
- 3.20** An Acoustic Report, depending upon the location of the venue, may be requested at Grant stage and when major works/alterations have been carried out.
- 3.21** For both the Heating and Ventilation certificates it is proposed that this pre-requisite should be removed. However, whilst it will no longer be necessary to submit these certificates it remains a requirement of the Rules of Management that all heating and ventilation installations are maintained by the licensee to protect the health and safety of all building users.

- 3.22 The requirement to provide certificates for the heating and ventilation has been part of our application process since the legislation was introduced. Our experience of both aspects has been that neither has presented any issues and it is therefore considered that requesting the certificates every two years is an unnecessary additional burden.
- 3.23 As part of our inspection regime Officers will be mindful of these building services and should they observe any defects or problems during the inspection steps will be taken to address them.
- 3.24 Members will be aware of the current review of Entertainments Licensing legislation and will note that this includes a proposal that the DoE produce revised model terms, conditions and restrictions which may be attached to a licence. Should this proposal be accepted there will be scope to review all forms of certification required as a pre-requisite to obtaining a licence and it is envisaged any changes that are made in Belfast will be a pre-cursor to wider changes that the DoE may make.
- 3.25 Members are advised that as a result of the outcome of this exercise and other matters being explored we are currently working on updating the BCC Rules of Management and will bring a report proposed changes for your consideration in due course.
- 3.26 **Financial & Resource Implications**  
None
- 3.27 **Equality or Good Relations Implications**  
There are no equality or good relations issues.”

The Committee noted the list of premises which were previously within the Lisburn and Castlereagh areas and agreed to adopt the recommendations set out in appendix 3 to the report, a copy of which was available on the Council’s website, regarding Entertainments Licensing application pre-requisites.

Chairman