

Licensing Committee

Wednesday, 16th March, 2016

MEETING OF LICENSING COMMITTEE

Members present: Councillor Hussey (Chairperson);
Alderman L. Patterson; and
Councillors Armitage, Bell, Brown, Bunting,
Campbell, Carroll, Clarke, Craig, Dudgeon,
Groves, Hutchinson, Jones, Magennis,
McConville and Mullan.

In attendance: Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Divisional Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apology

An apology was reported on behalf of Councillor Attwood.

Minutes

The minutes of the meeting of 17th February were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 1st March, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Bell declared an interest in respect of item 2 (g), namely, Applications for the Grant and Renewal of Stationary Street Trading Licences – Fountain Lane and Fountain Street.

Mr. Trevor Martin

The Chairperson informed the Members that this would be the last meeting of the Licensing Committee which would be attended by Mr. T. Martin, Head of Building Control, as he was due to retire from the Council later in the month.

Several Members paid tribute to Mr. Martin for the contribution which he had made to the work of the Committee and the Council over the years and wished him well in his retirement.

Mr. Martin thanked the Members for their kind remarks.

Beckett's Bar - Notice of Appeal

The Committee was reminded that, at its meeting on 17th February, it had refused an application for the grant of a Seven-day Annual Indoor Entertainments

Licence for Beckett's Bar, 241 Stewartstown Road. The Head of Building Control explained that, where the Committee refused to grant, renew or transfer an Entertainments Licence or vary the terms and conditions or restrictions attached thereto, the applicant had a right to appeal the decision to the County Court. He reported that Sharp N.I. Limited, the applicant company, had lodged an appeal against the Committee's decision to refuse the application and that the Committee would receive regular updates as that progressed.

Noted.

Review of Entertainments Licensing

The Head of Building Control reminded the Committee that, at its meeting on 23rd June, 2015, it had approved a response to the Department of the Environment's consultation exercise on the review of Entertainments Licensing legislation. He reported that that Department had published recently a summary of the responses which it had received, a copy of which had been forwarded to the Committee, and had indicated that it would, later in the year, be preparing more detailed proposals which would be the subject of a public consultation exercise.

The Committee noted the information which had been provided and that it would have an opportunity in due course to submit comments in respect of those proposals.

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

Licences issued under Delegated Authority

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

Request to Extend a Provisional Amusement Permit – Mavericks, 28 Bradbury Place

The Committee was reminded that, at its meeting on 19th March, 2014, it had agreed to grant provisionally to the Belfast Leisure Company Limited an Amusement Permit in respect of the above-mentioned premises. The Head of Building Control explained that a Permit was granted provisionally to allow for construction or refurbishment works to be undertaken to the premises providing the amusements and was valid only for two years, unless the applicant could provide reasonable grounds for their failure to complete those works during that time.

He reported that the Committee's decision in respect of Mavericks had been subject to a Judicial Review by Oasis Retail Limited, which had objected to the application, and that, despite being listed for hearing on three occasions during 2015, it had yet to proceed. The Belfast Leisure Company Limited had been reluctant to commence the works to their premises until such time as the Judicial Review had been determined and, accordingly, had requested that the Council extend the period of the provisional Amusement Permit. The Head of Building Control confirmed that, once

those works had been completed to the satisfaction of the Council, the Amusement Permit would be issued.

After discussion, the Committee agreed to extend the period of the Provisional Amusement Permit till 19th March, 2017.

**Application for Extended Hours - Cathedral Quarter Arts Festival/
Belfast Brewing and Distilling Festival, Custom House Square**

The Head of Building Control drew the Committee's attention to applications which had been received from the organisers of the above-mentioned Festivals in relation to events which would be taking place separately during the months of April and May within a marquee in Custom House Square. He explained that the venue was managed currently by the Department for Social Development, which held both a Seven-day Annual Outdoor Entertainments Licence and a Seven-day Annual Marquee Entertainments Licence, which were transferred to promoters for the duration of their events. Under the terms of the Marquee Entertainments Licence, entertainment was permitted to take place from Monday to Sunday between the hours of 11:30 a.m. and 11.00 p.m.

He reported that the Cathedral Quarter Arts Festival, which would be taking place between Thursday, 28th April and Sunday, 8th May, had been held for the past seventeen years and that it offered patrons a wide range of comedy, drama, literature and music events at several venues across the City. The organisers had requested that the Committee give consideration to permitting entertainment to run until midnight on five nights of the Festival, namely, Friday 29th April, Sunday 1st, Friday 6th, Saturday 7th and Sunday 8th May, on the basis that it would enable local support acts to be added to the programme and provide patrons with sufficient time to avail of local restaurants before attending events. The programme of entertainment was in the process of being finalised but would be similar to that of previous years.

He reported further that the Belfast Brewing and Distilling Festival was being held for the first time in Belfast and that it would run from Thursday 21st till Saturday 23rd April. The Festival would focus primarily on the celebration and promotion of craft beers and the organisers had sought permission to provide entertainment till midnight on the Friday and Saturday nights, with a view to enhancing patrons' overall experience.

The Head of Building Control pointed out that, since the applications related to the extension of the hours permitted under an existing licensing condition, rather than the variation of the Entertainments Licences, there had been no requirement for them to be advertised. Whilst the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service had offered no objections, they had confirmed that they would be working closely with the organisers, the Council and other organisations to address any issues in the lead up to the Festivals.

He informed the Committee that the Building Control Service had, in previous years, undertaken inspections of the venue whilst the Cathedral Quarter Arts Festival had been taking place and had identified no issues regarding health, safety and welfare management. In terms of this year's Festivals, he confirmed that each organiser was co-

operating fully with Council officers to protect public safety and reduce the potential for noise disturbance and nuisance at their events. They were working also with officers to develop an appropriate letter to be forwarded to local residents advising them of their respective programme of events and the nights on which they planned to operate beyond 11.00 p.m.

Cathedral Quarter Arts Festival

The Committee agreed, in its capacity as Licensing Authority, that the standard hours on the Seven-day Annual Marquee Entertainments Licence for Custom House Square be extended to enable entertainment to take place till midnight on Friday 29th April, Sunday 1st, Friday 6th, Saturday 7th and Sunday 8th May, as part of the Cathedral Quarter Arts Festival, subject to all technical requirements being met to the satisfaction of Council officers.

Belfast Brewing and Distilling Festival

The Committee agreed, in its capacity as Licensing Authority, that the standard hours on the Seven-day Annual Marquee Entertainments Licence for Custom House Square be extended to enable entertainment to take place till midnight on Friday 22nd and Saturday, 23rd April, as part of the Belfast Brewing and Distilling Festival, subject to all technical requirements being met to the satisfaction of Council officers.

Licensing of Entertainment Venues

Arising from discussion on the foregoing applications, the Committee agreed that a report be submitted to a future meeting on the number of occasions in which Entertainments Licences for venues such as the Custom House Square had been utilised in recent years, including the number of requests for additional hours which had been granted, and that it include also information on the licensing arrangements for similar venues in other cities.

Applications for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The Metropolitan Arts Centre (MAC), 10 Exchange Street West

The Head of Building Control informed the Committee that an application had been received for the renewal of a Seven-day Annual Indoor Entertainments Licence in respect of the above-mentioned premises, based upon the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind. He reported that entertainment, in the form of dance productions, live musical acts and theatrical performances, was provided currently from Monday to Sunday from 8.00 a.m. till 1.00 a.m. The applicant was seeking also to vary the Entertainments Licence to allow for the holding of a one-off music event in the Downstairs at the MAC area till 2.30 a.m. on the night of Saturday, 16th April.

He reminded the Committee that it was normal practice for Entertainments Licences being renewed, which were not subject to objections, to be issued under the Council's Scheme of Delegation. However, since the applicant had applied also for a

variation to extend the hours of entertainment beyond 1.00 a.m., both applications were being presented to the Committee for consideration.

The Head of Building Control confirmed that, whilst the Police Service of Northern Ireland had not objected to the applications, the statutory twenty-eight period for the receipt of written representations would not expire until 29th March. He suggested that, should the Committee be minded to approve the additional hours on 16th April, it might wish to consider delegating authority to the Director of Planning and Place to issue the Entertainments Licence, should no objections be received. It was pointed out that, during the past year, officers of the Building Control Service had visited the premises on three occasions whilst entertainment had been taking place, none of which had detected breaches of the Entertainments Licensing legislation, and the Council's Environmental Protection Unit had received no complaints regarding noise nuisance.

The Committee agreed that it would be beneficial to obtain further details on the applications from Ms. L. McGinley, the Operations Manager of the MAC, who was in attendance and she was welcomed by the Chairperson.

Ms. McGinley informed the Members that the variation of the Entertainments Licence was being sought to accommodate a one-off performance on the night of Saturday, 16th April by the acclaimed DJ Mr. Max Cooper, who would be on stage between midnight and 2.30 a.m. and be preceded by a number of local support acts. She confirmed that, in line with any event ceasing after midnight, patrons would leave the venue through a side door in order to minimise noise disturbance.

The Chairperson thanked Ms. McGinley for her contribution.

The Committee agreed, in its capacity as Licensing Authority, that, should no written representations be received by 29th March regarding the renewal and variation of the Seven-day Annual Indoor Entertainments Licence for the Metropolitan Arts Centre, 10 Exchange Street West, authority be delegated to the Director of Planning and Place to issue the Licence, which would permit entertainment to take place till 2.30 a.m. on the night of Saturday, 16th April.

The Committee noted that, should written representation be received by 29th March, it would be required to consider the application at a special meeting prior to 16th April, to which the objector(s) and the applicant would be invited.

Application for the Renewal of a Stationary Street Trading Licence – Cornmarket

The Committee was reminded that, at its meeting on 17th June, 2015, it had agreed to renew a Stationary Street Trading Licence held by Mr. V. Wilkinson for a designated site in Cornmarket, outside British Home Stores, for a period of six months. The Head of Building Control reported that that decision had been taken on the basis of a number of licensing infringements which had been committed by Mr. Wilkinson, primarily around his failure on a number of occasions to remove his trailer from the site once trading had ceased, and allowed for his compliance with the terms of the Licence to be monitored.

He informed the Members that Mr. Wilkinson's Licence had now expired and that, in addition to selling shirts, scarves, badges, hats, flags, pictures and mugs, based upon a soccer theme, he was seeking to sell batteries, lighters, wrapping paper, greeting cards, umbrellas, toys, tour tickets, boxer shorts, socks, gift packs, St. Patrick's Day and Pride Day hats, flags, whistles and necklaces. He pointed out that the applicant would be operating from Monday to Sunday between the hours of 11.00 a.m. and 6.00 p.m. from his current trailer and that he had not, during the past six months, breached the terms of his Street Trading Licence.

After discussion, it was

Moved by Councillor Craig,
Seconded by Councillor Bunting,

That the Committee, in its capacity as Licensing Authority, agrees to renew the Street Trading Licence held by Mr. V. Wilkinson for a designated site in Cornmarket, outside British Home Stores, for a period of six months, with his adherence to the conditions of the Licence being kept under review during that time.

Amendment

Moved by Councillor Campbell,
Seconded by Councillor Magennis,

That the Committee, in its capacity as Licensing Authority, agrees to renew the Street Trading Licence held by Mr. V. Wilkinson for a designated site in Cornmarket, outside British Home Stores, for a period of twelve months.

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

The amendment was thereupon put to the meeting as the substantive motion and passed.

The Committee approved also the sale at that site by Mr. V. Wilkinson of the aforementioned additional commodities.

Applications for the Grant and Renewal of Stationary Street Trading Licences - Fountain Lane and Fountain Street

The Head of Building Control drew the Committee's attention to applications which had been received from Mr. J. Kerr seeking the grant and the renewal of Stationary Street Trading Licences for designated sites in Fountain Lane, 45 feet from its junction with Donegall Place, and in Fountain Street, 20 feet from its junction with Wellington Place, respectively.

He reported that Mr. Kerr had been the previous licensee of the site in Fountain Lane and that his Licence had expired on 4th October, 2015. Despite being issued with several reminders, he had only submitted his application on 4th December, which had meant that he could no longer trade at that site and had been required to submit a new application for the grant of a licence. In relation to the Fountain Street site, he pointed out that Mr. Kerr's licence had expired on 19th January and that, since he had applied on the previous day for its renewal, he had been able to continue to trade there under the terms of his current licence until such time as his application had been determined.

The Head of Building Control highlighted issues which had arisen since 2012 in relation to Mr. Kerr's non-payment or late payment of the licence fees for the respective sites and his repeated failure to either contact or meet with Council officers to discuss the matter. However, all arrears had been paid by the date on which he had applied for the grant of the Stationary Street Trading Licence for Fountain Lane and he had submitted with his applications a letter which had outlined extenuating circumstances surrounding his payment and communication issues. He pointed out that Mr. Kerr was in attendance and suggested that the Committee might wish to obtain from him clarification around those issues.

The Committee agreed to receive Mr. Kerr and he was welcomed by the Chairperson.

Mr. Kerr explained that his difficulties had originated primarily towards the end of 2012, when the area around Fountain Lane/Fountain Street had been closed off by the Police Service of Northern Ireland on a number of Saturdays in order to facilitate the policing of the flag protests. He pointed out that he had acquired substantial stock in preparation for the Christmas trade, however, he had been unable to operate, which had had a detrimental impact upon his business.

The Chairperson thanked Mr. Kerr for his contribution.

After discussion, it was

Moved by Councillor Craig,
Seconded by Councillor Magennis and

Resolved – That the Committee, in its capacity as Licensing Authority, agrees:

- i. to grant to Mr. J. Kerr a Stationary Street Trading Licence for a designated site in Fountain Lane, 45 feet from its junction with Donegall Place, permitting him to sell confectionery, toys, clothing accessories, Halloween accessories, gift wrapping, souvenirs and tour tickets, including bus tours, from Monday to Saturday between 8 a.m. and 10.00 p.m.; and
- ii. to renew a Stationary Street Trading Licence held by Mr. J. Kerr for a designated site in Fountain Street, 20 feet from its junction with Wellington Place, permitting him to sell confectionery, jewellery, bus tour tickets, Halloween costumes and

accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories from Monday to Saturday between 8.30 a.m. and 9.30 p.m. and on a Sunday between 8.30 a.m. and 6.30 p.m.

Application for the Variation of a Stationary Street Trading Licence – Lombard Street

The Committee was advised that an application had been received from Mr. F. Brown seeking to vary the Stationary Street Licence which he held for a designated site in Lombard Street. The Head of Building Control explained that, due to planned environmental improvements to the streetscape in the Lombard Street and the Rosemary Street areas, Mr. Brown's site would be unavailable for a period of time and that, in line with the Council's policy for dealing with changes in circumstances affecting licensed street trading, he had been offered the use of any vacant designated site within the City.

He reported that the licensee had chosen to trade from a site in Fountain Lane, 60 feet from its junction with Donegall Place and that he would continue to sell Belfast themed artwork and photographs, baseball caps, t-shirts, bookmarks, key rings, tablemats, diaries, belts, calendars, ponchos, Celtic crafted plaques, hurling sticks, St. Patrick's Day and Pride Day hats, flags, whistles and necklaces from Monday to Sunday between the hours of 9.00 a.m. and 9.00 p.m. He added that Mr. Brown sold also bus tour tickets from his current site and that, in light of recent discussions by both the City Growth and Regeneration and the Licensing Committees around that issue, it had been considered appropriate to raise the matter, as the variation would permit him to sell those tickets from his temporary site in Fountain Lane. However, the Committee might wish to take into account the fact that bus tour tickets were already being sold from an adjoining designated site in that street, 45 feet from its junction with Donegall Place.

After discussion, the Committee agreed, in its capacity as Licensing Authority, to vary the Street Trading Licence held by Mr. F. Brown to permit him to trade from a designated site in Fountain Lane, 60 feet from its junction with Donegall Place, until such time as he was able to return to his site in Lombard Street and that the list of commodities which he offered for sale should remain unchanged.

Application for the Renewal of a Seven-day Annual Entertainments Licence - Rock Bar, 491- 493 Falls Road

The Committee considered the undernoted report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application for the renewal of a Seven-day Annual Entertainments Licence for the Rock Bar, based on 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 your meeting on 17th February, you agreed to consider the application at your March monthly meeting, to which the objectors and the applicant would be invited to attend.

Premises and Location	Ref. No.	Applicant
Rock Bar, 491-493 Falls Road, Belfast, BT12 6DE.	WK/201501359	Mr Sean Duffy, Embapa Leisure Limited, LLP Suite 32, Kennedy Centre BT11 9AE.

- 1.3 The renewal application was received from Mr. Duffy, Embapa Leisure Limited, LLP on 30th September 2015.
- 1.4 Letters of objection were received on 18th September, 2015 from local residents prior to the application being made on 30th September 2015, hence they are outside the 28-day statutory period.
- 1.5 The reason the application has not been brought before you for consideration until now is that officers of the Service have engaged with all parties affected by the application, including the applicant, and have convened a series of meetings and negotiations on the matters.
- 1.6 All of the objectors, except one, have agreed to the terms and conditions as agreed at the liaison meetings and have withdrawn their objections.
- 1.7 As a result of the liaison meetings, the number of objectors was gradually reduced and, in order to determine if they were satisfied with the measures introduced by the licensee, a correspondence listing the actions that the licensee was prepared to implement was hand delivered to the addresses of all objectors in the Rockmore Road and Falls Road area. The exercise was also carried out as a way to update the objectors.
- 1.8 The objectors were requested to contact the Service within a specified time to confirm if they wished their objection to remain. As a result, two objectors contacted the Service to confirm they wished to maintain their original objection.
- 1.9 However, further dialogue continued between the licensee and the remaining two objectors and following these negotiations, it has resulted in only one objector remaining.

2.0 Recommendations

2.1 Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:

- 1. approve the application for the renewal of the Seven-day Annual Entertainments Licence, or**
- 2. approve the application for the renewal with special conditions, or**
- 3. refuse the application for the renewal of the Seven-day Annual Entertainments Licence.**

2.2 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 Records Court.

3.0 Main report

Key Issues

3.1 As a result of concerns regarding how the premises are being operated, written representation objecting to the application was received prior to the application being received on 30th September 2015.

3.2 All these objectors, apart from one, have now withdrawn their objections.

3.3 Members are reminded that the nature of the objection, as set out by the original objectors, relate to the following:

- music being played too loud;**
- urination in public;**
- disposal of glasses and bottles, plastic cups, cigarettes and drug related items;**
- customers causing noise and nuisance during their visit to the premises and when they leave at the end of the night;**
- encouragement by the establishment for customers to leave with their drink in a plastic glass; and**
- the premises and streets being overcrowded for occasional high profile events.**

Liaison Meetings

- 3.4 As part of due process and as a means to try and resolve the residents' concerns, officers of the Service offered to facilitate liaison meetings with all parties.
- 3.5 Following the meetings and a period of mediation between the objectors and the licensee, a number of changes were agreed to be introduced by the licensee. The changes which have been implemented include:
- cancellation of marching bands from performing in the premises;
 - cleaning the perimeter around the external of the premises;
 - bottles and glasses are no longer permitted to be disposed of by staff at closing times;
 - use of door staff to help reduce disturbance from patrons within external smoking areas;
 - furnishing local residents with a direct contact number for the individual responsible for door staff; and
 - engagement with 2 acoustic consultants and implementation of recommendations stemming from their reports; namely construction of a new partition at the party wall junction with an abutting residential property, and the introduction of noise limiting devices on the ground and first floors areas of the premises.
- 3.6 The Acoustic Report was accordingly assessed by the Environmental Protection Unit (EPU) who worked with the Service to ensure the appropriate measures are in place to manage entertainment noise from the premises.
- 3.7 Following your agreement to consider the application at this month's Committee meeting and as part of the Committee Protocol, we sent the applicant and remaining objector a copy of the relevant Representation Form and requested it to be provided in advance of the meeting to be presented to you for consideration.
- 3.8 The time requested was three weeks in advance of your meeting and in accordance with the 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.

Objector's Representation

- 3.9 The objectors Representation Form was hand delivered to the remaining objector. The applicant was also provided with a copy of their respective Representation Form.
- 3.10 Unfortunately, at the time of writing this report the objector has not submitted their respective form, as requested. Despite not receiving the information by the dates requested we have continued to try and make contact with them via telephone and email and offered to give them more time to make their representation. However, nothing has yet been provided and several messages have been left with them, therefore, nothing has been submitted from them to include or attach to this report.
- 3.11 The objector has also not contacted the Service to confirm if they will be available to attend Committee to discuss any matters relating to their objection, should they arise during your meeting.

Applicant's Representation

- 3.12 Throughout this process the application has fully co-operated with the Council and appears keen to address residents' concerns. The measures put in place by the owner to try and alleviate objectors concerns have been outlined by them within their Representation Form and includes details of the associated meetings and discussions that have taken place.
- 3.13 Nothing has therefore been shared between the relevant parties as the objector has not responded and provided us with their Representation Form. However, the applicant has stated that they are keen to further consult and liaise with the remaining objector going forward and would equally welcome them being part of the future liaison meetings.
- 3.14 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.

Details of the Premises

- 3.15 The premise has held an Entertainments Licence since 1993 and was for the first floor lounge area only.
- 3.16 The areas currently licensed to provide entertainment are the:
- Ground floor bar with a maximum capacity of 100 persons
 - First floor Lounge with a maximum capacity of 170 persons
- 3.17 The days and hours during which the premises are currently licensed to provide entertainment are:
- Monday to Saturday: 11:30 am to 01:00 am and
 - Sunday: 12.30 pm to midnight
- 3.18 The applicant is also agreeable to the inclusion of the following new special conditions to the Entertainments Licence:
- the licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from Local Residents, chaired by the Council, to discuss issues relating to entertainments licensing.
 - all amplified music played on the premises must be through the in-house sound system which is restricted with the use of a noise limiting device.
 - the premises are not to be promoted, operated or managed as a nightclub.

PSNI

- 3.19 The PSNI has been consulted and has no objection to the application. It has been aware of the liaison meetings.

An Inspector will be available at your meeting to answer any queries you may have in relation to the application.

Health, Safety and Welfare Inspections

- 3.20 A total of five during performance inspections have been carried out on the premises by officers from the Service since the last renewal. The inspections revealed that the conditions of the Entertainments Licence were being adhered to and the Officers were satisfied that all operational

and management procedures were being implemented effectively.

- 3.21 At the time of writing this report, we have found that the premises have been operating in accordance with the terms and conditions of the Entertainments Licence and the measures as agreed at the liaison meetings.

Noise Issues

- 3.22 A total of nine noise complaints have been received since the last renewal. All of the complaints related to noise break out from the premises and were forwarded to the licensee and fully investigated.
- 3.23 The outcome of the complaints has resulted in the licensee engaging with an Acoustic Consultant within the last 12 months. The consultant advised the installation of noise limiting devices to amplified music at ground and first floor levels. This work has now been undertaken and the devices are fully operational.
- 3.24 As previously noted, Officers of the Service have liaised extensively with the Environmental Protection Unit (EPU) throughout to ensure that the appropriate corrective measures regarding noise control have been taken.
- 3.25 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.

3.26 **Financial and Resource Implications**

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

3.27 **Equality and Good Relations Implications**

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

The Head of Building Control provided an overview of the application and highlighted the significant work which had been undertaken by Council officers to resolve to the satisfaction of all parties the issues which had been raised by the objectors. As a result, the licensee had offered to make a number of changes around the operation of the premises, which had led to all but one of the objectors withdrawing their objection. He confirmed that officers had tried unsuccessfully to contact that person, with a view to determining whether they wish to remove or sustain their

objection. As a result, the objection remained and the application had been placed before the Committee for consideration.

He reported that, whilst the objector was not attendance, the applicant was present and pointed out that the Committee could still consider the application, on the basis of the information contained within the report and the representation made by the applicant.

Accordingly, Mr. S. Duffy, the applicant, was welcomed to the meeting by the Chairperson.

Mr. Duffy explained that the Council had, over the past year, facilitated a number of meetings between him and the objectors, which had sought to alleviate concerns around the Rock Bar. Arising from those meetings, he had agreed to implement a number of measures to improve the operation of the venue, such as using door staff to oversee the dispersal of patrons, providing local residents with a dedicated telephone number on which to contact the door staff supervisor and installing noise limiting devices on the ground and first floors. That had led to the withdrawal of all but one of the objections. He concluded by stating that he would be agreeable to conditions being placed on the Entertainments Licence in relation to future meetings with residents, restrictions being placed on amplified music and not operating the premises as a nightclub.

Mr. Duffy was thanked by the Chairperson.

After discussion, it was

Moved by Councillor Jones,
Seconded by Councillor Groves and

Resolved – That the Committee agrees, in its capacity as Licensing Authority, to renew a Seven-day Annual Indoor Entertainments Licence in respect of the Rock Bar, 491-493 Falls Road, with the following conditions being attached to the Licence:

- i. the licensee shall attend meetings, as and when required, with the Police Service of Northern Ireland and representative groups drawn from local residents, to be chaired by Council officers, to discuss issues relating to entertainments licensing;
- ii. all amplified music on the premises must be played through the in-house sound system, which will be restricted through the use of a noise limiting device; and
- iii. the premises are not to be promoted, operated or managed as a nightclub.

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
El Divino, May's Meadow**

The Committee deferred consideration of the above-mentioned application to enable further information to be obtained from the applicant.

Chairperson