

# Public Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

14<sup>th</sup> January, 2016

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 20th January, 2016 at 5.00 pm., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

## **AGENDA:**

### **1. Routine Matters**

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

### **2. Delegated Matters**

- (a) Licences issued under Delegated Authority (Pages 1 - 4)
- (b) Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The Spaniard, 3 Skipper Street (Pages 5 - 18)
- (c) Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The National Grand Café Bar and Sixty6, 62-68 High Street (Pages 19 - 34)

- (d) Application for the Grant of a Seven-day Annual Entertainments Licence - Beckett's Bar, 241 Stewartstown Road (Pages 35 - 168)
- (e) Application for the Grant of a Seven-day Annual Entertainments Licence - Hole in the Wall, 1-3 Baltic Avenue (Pages 169 - 202)



<b>Subject:</b>	<b>Licences issued under Delegated Authority</b>
<b>Date:</b>	20th January, 2016
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" 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 Health and Environmental Services 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 entertainments licences where adverse representations have been made. For your information, those applications 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 the applications which have been issued under the Scheme of Delegation.												
<b>2.2</b>	This item is for noting only.												
<b>3.0</b>	<b>Main report</b>												
<b>3.1</b>	<p><b>Key Issues</b> Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following entertainment licences were issued since your last meeting:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Premises and location</th> <th style="width: 15%;">Type of application</th> <th style="width: 30%;">Hours licensed</th> <th style="width: 25%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR</td> <td style="text-align: center;">Renewal</td> <td>Sun: 12.30 – 01.00; Mon to Sat: 11.30 – 03.00</td> <td>Mr. Robert Davis</td> </tr> <tr> <td>Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3EA</td> <td style="text-align: center;">Renewal</td> <td>Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00</td> <td>Mr. Stephen Biggerstaff</td> </tr> </tbody> </table>	Premises and location	Type of application	Hours licensed	Applicant	Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR	Renewal	Sun: 12.30 – 01.00; Mon to Sat: 11.30 – 03.00	Mr. Robert Davis	Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3EA	Renewal	Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00	Mr. Stephen Biggerstaff
Premises and location	Type of application	Hours licensed	Applicant										
Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR	Renewal	Sun: 12.30 – 01.00; Mon to Sat: 11.30 – 03.00	Mr. Robert Davis										
Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3EA	Renewal	Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00	Mr. Stephen Biggerstaff										

<b>Premises and location</b>	<b>Type of application</b>	<b>Hours licensed</b>	<b>Applicant</b>
Belvoir Players Rehearsal Studio, 94 Belvoir Drive, Belfast, BT8 7FR	Renewal	Sun to Sat: 09.00 – 23.00	Mr. Richard Mills
CIYMS, 91 Circular Road, Belfast, BT4 2GD	Renewal	Mon to Sat: 11.30 – 23.00	Mr. Richard Barnes
Cregagh Sports Club, 3 Gibson Park Avenue, Belfast, BT6 9GL	Renewal	Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00	Mr. David Cochrane
Crumlin Road Gaol, Visitor Attraction & Conference Centre, 53-55 Crumlin Road, Belfast, BT14 6ST	Renewal	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Phelim Devlin
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD. (Outdoor Secret Garden)	Renewal	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Paul Langsford
Lagan Village Rangers Supporters Club, 36-40 Castlereagh Place, Belfast, BT5 4NN	Renewal	Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00	Mr. William Ferguson
Laurel Leaf Bar, Unit 14 Twin Spires Centre, 155 Northumberland Street, Belfast, BT13 2JF	Grant	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Brendan McKee
Ormeau Golf Club, 50 Park Road, Belfast, BT7 2FX	Renewal	Sun: 12.30 – 22.00; Mon to Sat: 11.30 – 23.00	Ms. Mary Dawson
Park Inn Hotel, 4 Clarence Street West, Belfast, BT2 7GP	Renewal	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Neil MacLaren
Royal British Legion, Montgomery Road, Belfast , BT6 9JD	Renewal	Sun to Sat: 12.00 – 00.00	Mr. Paul Telford
The Dirty Onion and Yard Bird, 42 Waring Street, Belfast, BT1 2ED (Indoor)	Renewal	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Conal Wolsey
The Dirty Onion and Yard Bird, 42 Waring Street, Belfast, BT1 2ED. (Outdoor)	Renewal	Sun: 12.30 – 00.00; Mon to Sat: 11.30 – 01.00	Mr. Conal Wolsey
The Fly, 5 Lower Crescent, Belfast, BT7 1NE	Renewal and Transfer	Sun: 12.30 – 01.00; Mon to Sat: 11.30 – 03.00	Mr. Ian Gordon
The Odyssey Trust Company, SSE Arena, Belfast, BT3 9QQ	Renewal	Sun to Sat: 08.00 – 05.00	Robert Fitzpatrick
Villa, 2-16 Dunbar Street, Belfast, BT1 2LH	Renewal	Sun: 12.30 – 03.00; Mon to Sat: 11.30 – 03.00	Mr. Lawrence Bannon

<p><b>3.2</b></p> <p><b>3.3</b></p> <p><b>3.4</b></p> <p><b>3.5</b></p>	<p>Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following amusement permits were renewed since your last meeting:</p> <table border="1" data-bbox="248 286 1422 528"> <thead> <tr> <th data-bbox="248 286 541 389"><b>Premises and Location</b></th> <th data-bbox="541 286 834 389"><b>Type of Permit</b></th> <th data-bbox="834 286 1128 389"><b>Hours Licensed</b></th> <th data-bbox="1128 286 1422 389"><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="248 389 541 528">Little Vegas, 163 Stranmillis Road, Belfast, BT9 5AJ</td> <td data-bbox="541 389 834 528">Renewal</td> <td data-bbox="834 389 1128 528">Sun to Sat: 11.00 – 23.00</td> <td data-bbox="1128 389 1422 528">Ms. Grace Kerr</td> </tr> </tbody> </table> <p>Under the terms of the Street Trading Act (Northern Ireland) 2001, no Street Trading Licences were issued since your last meeting.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>There are no equality and good relations issues.</p>	<b>Premises and Location</b>	<b>Type of Permit</b>	<b>Hours Licensed</b>	<b>Applicant</b>	Little Vegas, 163 Stranmillis Road, Belfast, BT9 5AJ	Renewal	Sun to Sat: 11.00 – 23.00	Ms. Grace Kerr
<b>Premises and Location</b>	<b>Type of Permit</b>	<b>Hours Licensed</b>	<b>Applicant</b>						
Little Vegas, 163 Stranmillis Road, Belfast, BT9 5AJ	Renewal	Sun to Sat: 11.00 – 23.00	Ms. Grace Kerr						
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p> <p>None</p>								

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The Spaniard, 3 Skipper Street</b>
<b>Date:</b>	20th January, 2016
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>						
1.1	<p>To consider applications for the renewal and variation of a Seven-day Annual Entertainments Licence for The Spaniard, where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>The Spaniard 3 Skipper Street Belfast, BT1 2DZ</td> <td>WK/20150173</td> <td>Ms Janine Kane JK Pubs Limited</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Spaniard 3 Skipper Street Belfast, BT1 2DZ	WK/20150173	Ms Janine Kane JK Pubs Limited
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
The Spaniard 3 Skipper Street Belfast, BT1 2DZ	WK/20150173	Ms Janine Kane JK Pubs Limited					
1.2	Copies of the application forms are attached at Appendix 1.						
1.3	Whilst the renewal application is before you because of the previous conviction of providing entertainments in an unlicensed area, the purpose of the variation application relates to the addition of that area so that all areas of the premises are now included on the Entertainments Licence. Officers have assessed the ground floor area in question and are satisfied that it meets the required standard to be licensed.						
1.4	A location map is attached as Appendix 2.						

<b>2.0</b>	<b>Recommendations</b>										
2.1	<p>Taking into account the information presented and representations made in respect of the applications you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the renewal of the Seven-day Annual licence, or</li> <li>2. Approve the application for the renewal with special conditions, or</li> <li>3. Refuse the application for the renewal of the Seven-day Annual licence.</li> </ol>										
2.2	<p>Should you be of a mind to approve the application to renew the licence, you are then required to determine, either to:</p> <ol style="list-style-type: none"> <li>1. agree to the variation of the licence to include the ground floor area or;</li> <li>2. refuse to add the ground floor area onto the licence.</li> </ol>										
2.3	<p>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.</p>										
2.4	<p>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.</p>										
<b>3.0</b>	<b>Main report</b>										
	<b><u>Key Issues</u></b>										
3.1	<p>Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.</p>										
3.2	<p>However, in light of the fact that the applicant has been found guilty of an offence within five years of the application for the licence being submitted to the Council, you are required to consider the application.</p>										
3.3	<p>Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.</p>										
	<table border="1"> <thead> <tr> <th><b>Premises and Location</b></th> <th><b>Applicant</b></th> <th><b>Application Type</b></th> <th><b>Offence Details</b></th> <th><b>Date of Conviction &amp; Penalty</b></th> </tr> </thead> <tbody> <tr> <td><b>The Spaniard</b> 3 Skipper Street Belfast BT1 2DZ</td> <td>JK Pubs Limited</td> <td>Renewal and Variation</td> <td><b>18<sup>th</sup> December 2014</b>  Entertainment taking place in an area not covered by the Entertainments Licence.</td> <td><b>11<sup>th</sup> August 2015</b>  £150 and £69 Court costs.</td> </tr> </tbody> </table>	<b>Premises and Location</b>	<b>Applicant</b>	<b>Application Type</b>	<b>Offence Details</b>	<b>Date of Conviction &amp; Penalty</b>	<b>The Spaniard</b> 3 Skipper Street Belfast BT1 2DZ	JK Pubs Limited	Renewal and Variation	<b>18<sup>th</sup> December 2014</b>  Entertainment taking place in an area not covered by the Entertainments Licence.	<b>11<sup>th</sup> August 2015</b>  £150 and £69 Court costs.
<b>Premises and Location</b>	<b>Applicant</b>	<b>Application Type</b>	<b>Offence Details</b>	<b>Date of Conviction &amp; Penalty</b>							
<b>The Spaniard</b> 3 Skipper Street Belfast BT1 2DZ	JK Pubs Limited	Renewal and Variation	<b>18<sup>th</sup> December 2014</b>  Entertainment taking place in an area not covered by the Entertainments Licence.	<b>11<sup>th</sup> August 2015</b>  £150 and £69 Court costs.							



	<p><b><u>Applications Previously Considered</u></b></p>
3.4	<p>Previous renewal applications for the premises have been considered and dealt with by the Licensing Committee through the Council's Scheme of Delegation as no previous problems have existed.</p>
	<p><b><u>Representations</u></b></p>
3.5	<p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisement.</p>
	<p><b><u>PSNI</u></b></p>
3.6	<p>The PSNI has been consulted and has confirmed that they have no objections to the applications. A copy of its correspondence is attached at Appendix 3</p>
	<p><b><u>Health, Safety and Welfare Inspections</u></b></p>
3.7	<p>Following the offence, officers of the Service met with the applicant to review their management procedures and ensure that appropriate measures are in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.</p>
3.8	<p>The premises has also been subject to further inspections by officers of the Service and on each occasion agreed that management procedures were being implemented effectively.</p>
	<p><b><u>Noise issues</u></b></p>
3.9	<p>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.</p>
3.10	<p>Members are reminded that the Clean Neighbourhood And Environment Act (NI) 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 p m.</p>
	<p><b><u>Licensee / Applicant</u></b></p>
3.11	<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>Financial and Resource Implications</u></b></p>
3.12	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p>
	<p><b><u>Equality and Good Relations Implications</u></b></p>
3.13	<p>There are no equality or good relations issues associated with this report.</p>

<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Application Forms Appendix 2 – Location Map Appendix 3 – PSNI correspondence

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

**Document is Restricted**

**This page is intentionally left blank**



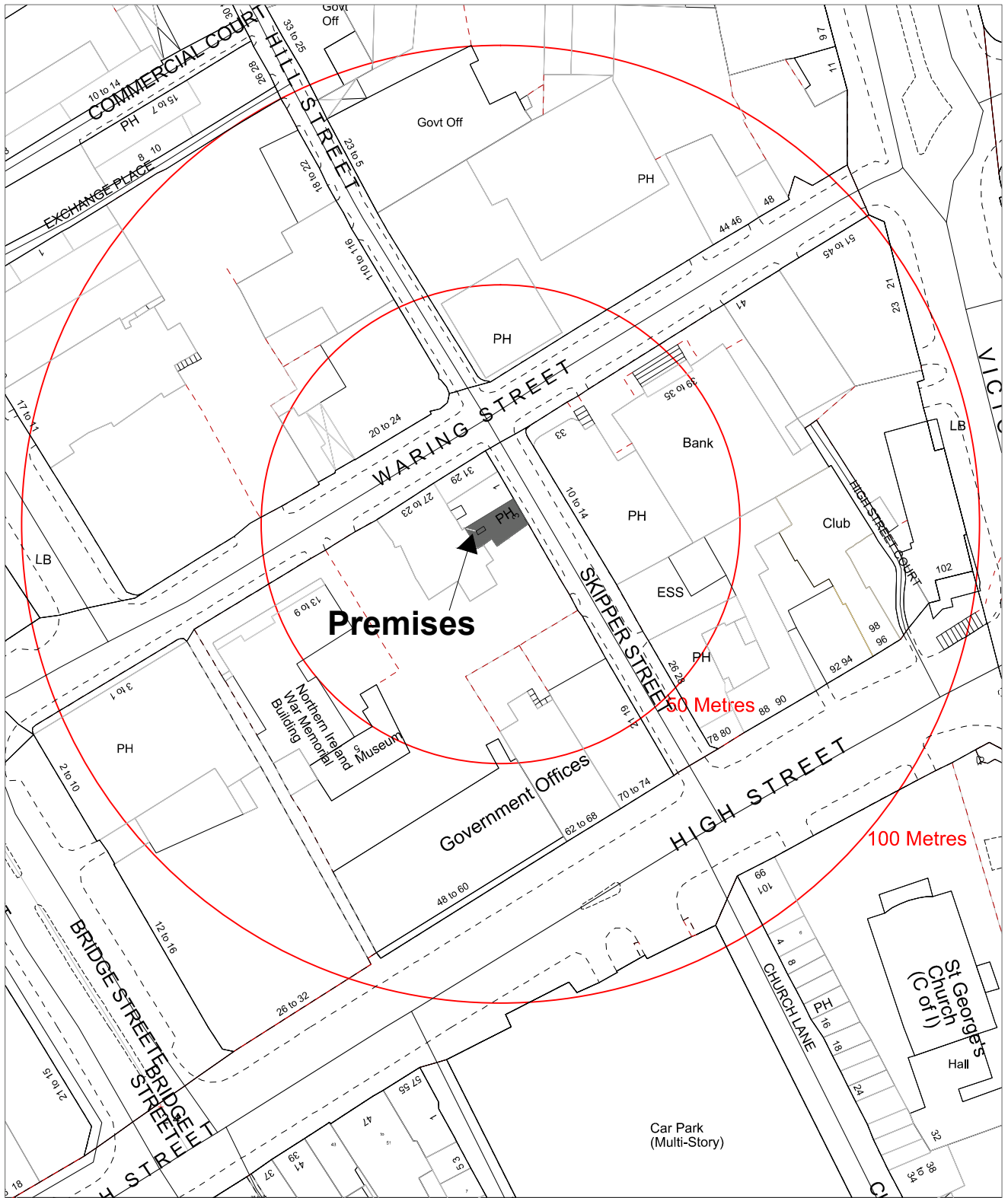
# Building Control Service

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

## Appendix 2



100 METRES



**Premises**

50 Metres

100 Metres

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**





<b>Subject:</b>	<b>Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The National Grand Café Bar and Sixty6, 62-68 High Street</b>
<b>Date:</b>	20th January, 2016
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider applications for the renewal and variation of a Seven-day Annual Entertainments Licence for The National Grand Café Bar and Sixty6, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>The National Grand Café Bar and Sixty6 62-68 High Street Belfast BT1 2BE</td> <td>WK/2015/01391 WK/2015/01398</td> <td>Mr Conall Wolsey</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	The National Grand Café Bar and Sixty6 62-68 High Street Belfast BT1 2BE	WK/2015/01391 WK/2015/01398	Mr Conall Wolsey
Premises and Location	Ref. No.	Applicant					
The National Grand Café Bar and Sixty6 62-68 High Street Belfast BT1 2BE	WK/2015/01391 WK/2015/01398	Mr Conall Wolsey					
1.2	Copies of the application forms are attached at Appendix 1.						
1.3	The nature of the variation is to extend the hours during which entertainment may be provided from 1.00 a m to 3.00 a m on Saturday and Sunday mornings.						
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 1.00 am, the applications are being presented to you for your consideration.						
1.6	A location map is attached at Appendix 2.						

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and representations made in respect of the applications, you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the renewal of the Seven-day Annual licence, or</li> <li>2. Approve the application for the renewal with special conditions, or</li> <li>3. Refuse the application for the renewal of the Seven-day Annual licence.</li> </ol>
2.2	<p>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:</p> <ol style="list-style-type: none"> <li>1. agree to the variation of the licence and that entertainment be permitted to take place beyond the standard hours of Licence to 3.00am on Saturday and Sunday mornings; or</li> <li>2. refuse to extend any or all of the hours as requested.</li> </ol>
2.3	<p>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.</p>
2.4	<p>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.</p>
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	<p>The areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground floor bar with a maximum capacity of 130 persons,</li> <li>• First floor bar/nightclub with a maximum capacity of 65 persons,</li> <li>• Second Floor bar/nightclub with a maximum capacity of 65 persons or</li> <li>• Third Floor bar/nightclub with a maximum capacity of 65 persons,</li> </ul>
3.2	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning, and</li> <li>• Sunday: 12.30 pm to midnight</li> </ul>
3.3	<p>Entertainment is currently provided in the form of a DJ and live band performances.</p> <p><b><u>Reasons for the Variation</u></b></p>
3.4	<p>The applicant has advised that the main reason they wish to extend the hours of entertainment is to have the flexibility to provide entertainment at weekends to a later hour to suit certain events throughout the year. The applicant has also stated that they plan to operate the first, second and third floors of Sixty6 to 3.00am on those nights. A copy of the applicant's submission is attached at Appendix 3.</p> <p><b><u>Representations</u></b></p>
3.5	<p>No written representation has been lodged as a result of the public notices of the applications.</p>

	<p><b><u>PSNI</u></b></p> <p>3.6 The PSNI has been consulted and also have no objection to the applications. A copy of its correspondence is attached at Appendix 4.</p> <p><b><u>Health, safety and welfare inspections</u></b></p> <p>3.7 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.</p> <p><b><u>Noise issues</u></b></p> <p>3.8 The Environmental Protection Unit (EPU) has been consulted in relation to the applications and has confirmed that a total of three complaints have been received over the last 12 months.</p> <p>3.9 All of the complaints related to noise break out from the premises and after being spoken to by Officers of the Night Time Noise Team, the appropriate action was taken by the management to address the issues.</p> <p>3.10 Members are reminded that the Clean Neighbourhood And Environment Act (NI) 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00pm.</p> <p><b><u>Licensee / Applicant</u></b></p> <p>3.11 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.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.12 Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>3.13 There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b><u>Documents Attached</u></b></p>
	<p>Appendix 1 – Application forms</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Rationale submission from the applicant</p> <p>Appendix 4 – PSNI correspondence</p>

**This page is intentionally left blank**

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

**Document is Restricted**

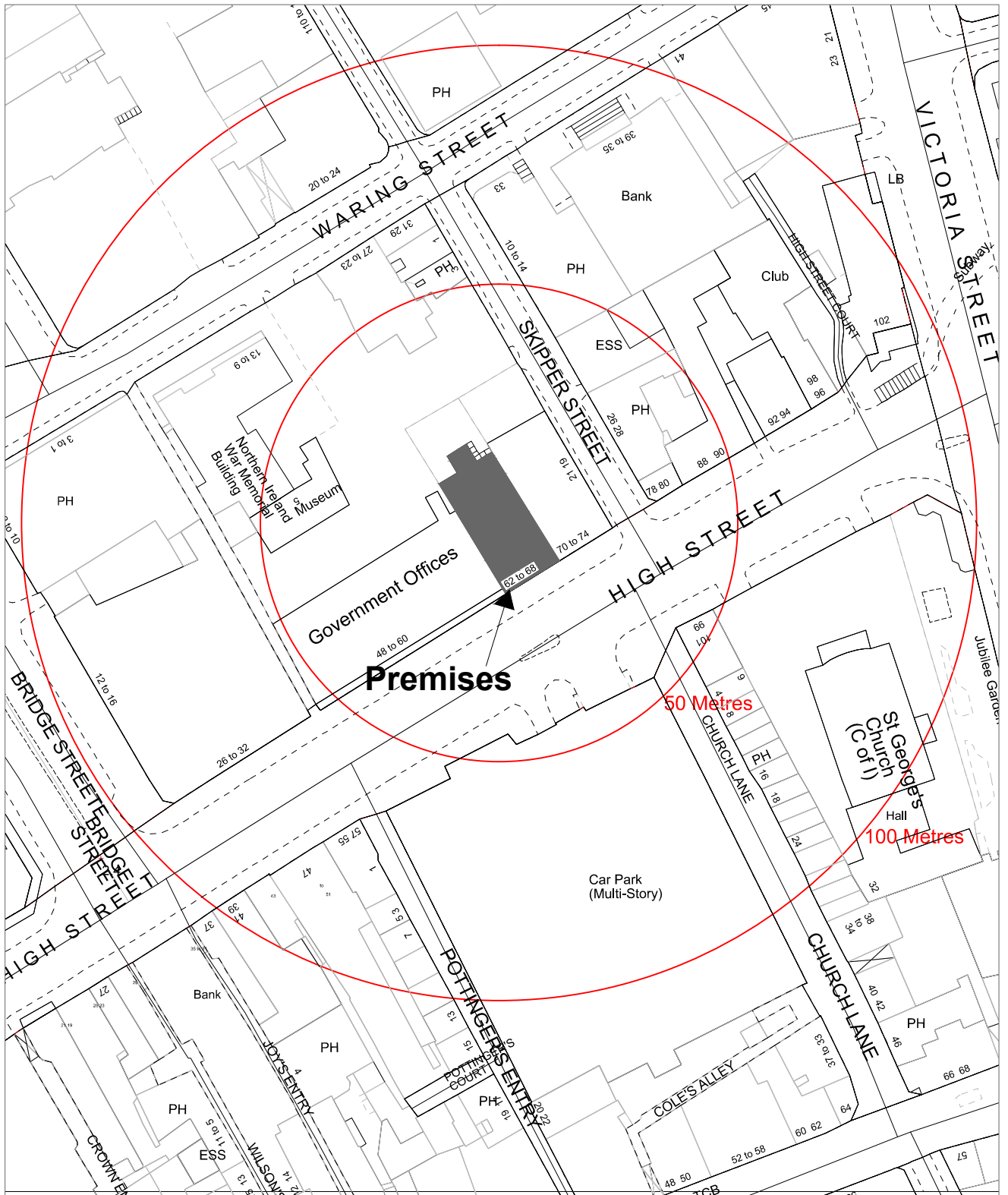
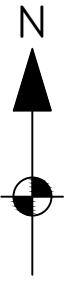
**This page is intentionally left blank**



# 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

## Appendix 2



**This page is intentionally left blank**



By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Entertainments Licence - Beckett's Bar, 241 Stewartstown Road</b>
<b>Date:</b>	20th January, 2016
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

<b>1.0</b>	<b>Purpose of Report /Summary of main Issues</b>						
1.1	<p>To consider a request from the applicant, Mrs. Carol Hughes of Sharp NI Limited, to permit her the opportunity of making representation to the Committee regarding her application, which was previously considered at the meeting on 16<sup>th</sup> December, 2015.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</td> <td>WK/2015/00780</td> <td>Ms Carol Hughes, Sharp NI Limited, 60 Limehill Road, Lisburn, BT27 5LR.</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	WK/2015/00780	Ms Carol Hughes, Sharp NI Limited, 60 Limehill Road, Lisburn, BT27 5LR.
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	WK/2015/00780	Ms Carol Hughes, Sharp NI Limited, 60 Limehill Road, Lisburn, BT27 5LR.					
<b>2.0</b>	<b>Recommendations</b>						
2.1	<p>Should you decide to afford Mrs Hughes the opportunity to address the Committee, and then taking into account the information presented regarding the application, you must then decide to:</p> <ul style="list-style-type: none"> <li>affirm your decision of 16<sup>th</sup> December to consider the application after the determination of the legal proceedings being undertaken by the Council, or</li> <li>rescind your decision of 16<sup>th</sup> December and consider the application for Beckett's Bar before determination of the legal proceedings being undertaken by the Council.</li> </ul>						
2.2	Should the Committee decide to hear the application before the determination of the legal proceedings, the report and appendices pertaining to the application are attached at Appendix 3.						

<b>3.0</b>	<b>Main report</b>
	<p data-bbox="260 226 416 255"><b><u>Key Issues</u></b></p> <p data-bbox="153 293 1445 456">3.1 Members will recall that, at your meeting on 16<sup>th</sup> December, you agreed to defer consideration of the grant of an application for the premises until such time as the outcome of any legal proceedings being undertaken by the Council had been determined and the applicant had had the opportunity to consider fully the Council's response to the Subject Access Requests.</p> <p data-bbox="153 495 1445 658">3.2 However, immediately after the meeting, the applicant contacted the Chairperson of the Committee to request if it was possible for her to address a future meeting in order to outline the reasons why the Committee should depart from its decision and hear the application before the determination of the legal proceedings being undertaken by the Council.</p> <p data-bbox="153 696 1445 824">3.3 The applicant has advised that, despite attending two Committee meetings regarding her application, she didn't get the opportunity to address the Committee in person. Members will recall that her solicitor addressed the Committee on 16<sup>th</sup> December 2015. A copy of her request is attached at Appendix 1.</p> <p data-bbox="153 862 1445 990">3.4 Members should also note that, since the meeting in December, Mrs. Carol Hughes, Mr. Eugene Hughes and Mr. John Hughes have all withdrawn their Subject Access Requests and provided formal correspondence to confirm the same. Copies of correspondences requesting to the withdrawal of their requests are attached at Appendices 2a, 2b and 2c.</p> <p data-bbox="260 1028 772 1057"><b><u>Financial and Resource Implications</u></b></p> <p data-bbox="153 1095 1222 1124">3.5 There are no financial or resource implications associated with this report.</p> <p data-bbox="260 1162 820 1191"><b><u>Equality or Good Relations Implications</u></b></p> <p data-bbox="153 1229 1214 1258">3.6 There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p data-bbox="260 1433 1043 1462">Appendix 1 – Applicant's request to address the Committee</p> <p data-bbox="260 1500 1401 1529">Appendix 2 – Correspondences requesting the withdrawal of Subject Access Requests</p> <p data-bbox="260 1568 1366 1632">Appendix 3 – Report and appendices on Beckett's Bar, as submitted to the Licensing Committee on 16<sup>th</sup> December, 2015</p>

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

Document is Restricted

**This page is intentionally left blank**



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

**Document is Restricted**

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

**This page is intentionally left blank**



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

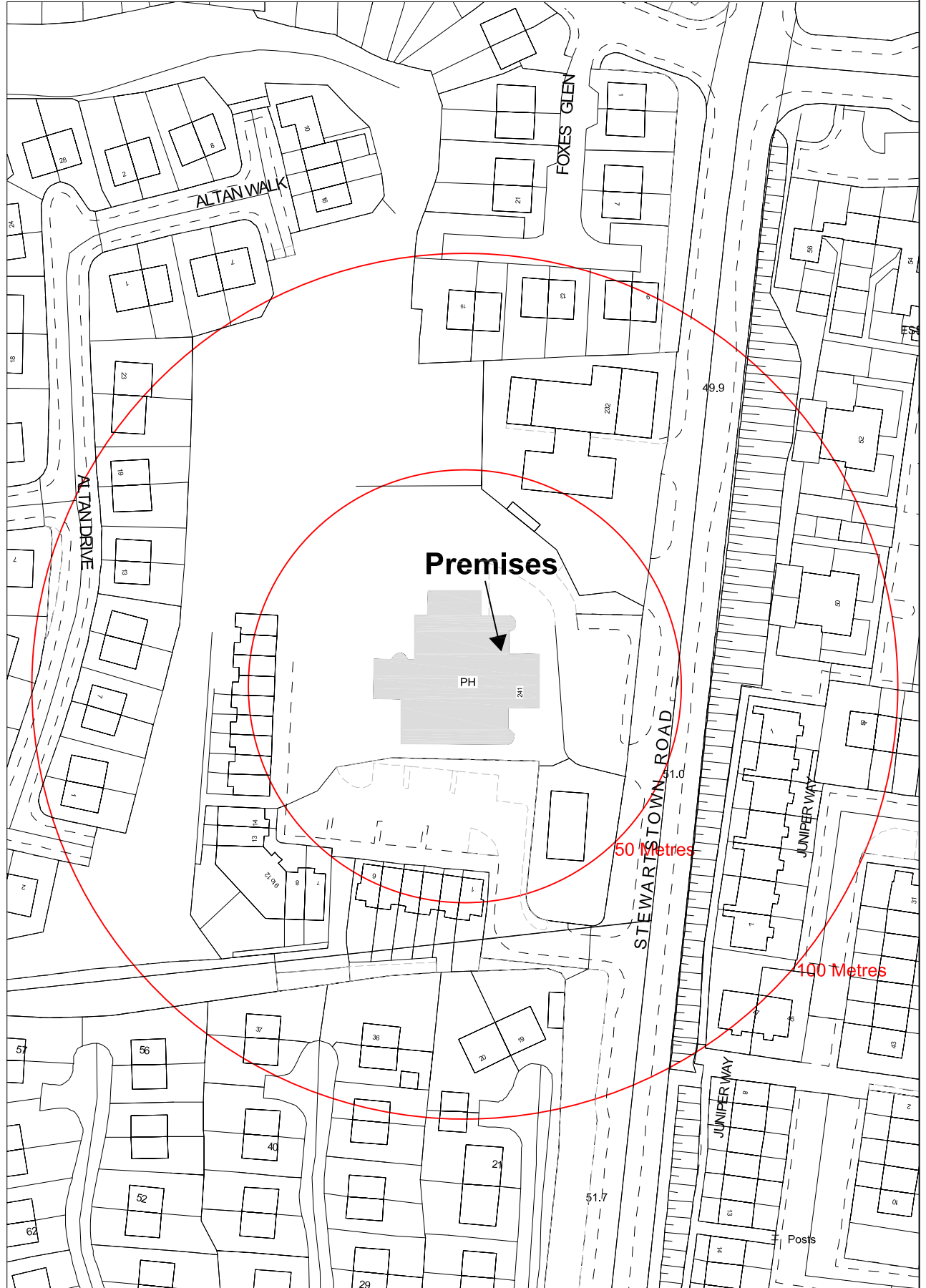
Document is Restricted

**This page is intentionally left blank**



# 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



**Premises**

PH

241

50 Metres

100 Metres

DRAWN BY: AMC  
DATE: 04/11/2015

Beckett's Bar  
Page 63  
241 Stewartstown Road

SCALE: 1:1250

**This page is intentionally left blank**

## Health and Environmental Services Department

### Building Control

Our reference: WK/201500539

Being dealt with by: Patrick Cunningham

Your reference:

Ext: 6446

Date: 5<sup>th</sup> June 2015

Mr Eugene Hughes  
Beckett's Bar  
241 Stewartstown Road  
Dunmurry  
Belfast  
BT17 0LA

Dear Mr Hughes

***ENTERTAINMENTS LICENCE — GRANT APPLICATION***  
**Local Government (Miscellaneous Provisions) (NI) Order 1985**

**RE: Beckett's Bar, 241 Stewartstown Road, Dunmurry, Belfast, BT17 0LA**

I am writing to welcome you to Belfast as, following Local Government Reform, from 1 April 2015 your premises is now in Belfast City Council's area.

The Building Control Service is responsible for Entertainment Licensing in Belfast. We now have all files and records about your premises and wish to inform you that if you intend to provide entertainment you will need to make a grant application to us. Subject to any objections, etc we will process your application and issue you with an Entertainments Licence.

We are aware that the premises previously had an Entertainments Licence and that you had applied for a new Entertainments Licence in November last year. However, a licence was not issued due to the application not being completed.

If it is your intention to provide entertainment in the future you must:

- Complete the enclosed application form, and return it along with the statutory fee and copies of plans for each floor of the building, clearly indicating the areas to be licensed.
- Within 7 days of making your application give public notice of the application in accordance with the instruction and wording outlined in the enclosed 'advertising particulars' information sheet. A copy of the legal notice (clearly showing the newspaper and the date it was placed therein) should be forwarded to the Service when it becomes available.

(Cont'd)

- Provide confirmation that there is in force a Policy of Insurance insuring the holder of the licence in respect of the death of, or bodily injury, to any person while on or about the premises (PUBLIC LIABILITY). Complete the enclosed Declaration of Public Liability Insurance Cover form, outlining the type of entertainment which you propose to carry out on the premises. This must then be given to your insurance company/broker for them to complete and endorse the second part of the form, before being returned to the Service within 28 days of making your application.
- Complete and return the enclosed Use of Door Supervisors Declaration Form stating whether Door Supervisors are used on the premises, and if so confirming that those persons are licensed by the Security Industry Authority (SIA).

Upon the premises being deemed to satisfy the technical standards to satisfy the above legislation, you will also need to provide the appropriate certification, as required by the Service.

For further information on these certificates please refer to the enclosed 'Application Guidance Notes'.

**PLEASE NOTE: NO ENTERTAINMENT IS TO BE PROVIDED ON THE PREMISES UNTIL SUCH TIMES AS A VALID ENTERTAINMENTS LICENCE HAS BEEN ISSUED**

It will not be possible to make a decision regarding the application until all the relevant documents have been received.

For further information or clarification regarding any of these matters, please do not hesitate to contact the Officer noted at the top of this letter.

Yours sincerely

Stephen Hewitt  
Building Control Manager

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

**Document is Restricted**

**This page is intentionally left blank**



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

Document is Restricted

**This page is intentionally left blank**



LISBURN  
CITY COUNCIL

Mark Skillen.  
-> 02890611256

Appendix 3 (6)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)  
ORDER 1985

ENTERTAINMENTS LICENCE

The Lisburn City Council, in pursuance of the provisions of Article 3, of and Schedule 1 to the Local Government (Miscellaneous Provisions)(Northern Ireland) Order, 1985 hereby grants a Licence

to: *Mr John Hughes*  
of: *C/o Becketts Bar & Restaurant, 242 Stewartstown Road, Dunmurry, Belfast BT17 0LB*

hereinafter referred to as the "Licensee" for the use of the premises

known as *Becketts Bar & Restaurant*  
situated at *242 Stewartstown Road, Dunmurry, Belfast BT17 0LB*

in the area of the said Lisburn City Council for the purposes of the entertainments listed in Schedule A hereunder and subject to the terms and conditions and restrictions contained in Schedule B hereunder from

and including the *First* day of *January* 2010 up to

and including the *Last* day of *December* 2010 unless

the said Licence shall have been previously transferred, cancelled, varied, suspended or revoked by the Council. The Council may revoke the Licence if the Licensee is convicted of an offence in respect of the premises being used for any entertainment otherwise than in accordance with the terms, conditions and restrictions on or subject to, which the Licence is held. The Licensed premises shall not be opened for any of the entertainments except on the days and between the hours and for the maximum of persons as indicated in the said Schedule A.

SCHEDULE A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Entertainment(s) Permitted	Rooms/Area/Parts of Premises Licensed	Max No of Persons Permitted to use Premises detailed in Column 2	Dates/Days when Premises in Column 2 may be used	Hours when Premises in Column 2 may be used
Dancing, Singing or music or any entertainment of a like kind	Lounge Bar	Standing/closely seated 450 max (250)	Monday – Saturday	12.00noon – 1.00am
	Public Bar	Standing/closely seated 200 max (150)	Sunday	12.30pm – 12.00midnight

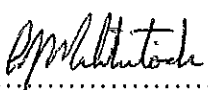
The Council may by order suspend the Licence if it appears that the provision of the entertainment is causing or likely to cause a serious threat to public order or public safety.

\*If dates are not specified the Licensee must give the Council at least N/A days notice before the intended entertainment takes place and a record of the occasions when the premises are so used must be kept.

**SCHEDULE B**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>Terms and Conditions</b>	<b>Parts Applicable</b>	<b>Terms, Conditions, Restrictions and Technical Requirements Not Applicable</b>
<b>The Council's Model Terms, Conditions and Restrictions</b>	<b>All Parts relating to the entertainment being provided</b>	
<b>The Council's Technical Requirements</b>	<b>All Parts relating to the entertainment being provided</b>	
<b>Special Restrictions</b>		

Dated this: 24<sup>th</sup> day of September 2010

Signed:   
.....  
**C McClintock**  
**Director of Environmental Services**

**NOTE RE RIGHT OF APPEAL**

The Licensee of this Licence if he is aggrieved by any term, condition, or restriction on or subject to which the Licence is held may, at any time before the expiration of the period of 21 days beginning **24 September 2010** appeal to the County Court for the County Court Division in which the premises are situated.

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

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

**This page is intentionally left blank**



Licensing Committee,  
Wednesday, 18th April, 2012

F  
215

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF  
THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON  
1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46**

**Licences Issued Under Delegated Authority**

The Committee noted a list of licensing applications which had been granted under the delegated authority of the Director of Health and Environmental Services.

**Application for the Grant of a Seven-day Annual Entertainments Licence –  
The Fiddlers Inn, 11 Kennedy Way**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

- 1.1 An application was received on 16th December, 2011 from Mrs Margaret O' Reilly, for the grant of a Seven-day Annual Entertainments Licence for The Fiddlers Inn 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
The Fiddlers Inn 11 Kennedy Way Belfast, BT11 9AP	WK/2011/02184	Mrs Margaret O' Reilly

- 1.2 In her application, the applicant has requested for a maximum of 200 persons to be accommodated.
- 1.3 The areas of the premise where entertainment is to provided are:
- the ground floor with a maximum capacity of 30 persons; and
  - the first Floor with a maximum capacity of 170 persons
- 1.4 The days and hours during which entertainment is to be provided are:
- Monday to Saturday from 11.30am to 1.00am the following morning; and
  - Sunday from 12.30pm to 12.00am the following morning.

- 1.5 Currently, the premises operates as a bar and does not provide entertainment. The applicant intends to provide entertainment at weekends in the form of two and three piece bands playing traditional music.
- 1.6 Members will recall that, at the Licensing Committee meeting on 15th February 2012, you were made aware of objections and agreed that a special meeting be held to consider these objections to the aforementioned application and to consider representation from the objectors, the applicants and/or their representatives.
- 1.7 However, due to an available slot in the normal schedule of meetings, this report is being brought on 18th April, so you can consider those objections and representations from the applicant and/or their representations in a timely way.

## 2 Key Issues

### Objections

- 2.1 Written representations have been received against the application. Two letters of objection were initially received inside the 28-day statutory period from local residents along with a signed petition from the Committee of the neighbouring Mother and Toddlers Group. Additionally a further objection was received outside the 28-day statutory period.
- 2.2 The nature of these objections are:
- the applicant has previously shown a lack of respect for the residents within the area as there were high levels of antisocial behaviour both in and around the premises.
  - noise levels were unacceptable causing regular disturbance within the area.
  - there has been water ingress through the ceiling of the restaurant premise below the first floor of The Fiddlers Inn.
  - poor provision of waste removal from the premises and use of skips.
  - poor parking facilities.

- the owner of the adjoining restaurant has alleged that the owners of the bar had tampered with his electricity supply box.
  - problems with broken glass/bottles from the premises in the grounds and play area of the Mother and Toddlers Group.
  - the prospect of greater anti-social behaviour and late night noise.
- 2.3 Copies of the letters of objection and an inspection report from the NIE have been circulated to Members.
- 2.4 A deputation representing the objectors has been invited to attend your meeting so that you may hear their representations relating to the application.

**PSNI**

- 2.5 The Police Service of Northern Ireland has been consulted and is objecting to the application on the following grounds:
- 2.6 Between 19th December 2011 and 27th February, 2012, the Police Service has received four reports regarding The Fiddlers Inn.
- 2.7 The Police Service is unaware of any crime prevention measures that the applicant has put in place within the premises, for example, in relation to CCTV, licensed door supervisors, signage and staff training. Consequently, the Police has concerns about the capabilities of the applicant to manage any anti-social behaviour or mitigate criminal behaviour within the premises or immediately outside the premises.
- 2.8 The Police Service is further stating that the lack of protection measures in place could also directly impact on Article 2 of the European Convention on Human Rights for patrons and passersby.
- 2.9 The Police Service has contacted the Court Service and is now aware that the premises has previously been granted a liquor licence for the 1st floor and Snooker Room under Article 44 of The Licensing (Northern Ireland) Order 1996. This order would suggest that the sale of intoxicating liquor is subject to substantial refreshment, entertainment or both.
- 2.10 A copy of the PSNI objection has been forwarded to Members. The Sector Inspector for the area has also been invited to appear before the Licensing Committee to discuss any matters which may arise during your meeting.

**Building Control**

- 2.11 The Service has received three complaints regarding the premises since it reopened in December 2011. The complaints were regarding entertainment being provided without an Entertainments Licence in force.
- 2.12 During this time, four monitoring inspections were carried out, which revealed that no entertainment was taking place.

**Building Work**

- 2.13 A Building Regulations application was received by the Service on the 12th December 2011, following Officers of the Service observing work being carried out without an application on 14th November 2011.
- 2.14 As a result, the Service immediately issued an enforcement letter to him on 15th November 2011 requesting an application for the works; otherwise appropriate enforcement action would be initiated.
- 2.15 Subsequently, on 21st November 2011, the Service received an application for the internal refurbishment which consisted of the removal of raised floors and alterations to the lobby at the top of the staircase, in addition to general decoration and rewiring, etc.
- 2.16 Unfortunately, due to insufficient information being provided to the Service, the plans were initially rejected and the Agent and Applicant were informed accordingly. However, following further information being provided by the Agent and Officers of the Service working with them, the plans were approved on 4th January 2012.
- 2.17 Recent site inspections have revealed that further work must be carried out so that the refurbishment works comply with the requirements of the Building Regulations.

**Occupancy**

- 2.18 Officers of the Service have assessed the layout and occupancy of the premises and can confirm that 200 persons can be accommodated on the premises, with 30 persons on the ground floor and 170 persons on the 1<sup>st</sup> floor.

**Environmental Protection Unit**

- 2.19 The Environmental Protection Unit (EPU) has confirmed that they have received no complaints regarding the premises since it reopened as a Public House in December 2011. However, five planned inspections have been carried out and no noise arising from the premise was witnessed.
- 2.20 Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises either due to noise breakout or from patron activity was requested.
- 2.21 This report is currently being assessed by EPU. Any conditions or recommendations by EPU will be appended to the licence if so granted.
- 2.22 An Officer from the Environmental Protection Unit will be available at the meeting to address any questions Members may have in relation to noise disturbance issues.

**Cleansing Services**

- 2.23 Cleansing Services has confirmed that they have received no complaints and have no issues regarding the premise.

**Licensee**

- 2.24 The applicant will be available at your meeting to answer any queries you may have in relation to the application.

**Previous Licence**

- 2.25 An Entertainment Licence in respect of this premise was first issued to Margaret Anne Hughes (now known as Mrs Margaret O'Reilly) on 1st March, 1995 and the licence was renewed annually until 31st August, 2002.
- 2.26 Due to objections, the application for renewal in 1997, was placed before the Health and Environmental Services Committee and the Committee granted the Entertainments Licence for a period of six months with entertainment being permitted on Friday and Saturday nights only. The minutes of this meeting have been circulated to Members.
- 2.27 The licence was renewed after this six month period in September 1997 as follows:-

**2.28 The areas licensed to provide entertainment are:**

- **Public Bar - Ground floor with a maximum capacity of 30 persons;**
- **Lounge Area - First floor with a maximum capacity of 150 persons;**
- **Function Area - First floor with a maximum capacity of 180 persons;**
- **Overall Maximum for First Floor was for 200 persons**

**2.29 The days and hours during which the premises were licensed to provide entertainment are:**

- **Monday to Tuesday from 11.30 am to 11.00 pm;**
- **Wednesday to Saturday from 11.30am to 01.00am the following morning; and**
- **Sunday from 12.30 pm to 12.00 am the following morning.**

**Liquor Licence**

**2.30 The current liquor licence, which is in the name of Mrs Margaret Anne O' Reilly, covers the 1st floor lounge, snooker area and areas delineated on the licensing plans. The liquor licence is due for renewal in September, 2012.**

**3 Resource Implications**

**3.1 Financial**

**None.**

**3.2 Human Resources**

**None.**

**3.3 Asset and Other Implications**

**None.**

**4 Equality and Good Relations Considerations**

**4.1 There are no equality or good relations issues.**

**5 Recommendations**

**5.1 Having regard to the information presented and the representations made in respect of the application for the grant of this licence, you are required to make a decision to either:**

- 1. approve the application for the grant, or**
- 2. approve the application for the grant with special conditions, or**
- 3. refuse the application for the grant of the licence.”**

The Committee was advised that representatives of the Police Service of Northern Ireland, which had objected to the grant of the Entertainments Licence, were in attendance and, accordingly, Inspector J. Wise and Constable R. Rintoul were admitted to the meeting.

Inspector Wise informed the Members that the Police Service had visited the Fiddlers Inn on a regular basis prior to the premises ceasing to trade in 2002 in order to deal with numerous complaints of assaults. Since the premises had re-opened in December, 2011, it had been visited a further four times up to the end of February, 2012, which was considered to be quite high in comparison to other licensed premises in that area. She stated that the applicant had failed to co-operate with the Police Service during their investigation of those incidents and that, on the one occasion on which Mrs. O'Reilly had met with the Police Service, it had been to report her concerns regarding another premises, rather than to raise any issues relating to the Fiddlers Inn.

Inspector Wise reported that the Police Service was unaware of any crime prevention measures which the applicant had put in place to improve the operation of the premises, such as the deployment of closed-circuit television and qualified door supervisors, the provision of appropriate signage and the training of staff. As a result, the Police Service would have concerns regarding the applicant's capability to manage the premises in terms of preventing anti-social and criminal behaviour, both inside and outside the establishment.

She explained that the applicant had obtained previously a Liquor Licence permitting the sale of alcohol on the first floor and snooker room of the premises and that it was due for renewal in September, 2012. She stated that the Police Service had forwarded a file to the Public Prosecution Service and was in the process of submitting a second file in relation to two alleged offences. The first of those related to the alleged unauthorised use by the owners of the Fiddlers Inn of electricity from a supply box serving the food premises below and the other to breaches of the liquor licensing legislation at McEnaney's Bar, Glen Road, which the Police Service believed was connected to the applicant. The Police Service would, therefore, be unable to comment on the application for the renewal of the premises' Liquor Licence until the outcome of those prosecutions had been determined.

In response to a question from a Member, Inspector Wise confirmed that, based upon evidence regarding the applicant's operation of the Fiddlers Inn to date, and given the two pending prosecutions, the Police Service could not support the application for the grant of the Entertainments Licence.

The Chairman thanked Inspector Wise and Constable Rintoul for being in attendance and they retired from the meeting.

It was reported that Mr. C. Convery, Mrs. M. Guiney and Mr. S. Murray, representing the objectors to the application, were in attendance and they were welcomed to the meeting.

Mrs. Guiney explained that she was a resident of Andersonstown Park West and served on the committee of the area's Mother and Toddler Group. She informed the Members that, when the Fiddlers Inn had operated previously, there had been considerable under-age drinking and local residents had been subjected to unacceptable levels of noise nuisance and anti-social behaviour, including fighting and damage to property and vehicles. The patrons had targeted deliberately the adjacent Mother and Toddler Group by scattering broken glass across its playground. She reported that the applicant had, in 1997, provided local residents with an undertaking that work would be carried out to improve the premises' ventilation system in order to eliminate the need for doors to be left open whilst entertainment was taking place and to ensure that all broken glass found in and around the premises would be removed on a daily basis. The applicant had undertaken also to inform local residents of any applications being made in future to the Council or the County Court in relation to Entertainments Licences or Liquor Licences. However, none of those undertakings had been adhered to.

Mrs. Guiney concluded by stating that there were other premises in that area of the City which provided entertainment and that, in view of the difficulties which had existed in the past and would be likely to be repeated in the future, the Committee should refuse to grant the Entertainments Licence in respect of the Fiddlers Inn.

Mr. Convery informed the Committee that he operated a food business on the ground floor below the Fiddlers Inn and highlighted the difficulties which he had experienced in relation to that premises. He stated that the Fiddlers Inn had insufficient parking facilities and that no provision had been made for the removal of waste, which often resulted in rubbish being strewn across his parking area. He explained that there had been, on up to twelve occasions, significant ingress of water into his premises from the Fiddlers Inn above, the latest of which had been in December, 2011. He stated that he had immediately brought the problem to the attention of the landlord, who had been assured by the applicant that the matter had been resolved. However, he expressed his disappointment that the applicant had made no effort to contact him to apologise or to offer compensation for any damage which had been caused.

Mr. Convery reported also that the operators of the Fiddlers Inn had tampered with the supply box feeding his premises in order to derive power for their own use. Mr. Convery concluded by reiterating the points which had been made by Mrs. Guiney in relation to incidences in the past of vandalism and anti-social behaviour emanating from the Fiddlers Inn and pointed out that those problems would be likely to re-occur in view of the applicant's ongoing unwillingness to meet with local residents to address their concerns.



Mr. Murray informed the Committee that he acted as Chairman of the Lower Andersonstown Action Group. He explained that residents living at the side of the Fiddlers Inn had, for approximately eighteen months, been experiencing severe difficulties due to anti-social behaviour and noise pollution emanating from the nearby Westwood Centre. During that time, they had been forced to live in the rooms to the rear of their properties in order to escape those problems. He explained that the Action Group had been working with the relevant agencies, including the Police Service and the management of the Centre, to address the difficulties and that the issue was close to being resolved. However, the residents' concerns had now been exacerbated upon learning of the application which had been submitted by the operators of the Fiddlers Inn for the grant of an Entertainments Licence. They were strongly of the view that the grant of the Licence would increase significantly anti-social behaviour and noise nuisance in that area and were, therefore, requesting that the application be refused.

The deputation thanked the Committee for receiving them and they retired from the meeting.

Miss M. Doyle, Senior Environmental Health Officer, informed the Committee that the Council's Environmental Protection Unit had received no complaints regarding noise since the Fiddlers Inn had re-opened in December, 2011. However, that was due primarily to the fact that no entertainment had been permitted during that time. She explained that the applicant had been requested to submit in support of her application an acoustic report outlining the measures to be taken to ensure that minimal disruption in the form of noise breakout or patron activity was caused to neighbouring properties. However, the report which had been submitted had not differed significantly from another which had been provided in 2001, as part of a previous application, and the applicant had been requested to submit a revised report.

The Committee was informed that Mrs. M. O'Reilly, the applicant, together with Mr. J. Hughes, her brother, were in attendance and they were admitted to the meeting and the nature and substance of the objections to the application were outlined to them.

Mr. Hughes informed the Members that he was using the extensive experience which he had gained from managing licensed premises to guide his sister through the Entertainments Licensing application process. In addition, he was acting as guarantor on the lease of the property and would be involved in running the snooker business which occupied an area of the Fiddlers Inn. He explained that, due to an oversight on the part of the Council, the applicant had only been made aware earlier in the day of the nature of the objections which had been lodged by the Police Service of Northern Ireland to the application and had been offered an opportunity to have the matter deferred by the Committee to afford her time to consider the objections more fully. However, the applicant had declined the offer as she was keen to have the application determined as a matter of urgency.

Mr. Hughes explained that he and Mrs. O'Reilly had, on 27th January, met with two of the Police Service's Neighbourhood Beat Officers, at the officers' request, in order to obtain advice and guidance on the overall operation of the Fiddlers Inn. The officers had made a number of recommendations in that regard, including the deployment of closed-circuit television and door supervisors, all of which had now been implemented. They had provided the applicant with a mobile telephone number to be used in the event of any disturbance and had voiced concern in relation to the way in which other premises in the area were being managed. He pointed out that Inspector Wise had been advised, subsequently, by the applicant of the issues which had been discussed at the meeting and had been invited to visit the Fiddlers Inn to view at first hand the measures which had been put in place and to offer any other advice which she deemed appropriate. However, she had yet to visit the premises.

He pointed out that, the applicant had, since 1994, held a Liquor Licence for the Fiddlers Inn and that an Entertainments Licence had been issued by the Council in 1997, which had been renewed annually, without objection, until the premises had ceased trading in 2002. He stressed that she had never been prosecuted for any offences relating to either licence. He pointed out that the measures which had been put in place prior to 2002 still applied, including the operation of a strict policy preventing the removal of glasses from the premises and the clearing up by the landlord of any bottles or broken glass on a daily basis. He added that the applicant had been informed immediately by the landlord on each occasion on which water had seeped into Mr. Convery's food premises and that the matter had been resolved as a matter of urgency. The applicant had sought to discuss the matter with Mr Convery, however, he had been unwilling to meet with her. In relation to the allegation which had been made by Mr. Convery regarding the applicant accessing his electricity supply box, he explained that the Fiddlers Inn had originally been a snooker club and that there had, during work being undertaken to the premises, been some confusion surrounding the junction box requiring to be re-located as part of that work. He pointed out that the landlord had since compensated Mr. Convery for the inconvenience and that no criminal charges were, to the best of his knowledge, being taken against the applicant in relation to the incident.

Mrs. O'Reilly informed the Committee that she had never been a director or involved in any way in the company which operated McEnaney's Bar. She circulated for the information of the Members a letter from her legal representative stating that her instructions were to defend the prosecution being taken against her client as she was neither a director or shareholder of the company which managed that premises and had never worked there.

Mrs. O'Reilly pointed out that she had managed other premises in Belfast and Lisburn successfully and that it was her intention to use the expertise which she had acquired there to provide food and light entertainment within the Fiddlers Inn to a standard which was not available elsewhere in the area. She confirmed that she took the issue of underage drinking seriously and reiterated the views which had been expressed by Mr Hughes in relation to the future operation of the Fiddlers Inn. She concluded by stating that she was fully aware of the concerns of local residents and that she would continue to seek to meet with them to address those concerns.

The Chairman thanked Mrs. O'Reilly and Mr. Hughes for being in attendance and they retired from the meeting.

After discussion, it was

Moved by Alderman Stalford,  
Seconded by Councillor O'Neill and

Resolved - That the Committee, in its capacity as Licensing Authority, agrees, in view of the concerns which had been raised by the Police Service of Northern Ireland and the objectors, to refuse the application for the grant of a Seven-day Annual Entertainments Licence in respect of the Fiddlers Inn, 11 Kennedy Way, on the grounds that:

- (i) the granting of the Licence would be likely to give rise to noise, nuisance and disturbance, anti-social and criminal behaviour and littering;
- (ii) the Committee is not satisfied that the premises would be operated in a safe manner; and
- (iii) the applicant is not a fit person to hold such a Licence

**Application for the Grant of a Fourteen-day Occasional Outdoor Entertainments Licence - El Divino, May's Meadow**

The Committee was advised that an application had been received from El Divino Belfast Limited for the grant of a Fourteen-day Occasional Outdoor Entertainments Licence, based upon the Council's standard conditions to provide outdoor musical entertainment. The Head of Building Control reported that the applicant was seeking to provide entertainment in the form of a band or disc jockey in the car park located to the side of the premises, which could accommodate up to a maximum 700 persons. He explained that the applicant had sought initially to provide such entertainment approximately six times per year, on occasions such as Bank Holiday weekends, the first of which was being planned for Sunday, 6th May, with entertainment ceasing at 10.30 p.m. However, they had since indicated that no more than three events would be taking place but had requested that the time at which entertainment would cease be extended to 11.00 p.m.

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**



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

Document is Restricted

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Entertainments Licence - Hole in the Wall, 1–3 Baltic Avenue</b>
<b>Date:</b>	20th January, 2016
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	To consider an application for the grant of a Seven-day Annual Entertainments Licence for the Hole in the Wall, based upon the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.						
1.2	Members are reminded that, at the meeting on 16 <sup>th</sup> December 2015, you agreed to consider the application at your January monthly meeting, to which the objector and the applicant would be invited to attend.						
	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Hole in the Wall 1-3 Baltic Avenue, Belfast BT15 2HR</td> <td>WK/2015/01058</td> <td>Gerard Conn H.I.T.W. Limited 1-3 Baltic Avenue Belfast</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Hole in the Wall 1-3 Baltic Avenue, Belfast BT15 2HR	WK/2015/01058	Gerard Conn H.I.T.W. Limited 1-3 Baltic Avenue Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Hole in the Wall 1-3 Baltic Avenue, Belfast BT15 2HR	WK/2015/01058	Gerard Conn H.I.T.W. Limited 1-3 Baltic Avenue Belfast					
1.3	Members should be aware that an initial application was received on 5 <sup>th</sup> May 2015 from Mr. Conn, H.I.T.W. Limited,. However that application was not completed and Mr. Conn subsequently resubmitted a further application on 28 <sup>th</sup> August, 2015. A copy of the application form is attached at Appendix 1.						
1.4	A petition of objections was received on 9 <sup>th</sup> September from local residents regarding the application within the 28-day statutory consultation period.						
1.5	The reason the application has not been brought before you for consideration until now is that Officers of the Service have attempted to engage with all parties affected by the application to convene liaison meetings and address the issues. However this has proved to be difficult as the objectors do not want to meet with the applicant.						

1.6	A location map is attached at Appendix 2.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. approve the application for the grant of the Seven-day Annual Entertainments Licence, or</li> <li>2. approve the application for the grant with special conditions, or</li> <li>3. refuse the application for the grant of the Seven-day Annual Entertainments Licence.</li> </ol>
2.2	<p>If the 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 Recorders Court.</p>
<b>3.0</b>	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received within the 28 day statutory period.</p> <p><b><u>Representations</u></b></p> <p>Public notice of the application was duly placed and a total of 13 signatures in the form of a petition were received. The signatures are all from residents of Baltic Avenue. Members should note that whilst the nature of some of the representations relate to music noise from the premises, Officers of the Service have monitored the premises and observed that it is not music that would require an Entertainments Licence.</p> <p>The general nature of the objections referred to in the petition relate to the following:</p> <ul style="list-style-type: none"> <li>• the premises are located in a residential street and the owner of the premises shows no regard for their neighbours;</li> <li>• loud music can be heard in the street and inside resident homes at weekends;</li> <li>• The noise disturbs their peace and right to enjoy their homes; and</li> <li>• It is very difficult and distressing and impacts both mentally and physically on the health of our families, through stress and lack of sleep.</li> </ul> <p>In the petition, the residents make allegations about the lack of response from the Council and refer to the following points:</p> <ul style="list-style-type: none"> <li>• they are afraid of retaliation if they permit officers entry to take noise readings, as we have requested, in order to validate their complaints; despite officers observing music noise levels from the street, which weren't loud enough to warrant enforcement action, that it's still difficult to watch TV with background noise going on 3 days a week;</li> <li>• why do Officers check for doors and openings being open to facilitate noise break out and inform planning, yet how has it not been identified until now that the premise does not have an Entertainments Licence;</li> </ul>
3.2	
3.3	
3.4	

3.5	<p>The petition also refers to other issues they have contacted the PSNI about, as follows:</p> <ul style="list-style-type: none"> <li>• fighting, bottling and arguing on a weekly basis and often on all 3 nights at the weekend;</li> <li>• noise caused by people smashing the windows of the bar;</li> <li>• noise caused by people trying to regain entry when they have been thrown out; The bar kicks them out and closes its doors, leaving the residents to deal with the fall out;</li> <li>• damage to property and cars by drunks; and</li> <li>• residents have had to go out and move their cars down the street away from people throwing things at each other.</li> </ul>
3.6	<p>The residents also allege that they have to deal with the following problems:</p> <ul style="list-style-type: none"> <li>• drunks making “polite conversation” with their children and babies;</li> <li>• men urinating in the street, in the afternoon and at night;</li> <li>• drunks, vomiting and littering;</li> <li>• they are unable to walk down their street in the evening because of drunks outside smoking;</li> <li>• they are kept awake until the bar closes and the drunks leave the street;</li> <li>• we have drunks past our houses and cars and it isn’t fair or safe;</li> <li>• the impact on family life is already destructive; and</li> <li>• the nuisances seen to increase when private parties are held or rave music played as these attract a younger crowd.</li> </ul>
3.7	<p>The residents state that this is the second letter they have written; however we have not received any other correspondence from the residents regarding the premises since it was previously considered by the Licensing Committee in 2012. A copy of the petition is attached at Appendix 3.</p>
3.8	<p>We can assure the Committee that every complaint has been followed up with both the applicant and complainant and that as part of this application, all 13 residents received an acknowledgement of their objection and notification that Officers of the Service would facilitate a meeting.</p> <p><b><u>Liaison meetings</u></b></p>
3.9	<p>As part of due process and to try and resolve the residents’ concerns, Officers of the Service offered to facilitate liaison meetings with all parties. However, when Officers invited residents to attend a meeting, only three of them responded by telephone, to confirm they would be willing to attend a meeting with officers from the Service. All three respondents made it clear that they would not attend any meeting where the applicant and/or the applicant’s representative were present. None of the other ten residents responded or acknowledged our correspondence.</p>
3.10	<p>As a result, Officers agreed to meet with the residents and applicant separately to try and negotiate an agreement and resolve the issues. However, when Officers sent out further invites to attend a meeting at Building Control offices, none of the residents turned up. They also did not send us any apologies or acknowledgements to advise of their absence or failure to attend the meeting.</p>
3.11	<p>Officers have met with the applicant and or his business colleague, Gavin Hawkins on a number of occasions. The applicant has cooperated fully with the Council and appears keen to address residents’ concerns.</p>

3.12	<p>However, as an agreement was unable to be negotiated we subsequently informed all parties that the matter would have to be considered by the Licensing Committee. Following your agreement to consider the application at this month's Committee meeting and as part of the Committee Protocol, we sent each party a copy of the relevant Representation Form and requested it to be provided in advance of the meeting to be presented to the Committee for consideration. The date given to the objectors was the 30<sup>th</sup> December 2015, 3 weeks in advance of your meeting and in accordance with the Committee Protocol. This is to ensure appropriate time to share the information between all parties and to allow Officers to articulate the points within the report for your consideration.</p>
<p><b><u>Objectors Representation</u></b></p>	
3.13	<p>The objectors Representation Form was hand delivered to each of the objectors from Baltic Avenue. The applicant was also provided with a copy of their respective Representation Form.</p>
3.14	<p>Unfortunately, none of the objectors have submitted a completed Representation Form. Officers contacted the objectors and offered to give them further time to make their representation but no representations have been provided to date.</p>
3.15	<p>At the time of writing this report, two objectors have confirmed that they will not be available to attend Committee. The remaining 11 objectors have not confirmed whether they will be available to attend your meeting. Additionally, the objectors who confirmed they would not be available to attend Committee stated that they were confident that the other objectors would also not be attending.</p>
<p><b><u>Applicants Representation</u></b></p>	
3.16	<p>The applicant has provided a Representation Form, as required by the protocol, and a copy of his response is attached at Appendix 4. Despite the application being a new grant application, he is willing to adopt the previous terms, conditions and Action Plan, which was drawn up in agreement with the Council, PSNI and residents of Baltic Avenue in 2012.</p>
3.17	<p>Furthermore, despite the objectors not submitting Representation Forms, the applicant agreed to nonetheless provide a copy of his Representation Form to them and at the time of writing this report we have not received any further counter claim or representation from the objectors.</p>
3.18	<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>Details of the Premises</u></b></p>	
3.19	<p>The areas previously licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground floor public bar with a maximum capacity of 70 persons</li> <li>• First floor a maximum capacity of 170 persons</li> <li>• Second floor with a maximum capacity of 70 persons</li> </ul>
3.20	<p>As a technical matter, the numbers are being reviewed to consider the reconfiguration and seating layout of the premise. Officers will finalise and deal with this matter if you are of the mind to grant the premises an Entertainments Licence.</p>



3.21	<p>The days and hours during which the premises were licensed to provide entertainment:</p> <ul style="list-style-type: none"> <li>• Monday to Thursday: 11.30 am to 11.00 pm,</li> <li>• Friday and Saturday: 11:30 am to 01:00 am and,</li> <li>• Sunday: 12.30 pm to midnight</li> </ul>
3.22	<p>Members should note that this application is for the identical days and hours as was in the previous application.</p>
3.23	<p>The applicant is also content to accept the special conditions attached to the previous Entertainments Licence are as follows:</p> <ul style="list-style-type: none"> <li>• agree to the Action Plan as set out on the reverse of the licence.</li> <li>• entertainment (pool tournaments only) shall be permitted from 11.00pm to midnight on a Monday, Tuesday, Wednesday or Thursday.</li> <li>• entertainment shall be permitted from 11.00 pm to 1.00 am should Valentine's Day, St. Patrick's Day, Easter Monday or Tuesday, Halloween, Christmas Eve or New Year's Eve fall on a Monday, Tuesday, Wednesday or Thursday.</li> </ul>
3.24	<p>The Action Plan referred to previously, which the applicant has agreed to adopt, is attached at Appendix 5.</p>
<p><b>History of the Premises</b></p>	
3.25	<p>The applicant previously applied for the transfer and renewal of the Entertainments Licence on 18<sup>th</sup> January 2011 and, at a meeting of the Licensing Committee on 11<sup>th</sup> April 2011, Members agreed to exercise their discretion to consider 10 letters of objection received from local residents all of which were outside the 28 day statutory representation period.</p>
3.26	<p>The application was subsequently considered at a meeting of the Licensing Committee on 19<sup>th</sup> September 2012 and Members agreed to grant the transfer and renewal subject to the licensee installing an appropriate noise limiting device and the Council facilitating monthly meetings between the licensee, the police and local residents.</p>
3.27	<p>A copy of the minutes of the Committee decision of 19<sup>th</sup> September 2012 is attached at Appendix 6.</p>
3.28	<p>The Entertainments Licence was further renewed in 2013 and expired on the 31<sup>st</sup> August 2014. No objections were received to the renewal of the Entertainments Licence in 2013.</p>
3.29	<p>Since 31<sup>st</sup> August 2014, when the licence expired, Mr Conn has been made aware that no entertainment should be provided without a valid Entertainments Licence. By way of explanation for the Entertainments Licence not being renewed in August 2014, Mr Conn explained that the premise had been leased from Beannchor Limited and he was in the process of purchasing it from them.</p>
3.30	<p>Members should note that the premises were monitored by the Service during this period and no entertainments were observed taking place.</p>
<p><b><u>PSNI</u></b></p>	
3.31	<p>The PSNI has been consulted and have no objection to the grant of the licence.</p>
3.32	<p>The PSNI was involved extensively with the liaison meetings for the transfer and renewal of the Entertainments Licence in 2012 when they previously had concerns with the operation of the premises. A copy of its correspondence is attached at Appendix 7.</p>

<p>3.33</p> <p>3.34</p> <p>3.35</p> <p>3.36</p> <p>3.37</p> <p>3.38</p> <p>3.39</p> <p>3.40</p>	<p><b><u>Health, safety and welfare inspections</u></b></p> <p>Upon receipt of the alleged noise complaints and objections to the application, Officers investigated the issues and allegations made. There have been several separate meetings with the applicant and telephone conversations with the objectors.</p> <p>Since the licence expired in August 2014, Officers from the Service have also carried out several monitoring inspections of the premises. Some of the inspections were a follow up to complaints to establish if Entertainment was taking place without a Licence and if there were any noise issues.</p> <p>The other inspections were proactive measures undertaken by the Service to check the same. None of the inspections uncovered entertainment taking place other than music being provided through the premises juke box and Television.</p> <p><b><u>Noise issues</u></b></p> <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and they have confirmed that a total of 30 complaints have been received over the last 12 months relating to noise break out from the premises.</p> <p>On each occasion Officers of the Noise Team endeavoured to respond and investigate the complaints. Officers of the Service also followed these up with the applicant but no evidence was uncovered to confirm that entertainment was taking place and they did not identify any noise issues. Details of complaints are attached as Appendix 8.</p> <p>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.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Application Form</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – Objection Petition</li> <li>• Appendix 4 – Applicants Representation Form</li> <li>• Appendix 5 – Action Plan agreed in 2012</li> <li>• Appendix 6 – Minutes from Meeting of 19<sup>th</sup> September 2012</li> <li>• Appendix 7 – PSNI Correspondence</li> <li>• Appendix 8 – EPU comments / Noise complaints</li> </ul>

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

**Document is Restricted**

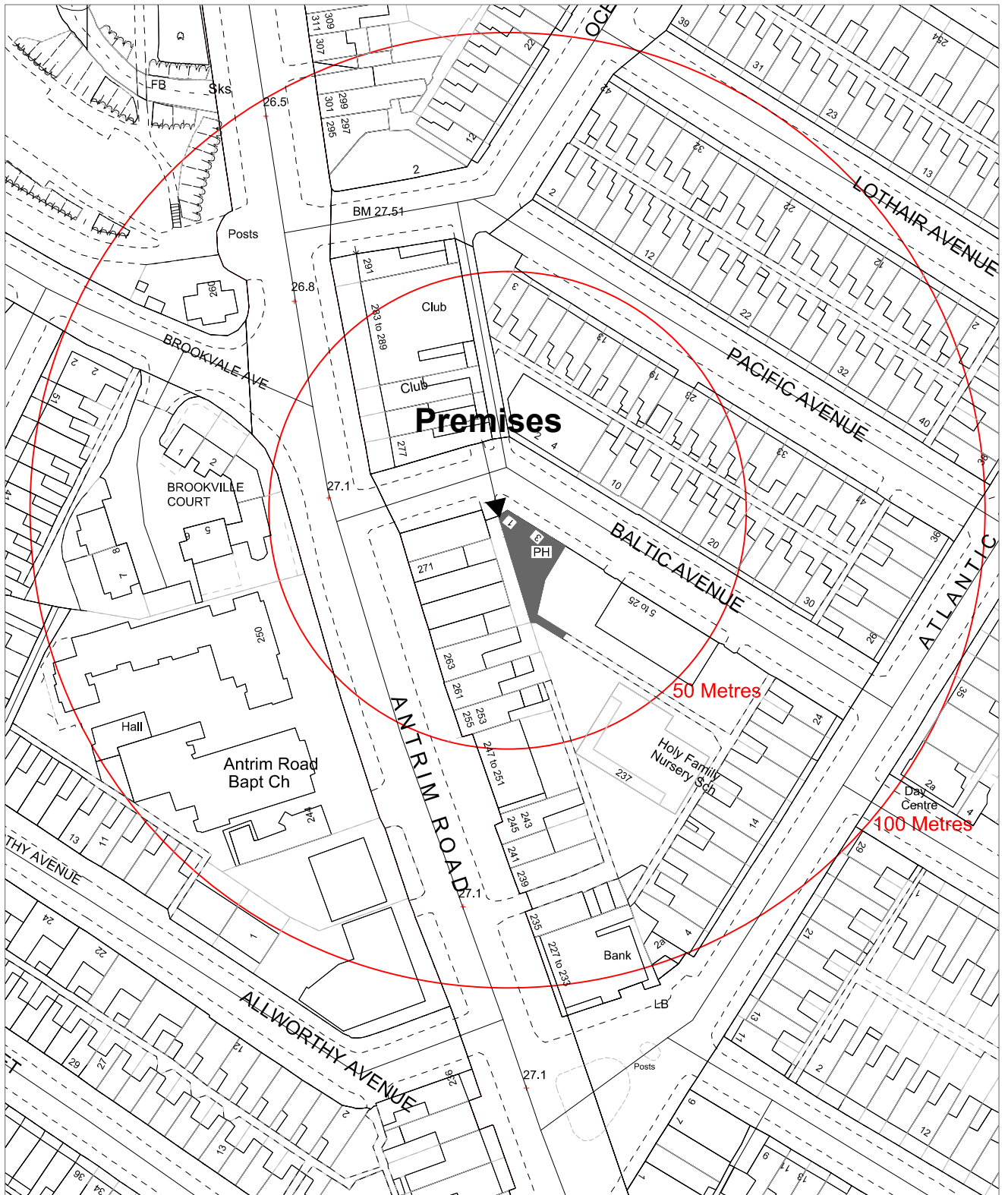
**This page is intentionally left blank**



# 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

## Appendix 2



DRAWN BY MT  
DATE 12/01/2016

Page 179  
Hole in the Wall  
1-3 Skipper Street

SCALE 1:1250

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**



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

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

**This page is intentionally left blank**

**Licensing Committee,  
Wednesday, 19th September, 2012**

**Application for the Transfer and Renewal  
of a Seven-day Annual Entertainments Licence –  
Hole in the Wall Bar, 1-3 Baltic Avenue**

The Committee was advised that an application had, on 18th January, 2011, been received from Mr. G. Conn seeking the transfer and renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises, based upon the Council's standard conditions to provide dancing, singing or music or any entertainment of a like kind. The Head of Building Control reported that ten objections to the application had been received, which had stated that the applicant had shown a lack of respect for the residents of Baltic Avenue, the premises were opened outside the hours permitted, there had been fights and physical assaults both inside and outside the establishment and the applicant appeared to lack the characteristics required to manage a premises with such a complex background and setting. He pointed out that all of the objections had been received outside the statutory twenty - eight day period. However, the Committee, at its meeting at 11th April, 2011, had agreed, in view of the relevance of the objections which had been received, to exercise its discretion and to consider them at a future meeting.

He explained that the application had only been placed before the Committee at this time due to the fact that officers from the Building Control Service had, at the request of local residents, been working closely with them, the licensee, and the Police Service of Northern Ireland in the hope of resolving the residents' concerns to the extent that they might consider withdrawing their objections. As a result, the following Action Plan, which covered various key issues and addressed, in the main, the concerns of residents and the Police Service in relation to the management of the premises had been drafted:

1. The licensee will adhere to Belfast City Council's Rules of Management for Places of Indoor Entertainment, noting in 13.18 that "Music or noise arising from the entertainment provided in the place shall not cause unreasonable disturbance or annoyance to the occupiers or other properties in the neighbourhood. The Council may require the level of sound of any music or other form of entertainment to be reduced to its satisfaction";
2. All amplified or electronically enhanced live music or other electronic noise shall be relayed through a limiter specifically installed for that purpose. The make and specification of the said limiter shall be to a standard required by the Council and approved by the Council upon satisfactory installation;
3. The limiter shall be controlled only by the licensee and properly authorised staff of the premises. A list of those names of approved staff members shall be provided to the Council. Council officers shall also be at liberty to inspect and test the limiter at any visit;
4. Sound levels for the premises are to be fixed at a level not to exceed 90dB A Leq;
5. The licensee will attend monthly review meetings with the Police Service of Northern Ireland and the Council;
6. The licensee, or a nominated responsible person, will be in charge on the premises at all times in order to liaise with the Police Service and any authorised officer of the Council;.

7. The licensee will actively seek to put in place crime prevention measures on the premises, as advised by the Police Service, and control the behaviour and conduct of patrons while on the premises;
8. The licensee will ensure that all patrons must be searched upon leaving the premises to ensure that none of them are carrying opened or unopened bottles or glasses off the premises at any time;
9. The license shall make closed-circuit television footage available to the Police Service or the Council, should it be required;
10. Lights outside the premises are to remain on until such times as all patrons have left the premises and have dispersed;
11. Door supervisors employed at the premises shall be Security Industry Authority registered;
12. Door supervisors to be positioned at all exits to ensure that doors remain closed at all times, except in an emergency situation, when entertainment is being provided and will maintain the control of patrons leaving the premises to ensure that they disperse quietly and are directed away from the premises onto the Antrim Road and not onto Baltic Avenue;
13. The side doors of the premises are to remain closed at all times, except in an emergency situation. All staff should also ensure that patrons use the dedicated smoking area and do not smoke outside on the street;
14. The licensee should ensure that any children accompanying their patrons do not remain unsupervised on the street outside the premises;
15. The licensee agrees to adhere strictly to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions and to liquor licensing laws in respect of selling alcohol after hours, to under age persons and to intoxicated persons;
16. Advertising and fly-posting should be in accordance with legal requirements and Council recommendations.

The Head of Building Control stated that the Action Plan had, following agreement with all of the parties involved, now been put in place, with the exception of the installation of the noise limiter, and that it had been confirmed by an Elected Member acting on their behalf that the residents had now withdrawn their objections to the application. Council officers and representatives of the Police Service of Northern Ireland would continue to monitor the premises to ensure its compliance with the Action Plan and the Council would facilitate monthly meetings between all of the parties.

He reported that officers from the Building Control Service had, since the Committee meeting on 11th April, 2011, undertaken five inspections of the premises whilst entertainment was taking place which, with the exception of a number of minor issues relating to emergency lighting and the maintenance of the premises' log book, had revealed that the conditions of the Entertainments Licence were being adhered to. Those issues had been resolved immediately by the licensee and, as a result, the Building Control Service now had no concerns regarding the overall operation of the premises. He added that the Police Service of Northern Ireland had confirmed that, whilst there had, since April, 2011, been some disturbances, it was of the view that, since the holding of the liaison meetings with the licensee and his gradual adoption of the Action Plan, there had been a significant improvement in the operation of the premises. In view of that, it was not objecting to the transfer and renewal of the Entertainments Licence. In addition, the Council's Environmental Protection Unit's Night Time Noise Team had responded to several complaints from local residents in Baltic Avenue regarding noise from the Hole in the Wall Bar. However, the residents

had advised the officers that they did not wish levels of noise to be monitored from within their homes, which meant that readings could be taken only within the street. Despite that, the Environmental Protection Unit was of the view that the Action Plan would address those issues.

After discussion, the Committee agreed, in its capacity as Licensing Authority to grant the transfer and renewal of a Seven-day Annual Entertainments Licence in respect of the Hole in the Wall Bar, 1-3 Baltic Avenue, subject to the licensee adhering to the agreed Action Plan, including the installation, before the Licence could be issued, of an appropriate noise limiting device and to the Council facilitating monthly meetings between the licensee, the Police Service of Northern Ireland and local residents.

**This page is intentionally left blank**



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

**Document is Restricted**

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**