

# Licensing Committee

Wednesday, 17th August, 2016

## MEETING OF LICENSING COMMITTEE

Members present: Councillor Armitage (Chairperson);  
the Deputy Lord Mayor (Councillor Campbell);  
Aldermen McCoubrey, L. Patterson and Spence; and  
Councillors Boyle, Brown, Bunting, Clarke,  
Collins, Dudgeon, Heading, Hutchinson, Jones and  
McConville.

In attendance: Mr. P. Cunningham, Assistant Building Control Manager;  
Ms. N. Largey, Divisional Solicitor; and  
Mr. J. Hanna, Senior Democratic Services Officer.

### Apologies

Apologies for inability to attend were reported from Alderman Sandford and Councillors Craig, Groves and Magennis.

### Minutes

The minutes of the meeting of 15th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

No declarations of interest were reported.

### Delegated Matters

#### Licences/Permits issued under Delegated Authority

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

#### Applications for Temporary Street Trading Licences – Tennents Vital Event

The Committee considered the undernoted report:

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

**1.1 To consider four Temporary Street Trading Licence applications on the Boucher Road during the operation of the Tennents Vital event on 25th and 26th August 2016.**

**1.2 Two applications are from the same applicant and the other two are from separate applicants.  
Application 1**

- 1.3 Mr. David Reilly has applied to operate a hot food trailer measuring 6m by 2m within the car park area at 52 Boucher Road, which is the Uno Modern Living unit and sells home furniture.
- 1.4 The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 9.00 am to 1.00 am on the 25th and 26th August 2016.

#### Application 2

- 1.5 Mr. Chris Hamill has applied to operate a hot food trailer measuring 6m by 2m at the entrance into 54 Boucher Road, which is the Ulster Bank unit.
- 1.6 The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on the 25th and 26th August 2016.

#### Application 3

- 1.7 Mr. Chris Hamill has made a second application to operate another hot food trailer measuring 6m by 2m on Boucher Road from a grass area in front of the old Council Civic Amenity site.
- 1.8 The applicant intends also to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on 25th and 26th August 2016.

#### Application 4

- 1.9 Mr. Brian Canavan of Euroflowers, 95-97 Boucher Road, has made an application to operate a stall directly at the front of the entrance into the unit on his land.
- 1.10 The applicant intends to sell confectionary and non-alcoholic beverages to members of the public from 3.00 pm to 10.00 pm on 25th and 26th August 2016.
- 1.11 Maps showing the location of the proposed sites are attached at Appendix 1.

## 2.0 Recommendations

- 2.1 Taking into account the information presented and any representations received you are required to make a decision on each individual application to either:
  1. grant and approve any or all of the Temporary Street Trading Licences, or
  2. grant and approve any or all of the Temporary Street Trading Licences with additional conditions, or

3. refuse some or all of the applications.
- 2.2 Members may attach any reasonable conditions when granting a licence.
- 2.3 Should you be of a mind to refuse any of the applications, you are required to advise the applicants of your intention to do so.
- 2.4 If, subsequent to hearing the applicants, you refuse the applications, the applicants may appeal that decision to the County Court within 21 days of notification.

3.0 Main report

Key Issues

- 3.1 Section 14 of the Street Trading Act (N.I.) 2001 permits the Council to issue a Temporary Licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs, etc.
- 3.2 In recognition of the possibility that applications may need to be processed quickly and because of the ad-hoc nature of the events for which a Temporary Licence is designed to cater the wording of the legislation permits a wide degree of discretion to the Council.
- 3.3 The Council is given the discretion to allow trading at any place or in any manner and has the discretion to permit trading in such goods or services as it wishes.
- 3.4 Under the Act the Council is required to develop criteria for making decisions on applications for a Temporary Licence. The Council is free to set the criteria it considers appropriate, for example, the types of occasions/events, the types of trading, the size/number of stalls, the positioning of stalls, etc.
- 3.5 Members are advised that the Council, through the former Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences. A copy of the Policy is attached at Appendix 2.
- 3.6 The Council may also attach any Conditions it considers appropriate to the grant of a Temporary Licence. These may be similar to those which the Council might attach to a full term licence but the Act allows the freedom to respond to the special nature of such licences with different rules.
- 3.7 A Temporary Licence cannot be granted for a period exceeding 7 days and the Council can issue no more than five Temporary Licences to any person in any year.

- 3.8 The applications have been assessed against the Council's Temporary Street Trading Policy and Members are advised that only one application from Mr Brian Canavan of Euroflowers does not fully comply with it, in that:
- 3.9 The Temporary Street Trading Policy time period requires that applications must be received not less than 42 days before the date of the first day of the proposed event. The applications were received on the following dates:
- Application 1 – Mr David Reilly (52 Boucher Road, Uno Modern Living unit)  
8th July.
  - Application 2 – Mr Chris Hamill (54 Boucher Road, Ulster Bank unit)  
8th July.
  - Application 3 – Mr Chris Hamill (old Council Civic Amenity site)  
8th July.
  - Application 4 – Mr Brian Canavan (95-97 Boucher Road, Euroflowers)  
5th August.
- 3.10 Mr. Canavan's application has been received 20 days prior to the first concert of the Tennents Vital event. The 42 day period is a minimum amount of time required and is particularly important if there are objections which need Committee consideration.
- 3.11 However, the Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.
- 3.12 Applications to permit Temporary Street Trading are normally at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events. Therefore, Mr Canavan's application is connected to such an event.
- 3.13 Furthermore, the Policy allows for Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
- 3.14 In determining the suitability of each Temporary Street Trading Licence, 5.7 in the Policy allows the Council to take into account:
- (a) the safety of the public and any risks which may arise.
  - (b) the appropriateness and suitability of the street or part thereof and commodities in relation to the location.

- (c) the potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question.
- (d) the extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) the potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) the potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) any other Statutory provision which would be appropriate to consider;
- (h) previous complaints arising from any Street Trading activities in that street or part thereof.
- (i) the conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- (j) the number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.

#### Consultation

- 3.15 As part of the statutory process, officers have consulted with statutory agencies and those who may be affected by the applications, namely the promoter, MCD Productions for the Tennents Vital event.

#### Application 1 – Mr. David Reilly (52 Boucher Road, Uno Modern Living unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions have confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- The landowner of the car park has granted permission for the hot food unit to operate on the site during the proposed dates. A copy of this permission is attached at Appendix 6.

#### Application 2 – Mr. Chris Hamill (54 Boucher Road, Ulster Bank unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the

sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.

- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August.

**Application 3 – Mr. Chris Hamill (old Belfast City Council Civic Amenity site)**

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August.

**Application 4 – Mr. Brian Canavan (95-97 Boucher Road, Euroflowers)**

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.

**PSNI**

**3.16 As the PSNI has objected to each application, a Senior Officer will be available at your meeting to answer any queries you may have in relation to their objections.**

**3.17 A summary of the objection from the promoter, MCD Productions is as follows:**

- the queues to the outlets have the potential to force pedestrians approaching the site onto the roadway prior to each of the concerts.
- the queues to the outlets have the potential to delay the reopening of the roads after the event.
- potential for the outlets to act as focal points after each concert causing young people in large numbers to remain in the area with the potential for antisocial behaviour.
- the potential to delay and breakdown the carefully planned operations to coordinate the coach arrivals and departures.

**3.18 The Promoter, MCD Productions and/or their representatives will be available at your meeting to answer any queries you may have in relation to their objections.**

**Applicants**

**3.19 The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications.**

**Financial and Resource Implications**

**3.20 If the Committee grants the Temporary Street Trading Licences, the fee for each is as follows**

- Application Fee of £120, and
- A Licence fee of £26 for Friday and £36 for Saturday

**Equality or Good Relations Implications**

**3.21 There are no equality or good relations issues.”**

The Assistant Building Control Manager reviewed the applications and outlined the main aspects of the report. He reported that one of the applications (number four) had been received outside the minimum period and the Committee would need to consider whether it wished to consider that application. He pointed out also that the Police Service of Northern Ireland had submitted objections in relation to all four applications but that a representative would not be able to attend the meeting.

He then proceeded to provide the Committee with a presentation which provided a detailed layout of the area and the proposed locations of each of the applications.

Several Members expressed concern that a representative of the Police Service would not be in attendance to provide the Committee with details of their objections in relation to the applications and it was agreed that a letter be forwarded to the Assistant Chief Constable in this regard.

The Committee agreed also to consider application number four which had been received within the minimum forty-two day period.

It was reported that Mr. P. Scott representing MGD Productions, the objectors to the applications, was in attendance and he was welcomed by the Chairperson. Mr. Scott reviewed the logistics which were put in place to ensure safe egress and exit to the event and reviewed the concerns of the promoter which had previously been submitted to the Committee including:

- the queues to the outlets having the potential to force pedestrians approaching the site onto the roadway prior to each of the concerts;
- the queues to the outlets having the potential to delay the reopening of the roads after the event;
- the potential for the outlets to act as focal points after each of the concerts causing young people in large numbers to remain in the area with the potential for anti-social behaviour; and
- the potential to delay and breakdown the carefully planned operations to co-ordinate the coach arrivals and departures.

Mr. Scott then addressed a number of questions which had been raised by the Members and the Chairperson thanked him for his contribution.

It was reported that Mr. D. Riley (application number 1) and Mr. C. Hamill (application numbers two and three) were in attendance and they were invited in turn to address the Committee. The Committee noted that Mr B. Canavan (application number 4) would not be in attendance. The two applicants in attendance then provided clarification in relation to their applications with regard to the proposed locations, the types of goods they would be selling and the measures they would be taking to minimise against any potential littering.

Both applicants then answered a number of questions which had been raised by the Members and the Chairperson thanked them for their contribution.

After discussion, it was

Moved by Councillor Jones,  
Seconded by Councillor Dudgeon,

That the Committee agrees, in its capacity as Licensing Authority, to grant the four Temporary Street Trading Licences and that authority be delegated to Council officers to apply such conditions that was felt appropriate to take account of any Health and Safety concerns.

On a vote by show of hands eight Members voted for the proposal and four against and it was declared carried.



**Application for the Grant of a Seven-day Annual  
Outdoor Entertainments Licence - Kremlin Bar/  
Shoe Factory, 12-14 Union Street**

The Committee was advised that an application had been received for the grant of a Seven-Day Annual Outdoor Entertainments Licence for the above-mentioned venue, based upon the Council's standard conditions to provide outdoor musical entertainment.

The Assistant Building Control Manager reported that the licensee, who currently held an indoor Entertainments Licence for several areas within the venue, was seeking approval to provide entertainment within the outdoor smoking area, which was located on the roof of the venue. It was proposed that the area, which was covered by a Liquor Licence, would hold up to a maximum of 150 persons, which would not be in addition to the existing overall maximum occupancy of the indoor area of 1280 persons, but would be included within that number. The days and hours during which entertainment was proposed to be provided in the new outdoor area was Monday and Sunday 12.00 pm till 1.00 am the following morning. No written representations had been received in relation to the application and the Police Service of Northern Ireland had offered no objection.

The Committee agreed, in its capacity as Licensing Authority, to approve the application for the grant of a Seven-Day Annual Outdoor Entertainments Licence for the Kremlin Bar/Shoe Factory, 12-14 Union Street, with entertainment being permitted to take place on Monday and Sunday between the hours of 12.00 pm and 1.00 am the following morning.

**Applications for the Renewal of Seven-day Annual Indoor and Outdoor  
Entertainments Licences – Hudson Bar, 10-14 Gresham Street**

The Committee considered the undernoted report:

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

**1.1 To consider applications for the renewal of a Seven-day Annual Indoor Entertainments Licence and a Seven-day Annual Outdoor Entertainments Licence for the Hudson Bar, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind where objections have been received.**

**1.2 Members are reminded that, at your meeting on 18th May, you agreed to consider representations from the objectors and the applicant in respect of these applications.**

<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>
The Hudson Bar	WK/201600140	Mr Michael Stewart
10-14 Gresham Street	WK/201600143	MMJP Limited
Belfast, BT1 1JN		8 Station Road Holywood, BT18 0BT

1.3 The renewal applications were received from Mr Michael Stewart of MMJP Limited on 29th January 2016. A copy of the application forms have been circulated for the information of the Members.

1.4 Members are reminded that two objections were received regarding the applications. Copies of the objections have been circulated.

1.5 A location map has been circulated.

## 2.0 Recommendations

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

1. approve the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences, or
2. approve the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences with special conditions, or
3. refuse the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences.

2.2 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.

## 3.0 Main Report

### Key Issues

3.1 The objections are from local residents and the nature of their objections relate to the following:

- music being played too loud;
- patrons causing noise and nuisance from singing and shouting;
- drunks from the bar standing on the road causing problems and bar management doing nothing to stop it; and
- one objector being attacked by a drunk patron from the bar.

3.2 The objections were received following a number of previous complaints from the objectors regarding the same issues. As

a result, officers convened meetings with the relevant parties involved, both jointly as a liaison meeting and separately.

- 3.3 The objectors have regularly been advised to contact the Night Time Noise Team when they are being disturbed so that readings can be taken to substantiate any allegation.

Previous Applications

- 3.4 In the past, any renewal applications for the premises have been granted under the Council's Scheme of Delegation as no previous objections have been received.
- 3.5 Members may recall that the Committee previously considered and agreed to grant the application for an Outdoor Entertainments Licence at your meeting on 19th March, 2014.

Liaison Meeting

- 3.6 Following receipt of the objections, the Service offered to facilitate a further liaison meeting between all parties involved to discuss the issues and to try and resolve them.
- 3.7 A liaison meeting took place in the premises on 18th March, 2016 between representatives of the applicant, the objector whose objection was received within the 28 day statutory period, representatives of the objector and Alderman Chris McGimpsey.
- 3.8 At that meeting, the objector expressed their concerns and outlined the issues they had been experiencing with the premises. As previously noted, these are generally the same issues as the other objector and are mainly due to noise arising from entertainment at the premises and noise generated by patrons; both were directly related to the outdoor area. However the objector also advised that they had equally experienced difficulty with drunk patrons from the premises.
- 3.9 Following the meeting, representatives of the applicant agreed to carry out remedial works to resolve the objectors concerns and they confirmed that they would re-engage with their acoustic consultant and take their advice on measures they consider would be appropriate without having a negative impact on the business.
- 3.10 Works have been ongoing in this regard and it has been acknowledged by the objectors that significant improvements have been made. As a result of this progress, the objectors were considering withdrawing their objections but, due to recent complaints received by the Service, they have not done so.
- 3.11 Following the Committee meeting in May, in line with the Committee Protocol, we sent the applicant and the objectors Representation Forms and requested that these be provided to be presented to you for consideration.

- 3.12 These are requested 3 weeks in advance of your meeting to ensure there is appropriate time to share the information between all parties and to allow officers to clarify any points raised if necessary.

**Objectors' Representation**

- 3.13 Each of the objectors has completed and submitted a Representation Form. These are attached at Appendix 4 and they have been provided to the applicant as required by the protocol.

- 3.14 A general summary of the representations includes:

- allegations from an objector they were attacked by a customer as they walked past the bar and no one came to their aid.
- after hours drinking.
- concerns regarding the number of drunk drivers leaving the bar at weekends.
- noise levels arising from entertainment fluctuates, which gets worse after 1.00am.
- the need to close their bedroom window as the crowd outside are very loud and people are using the car park to urinate.
- noise pollution which has not ceased and caused their family to vacate their home.
- their home is used by elderly and sick family members whose lives and health are significantly disrupted.
- management breaking previous promises for benches to be taken away. Only one has been removed so far which doesn't make any difference as they are letting drunks sit on the window ledges.
- further breaking of promises to reduce noise levels and stop taxis blowing their horns. People are also not leaving through the Royal Avenue exit.
- crowds sitting out front blocking the footpath even though they have a beer garden.
- doormen can be as loud as the people outside and they do nothing about the shouting or try to stop drunks getting into cars or those that walk across the road to urinate in the car park.
- claims that on several occasions during the past 6 months they have contacted the Council's Night Time Noise Team who have called and taken readings, which were above the acceptable level.
- one of the objectors also allege that they cannot invite friends and other relations into their home due to the noise pollution.

- 3.15 The objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.

**Applicant's Representation**

- 3.16** The applicant has provided their Representation Form, as required by the protocol, and a copy is attached at Appendix 5. The applicant has highlighted the measures which have been undertaken to reduce the objector's issues, such as:
- they have stopped emptying bottles and bins in the early hours.
  - they have re-engaged with their acoustic consultant to see if they can take extra measures without being detrimental to the business.
  - the applicant would also be willing to pay for sound proofing of their DJ/Entertainment area, leading to minimal levels of noise break out.
  - benches have been removed from the front elevation at all times when entertainment is being provided in the premises.
  - taking steps to discourage patrons from congregating at the front elevation and this is being implemented by their front of house door supervisors.
  - they have had no contact or complaints from PSNI regarding opening hours, late night drinking or any other issues.
- 3.17** The applicant considers that they have made a positive contribution and impact to the Smithfield area and in particular, Gresham Street, not only in terms of job creation but also with current businesses and attracting new businesses to the area. The applicant also states that they are very aware they have residents in Smithfield and have taken measures in the past to address their concerns. They are also willing to further engage if there are other suggestions they may have.
- 3.18** The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
- 3.19** Further to providing the respective parties with each other's Representation Form they have all confirmed that they do not wish to provide any counter representation.

**Details of the Premises**

**3.20** The areas currently licensed to provide indoor entertainment are the:

- Ground Floor, with a maximum capacity of 95 persons.
- First Floor, with a maximum capacity of 95 persons.
- Second Floor, with a maximum capacity of 105 persons.
- Heel Bar, with a maximum capacity of 30 persons.

**3.21** The area currently licensed to provide outdoor entertainment is the:

- Hudson Yard, with a maximum capacity of 220 persons.

**3.22** The following special conditions are attached to the Outdoor Entertainments Licence:

1. Premises to be managed in accordance with the requirements set out within AB Consulting Services report dated 25th March, 2014
2. During entertainment exit to Gresham Street to be manned at all times when roller shutter is in the closed position
3. At all times, a key to roller shutter is to be retained by personnel manning the Gresham Street exit
4. The music noise level in the outdoor area must not exceed 95 dBA Leq up to 23.00
5. The music noise level in the outdoor area must not exceed 85 dBA Leq after 23.00
6. No live band performances are permitted in the outdoor area after 23.00
7. To be managed in conjunction with the Indoor Entertainments Licence

**3.23** The days and hours during which the premises are currently licensed to provide entertainment, under both licences are:

- Monday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 3.00 am

**PSNI**

**3.24** The PSNI has been consulted and has no objection to the application.

**Health, Safety and Welfare Issues**

**3.25** A total of six 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 Licence were being adhered to with the exception of one inspection, which uncovered a fault showing on the

fire alarm panel. This was quickly resolved and the fault was repaired.

- 3.26 Through the Entertainment Licensing renewal process and inspection, officers have been further satisfied that all operational and management procedures are being implemented effectively.

#### NIFRS

- 3.27 The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and confirmed that it has no objection to the application.

#### Noise Issues

- 3.28 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of eleven noise complaints since the previous renewal.
- 3.29 Each complaint was made by the objectors to the applications and these were investigated by the Night Time Noise Team. The complaints relate to noise emanating from the premises in the form of entertainment and patron noise.
- 3.30 When responding to the complaints and calling to the area the Noise Team have witnessed music levels to be faint or inaudible and therefore warranted no further action. They have also on occasions witnessed that voices from patrons were the dominant source of noise but considered that both the music noise and audible voices would not have caused disturbance due to the distance between the complainants address and the premises.
- 3.31 Officers have previously been denied access by one of the complainants. However, they have nonetheless responded to the complaints and these are followed up accordingly. Officers have also witnessed representatives from the premises monitoring noise levels.
- 3.32 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.

#### Financial and Resource Implications

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

**3.34 Equality or Good Relations Implications**

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

The Committee was advised that objectors to the application, namely, Alderman McGimpsey, Ms. A. Torley and Mr. M. Donnelly were in attendance and they were invited, in turn, to address the Committee.

Alderman McGimpsey advised the Committee that he had attended meetings with one of the objectors and the applicant and that changes to minimise the noise which the applicant had agreed to undertake had not been done or had taken a long period of up to 18 months to implement. It was his view that any of the recent changes had only been undertaken to assist with the application for the outdoor licence.

Ms. Torley outlined her reasons for the objections to the licence, a copy of which had been submitted to the Council, which included excessive noise from patrons, anti-social behaviour, high noise levels from entertainment, taxis blowing their horns and the failure of management to implement the changes it had promised to make to reduce these problems.

She confirmed that some problems had lessened in recent months but she would like there to be regular ongoing engagement between the residents and the applicant in order to address the concerns. She indicated that she would be content for the licence to be issued for six months which would allow the Council to monitor the situation and consider the matter again if there were any issues.

Mr Donnelly outlined the problems he had experienced in relation to noise pollution and the effect it had on family life. He indicated that on many occasions the applicant had promised to reduce noise levels but had not done so. He stated that he would welcome regular contact between the applicant and the objectors to try and address the problems.

The objectors then answered a number of questions which had been raised by the Members and the Chairperson thanked them for their contribution.

It was reported that Mr. Lavery, the applicant, was in attendance and he was invited to address the Committee.

Mr. Lavery referred to liaison meeting which had taken place with the objectors in order to try and resolve the issues which had been raised. He stated that, amongst other things, the bar had stopped emptying bottles and bins in the early hours, engaged an acoustic consultant, removed the benches from the front when entertainment was being provided and taken other steps to discourage patrons from congregating at the front of the bar.

The applicant then answered a number of questions which had been raised by the Members and the Chairperson thanked him for attending.

After discussion, it was

Resolved – That the Committee agrees to renew the annual Seven-day Indoor and Outdoor Entertainments Licence for the Hudson Bar, 10-14 Gresham Street for a period of six months and that authority be delegated to Council officers to draft appropriate conditions for the applicant to adhere to.



**Application for the Grant of a Fourteen-day Occasional  
Outdoor Entertainments Licence - Crescent Gardens**

The Committee was advised that an application had been received from the Council's City and Neighbourhood Services Department for the grant of a Fourteen-Day Occasional Outdoor Entertainments Licence for Crescent Gardens, based on the Council's standard conditions to provide outdoor musical entertainment.

The Assistant Building Control Manager advised that no written representation had been received in relation to the grant of the licence and that the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service had offered no objections. The Council's Environmental Protection Unit had been advised of the application and had confirmed that it would comment on events on an individual basis, once all the relevant documentation had been received. He confirmed that, should the Committee grant the licence, the Building Control Service would, in advance of events taking place, consult with the organisers and/or interested parties to ensure that all documentation was completed and that all safety and technical requirements were met.

The Committee agreed, in its capacity as Licensing Authority, to grant a Seven-Day Annual Outdoor Entertainments Licence in respect of Crescent Gardens.

**Applications for the Renewal of Entertainments  
Licences with Associated Convictions**

**Teach Na Monagh, 2 Monagh Grove**

**Dundela Football Athletic and Social Club, Wilgar Street**

**The Suffolk Inn, 12-14 Suffolk Road**

The Assistant Building Control Manager reminded the Committee that, under the terms of the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985, it was required, when considering any application for the grant, renewal or transfer of an Entertainments Licence, to have regard to any convictions of the applicant relating to an offence under the Order which had occurred within a five-year period immediately preceding the date in which the application had been made.

He drew the Members' attention to applications which had been received for the renewal of Seven-Day Annual Indoor Entertainments Licence in respect of the following premises:

- Teach Na Monagh – a representative of the premises had on 18th May, 2012 been convicted at the Belfast Magistrates Court of having a locked emergency exit, obstructed means of escape and a logbook not having been provided and had been fined £800 and ordered to pay £66 in costs.
- Dundela Football Athletic and Social Club – a representative had been fined £400 and ordered to pay £69 court costs on 23rd July, 2013 due to overcrowding of the venue and obstructed emergency exit route.
- Suffolk Inn – the licensee had, on 8th March, 2016, been fined £200 and ordered to pay £69 in costs for having a final exit blocked shut and obstructed means of escape at another venue.

Following those offences, officers had met with the person responsible for each premises in order to review the management procedures and were now satisfied that they were operated in accordance with the Entertainments Licensing legislation. No written representations had been received in relation to the applications and the Police Service of Northern Ireland had offered no objections.

The Committee, agreed in its capacity, as Licensing Authority, to grant a Seven-Day Annual Indoor Entertainments Licence in respect of the Teach Na Monagh, 2 Monagh Grove; the Dundela Football Athletic and Social Club, Wilgar Street and the Suffolk Inn, 12-14 Suffolk Road.

### **Non-Delegated Matters**

#### **Review of Entertainments Licensing Legislation**

The Committee was reminded that, on 22nd July, 2014, the then Minister for the Environment, Mark H. Durkan MLA, had announced the review of the Entertainments Licensing regime as the current legislation had been in place for almost thirty years. He had invited representatives from various interested groups (the Entertainment Licensing Review Group) to look at the current legislation and make recommendations and changes that it considered should be made. Representatives of both the Building Control and Legal Services had been closely involved in the review and had played a key role in the Review Group.

He reported that a response to the Department's consultation on the review of Entertainments Licensing legislation had been agreed by the Committee and forwarded to the Department on 26th June, 2015. Further to that, the Committee, at its meeting on 20th January, had agreed that a letter be forwarded to the Minister for the Environment requesting an update on the progress with the review. In a response dated 1st March, the Minister had advised that he had considered the comments made during the public consultation and would publish a departmental response in due course. That response, which consisted of a copy of the synopsis of responses which were received across the Province, had been received on 10th March 2016 and stated that the Department would prepare further, more detailed, proposals which would be the subject of a public consultation later in the year.

The Assistant Building Control Manager stated that, following the May Assembly Elections, responsibility for the review of the licensing legislation now fell within the remit of the Department for Communities and, therefore, suggested that the Committee might wish to write to the Minister Mr P. Givan, requesting an update on the progress with the review of Entertainments Licensing and when his Department would be in a position to commence a public consultation on more detailed proposals to amend the legislation.

The Committee agreed to the foregoing suggestion.

The Committee agreed also that the Minister be requested that the regulated entertainment included in all licensing applications which referred to circuses should forbid the use of animals and that the Minister be requested also to review the sentencing guidelines for breaches of the entertainments licensing legislation.

#### **Institute of Licensing National Training Event**

The Committee was reminded that the Institute of Licensing was a professional body for licensing practitioners in local government, the police, private sector, trade and

the legal profession. The Institute was established to provide education and training and to disseminate knowledge in all matters relating to licensing. It operated throughout England, Wales, Northern Ireland and Scotland. This year the Institute would hold its National Training Event at the Holiday Inn Hotel, Stratford-Upon-Avon from Wednesday 16th till Friday 18th November and it was recommended that the Committee authorise the Chairperson, the Deputy Chairperson, the Director of Planning and Place and the Building Control Manager (or their nominees) to attend the event. The Committee was reminded also that Belfast was a Corporate Member affiliated to the Northern Ireland Region of the Institute and that Mr. James Cunningham, Building Control Service, was the chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute and that the Committee might wish to consider funding the travel to the conference of Mr. Cunningham in recognition of his work in attaining the position of chairman of the Northern Ireland Branch. Mr. Cunningham's residential fee for the event was paid for by the Institute of Licensing.

The Committee adopted the recommendation and agreed to fund the travel to the conference of Mr. James Cunningham.

#### **Change of Date of November Meeting**

The Committee was advised that, following agreement to attend the abovementioned event, it might wish to consider rescheduling the November Licensing Committee meeting in order to facilitate the attendance of the Chairperson and the Deputy Chairperson at the National Training Event as it would coincide with the November meeting which was scheduled to be held on 16th November.

The Committee agreed to reschedule its meeting in November to an alternative date to be agreed in consultation with the Chairperson.

Chairperson