

Public Document Pack

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



**Belfast
City Council**

9th March, 2017

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 15th March, 2017 at 5.00 p.m., 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 Extended Hours - Cathedral Quarter Arts Festival, Custom House Square (Pages 5 - 14)
- (c) Request to Extend a Provisional Amusement Permit - Mavericks, 28 Bradbury Place (Pages 15 - 20)

- (d) Application for the Renewal of an Entertainments Licence with a Previous Conviction - The Devenish Complex, 33-37 Finaghy Road North (Pages 21 - 28)
- (e) Application for the Renewal of a Seven-Day Annual Entertainments Licence with a Previous Conviction - Bootleggers, 46 Church Lane (Pages 29 - 40)
- (f) Application for the Grant of a Mobile Street Trading Licence (Pages 41 - 44)
- (g) Application for the Grant of a Seven-Day Annual Entertainments Licence - The Hawthorn Bar, 1- 3 Hawthorn Street (Pages 45 - 170)
- (h) Refusal of an Amusement Permit at 22-23 Shaftsbury Square - Update on Appeal (Pages 171 - 172)
- (i) Proposed Extension of Sunday Trading Hours (Pages 173 - 178)

3. **Non-Delegated Matters**

- (a) Update on the Recovery of Court Costs (Pages 179 - 180)



Subject:	Licences Issued Under Delegated Authority
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of main Issues												
1.1	Under the Scheme of Delegation, the Director of Planning and Place 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. Those applications which were dealt with under the Scheme are listed below.												
2.0	Recommendation												
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.												
3.0	Main Report												
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">Premises and Location</th> <th style="width: 15%;">Type of Application</th> <th style="width: 25%;">Hours Licensed</th> <th style="width: 25%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>American Bar, 65-65a Dock Street, Belfast, BT15 1LF</td> <td style="text-align: center;">Grant</td> <td style="text-align: center;">Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td style="text-align: center;">Mr. Pedro Donald</td> </tr> <tr> <td>Andersonstown Social Club, 8e South Link, Belfast, BT11 8GX</td> <td style="text-align: center;">Renewal and Variation</td> <td style="text-align: center;">Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td style="text-align: center;">Mr. Gerard Hawkins</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	American Bar, 65-65a Dock Street, Belfast, BT15 1LF	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Pedro Donald	Andersonstown Social Club, 8e South Link, Belfast, BT11 8GX	Renewal and Variation	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Gerard Hawkins
Premises and Location	Type of Application	Hours Licensed	Applicant										
American Bar, 65-65a Dock Street, Belfast, BT15 1LF	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Pedro Donald										
Andersonstown Social Club, 8e South Link, Belfast, BT11 8GX	Renewal and Variation	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Gerard Hawkins										

Premises and Location	Type of Application	Hours Licensed	Applicant
Balmoral Hall, The King's Hall Complex, Lisburn Road, Belfast, BT9 6GW	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms. Theresa Morrissey
Botanic Gardens Bowling Pavilion, University Road, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Ormeau Park Bowling Pavilion, Ormeau Road, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	BCC
St Georges Market, 12-20 East Bridge Street, Belfast, BT1 3NQ	Renewal	Sun - Sat: 08.00 - 23.00	BCC
Gilnahirk Presbyterian Church, Jack Britton Hall, 161 Gilnahirk Road, Belfast, BT5 7QP	Renewal	Mon - Sat: 10.00 - 23.45	Ms. Hilary Gowdy
McEnaney's, 1-3 Glen Road, Belfast, BT11 8BA	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Brendon McKee
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU	Renewal and Transfer	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Northern Whig Trading Limited
QE1 Snooker Club, 32-46 Castlereagh Road, Belfast, BT5 5FB	Renewal	Sun - Sat: 00.00 - 00.00	Mr. Alex Rainey
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Tom McNaught
Saphyre Restaurant, 135 Lisburn Road, Belfast, BT9 7AG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Kris Turnbull
SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Titanic Nomadic Company Limited
The Menagerie, 130 University Street, Belfast, BT7 1HH	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Michael Monteith
The Mount Inn, 156 North Queen Street, Belfast, BT15 1HQ	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 23.00 Fri - Sat: 11.30 - 01.00	Mr. Desmond Quinn
Whites Tavern, 2-4 Winecellar Entry, Belfast, BT1 1QN	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 02.00	Mr. James Crawford

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, there were no Amusement Permits renewed since your last meeting.

3.3 Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Quay	Stationary	Hot food and non-alcoholic beverages	Mon - Sat: 07.00 - 21.00	Mr. Peter Callan
Poleglass, Twinbrook and Dunmurry	Mobile	Groceries, tinned goods, confectionery, non-alcoholic beverages and tobacco products	Mon - Sat: 07.45 - 21.00	Mr. John Ward

Financial and Resource Implications

3.4 None

Equality or Good Relations Implications

3.5 There are no equality and good relations issues.

4.0 Documents Attached

4.1 None

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Subject:	Application for Extended Hours - Cathedral Quarter Arts Festival, Custom House Square
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a request from the organisers of Cathedral Quarter Arts Festival to operate their annual musical arts festival over eleven nights within a marquee at Custom House Square, running from Thursday 27th April to Sunday 7th May 2017, and to permit the entertainment to run beyond 11.00 pm to 12.00 am on three of those nights.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received, you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. agree if any or all of the three proposed nights should be permitted to take place beyond the standard hours of licence or; 2. refuse to extend any or all of the hours as requested.
3.0	Main Report
	<u>Key Issues</u>
3.1	Custom House Square is the responsibility of the Department for Communities and it currently holds both a Seven-day Annual Outdoor Entertainments Licence and a Seven-day Annual Marquee Entertainments Licence for the Square.
3.2	<p>The standard days and hours during which the marquee is currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm.

<p>3.3</p>	<p>In addition, the following conditions are attached to the Entertainments Licence:</p> <ol style="list-style-type: none"> 1. Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. 2. Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. 3. Any requests to provide entertainment later than 23:00hrs must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. Should the Council receive a significant number of noise complaints for any event which has successive nights of entertainment permitted beyond 23:00hrs or if a complaint about an event beyond 23:00hrs is of major concern, then those successive nights with later hours may be subject to reduction and the promoter should have appropriate arrangements in place should this occur.
<p>3.4</p>	<p>The Cathedral Quarter Arts Festival has been taking place for the last 18 years and includes a wide programme of events of local, national and international music, literature, comedy and drama. The event is also regarded as being an integral part of the arts and cultural calendar in Belfast.</p>
<p>3.5</p>	<p>Members will recall that, in previous years, the Committee has granted extensions beyond the standard hours of 11.00 pm for the Cathedral Quarter Arts Festival. This was last considered by the Committee at your meeting on 16 March 2016. On that occasion, the event operated from Thursday 28th April to Sunday 8th May 2016, and the organisers requested that entertainment be permitted beyond 11.00 pm to 12.00 am on five nights of the event and, after consideration, you agreed to grant the request to extend the hours.</p>
<p>3.6</p>	<p>Members will also be aware that the Committee has previously granted extensions beyond the standard hours of 11.00 pm for other events and festivals at the venue and you will recall that at last month's meeting, the Committee agreed to granted permission for the Belfast Beer Festival to operate its event beyond the permitted hours of 11.00 pm on each of their five nights.</p>
<p>3.7</p>	<p>Whilst recognising that such music events contribute to the overall 'vibrancy' of the City, it is also the case that noise from these events has the potential to cause widespread disturbance to those living and working in the vicinity.</p>
<p>3.8</p>	<p>Before granting any extension, the Committee has always carefully considered the financial and commercial benefits of such events against the interests of residents within the area and has, on occasions, agreed with respective promoters to reduce the number of nights they had originally intended to go beyond the standard hours of 11.00 pm in order to reduce the impact the event may have upon them.</p>
<p>3.9</p>	<p>The organisers are still in the process of finalising the programme of entertainments for this year's festival but they have confirmed that the type of entertainment will be similar to previous years consisting of mainly local talent mixed with some headline acts.</p>
<p>3.10</p>	<p>The organisers have requested that you give consideration to permitting three nights of the event to run beyond 11.00 pm as follows:</p> <ul style="list-style-type: none"> • Friday 28 April 12.00 am • Saturday 29 April 12.00 am • Saturday 6 May 12.00 am

Rationale for Additional Hours

- 3.11** A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to 12.00 am is attached at Appendix 1.
- 3.12** A location map is attached at Appendix 2.
- 3.13** The organisers have advised that the two weekends of the festival are regarded as the busiest evenings and they see more visitors from outside the city and further afield attending these festival events.
- 3.14** They hope that the extended hours will provide their visitors with a memorable festival experience and value for money and allow them to 'make a night of it' by availing of the many other venues and local restaurants before attending the event.
- 3.15** The organisers have also advised that the extra hour enables them to add local support acts to the bill and give them the opportunity to raise their profile and support a headline festival act.
- 3.16** As this is not an application to vary the terms of the Marquee Entertainments Licence, but a request for Council's permission to extend the hours under an existing licence condition; there is no requirement to advertise the application.
- 3.17** The Service has received a draft copy of the Event Management Plan and a proposed site plan. Officers are currently assessing this information and working with the organisers to ensure that all technical requirements will be met. Work is ongoing in this regard.
- 3.18** Officers have also discussed the resident's notification and how this is essential to the success of events at the venue, particularly if hoping to operate beyond 11.00 pm. Officers have received a copy of a draft resident's notification letter and will continue to liaise with them to ensure that the letter is appropriate and issued to the correct addresses prior to the event taking place.
- 3.19** Representatives of the Cathedral Quarter Arts Festival will be available at your meeting should you wish to seek further information about the festival.

PSNI

- 3.20** The PSNI has been consulted regarding the event and their request to operate three nights of the event to 12.00 am. It has confirmed that it has no objections or concerns with the operation of the event and will work with the organisers regarding the particulars of the proposed Liquor Licence. A copy of its comments is attached at Appendix 3.

NIFRS

- 3.21** The Northern Ireland Fire and Rescue Service has also been consulted about the application and has confirmed that it has no concerns about the event.
- 3.22** Members can be assured that, as with all such events, a series of detailed planning meetings will be held, and attended by officers of the PSNI and NIFRS to look at public safety, traffic management, transport and any wider operational issues.

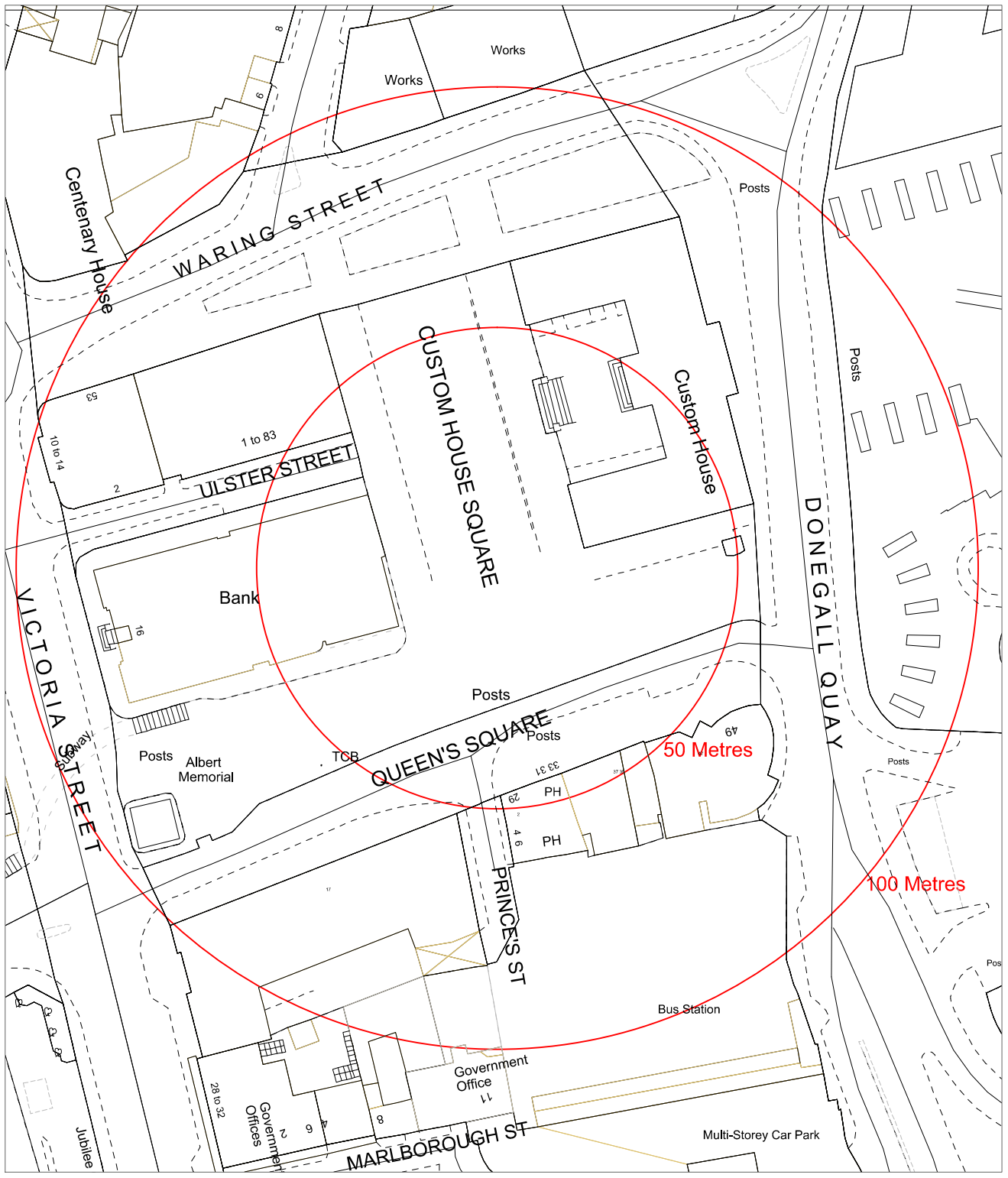
	<p><u>Health, Safety and Welfare Issues</u></p> <p>3.23 Officers from the Service have carried out inspections for previous festivals and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of each individual event during that time.</p> <p>3.24 A pre-event planning meeting has already been held with the organisers and they are co-operating fully to ensure that everything is being done to protect public safety and to reduce the potential for noise disturbance and general nuisance from the event.</p> <p><u>Noise Issues</u></p> <p>3.25 The Environmental Protection Unit (EPU) has been consulted in relation to the request for late night entertainment to run beyond 11.00 pm on three of the eleven nights at the venue.</p> <p>3.26 Due to the cumulative impact of the consecutive nights proposed and potential sleep disturbance to nearby residents, officers are concerned that there is a greater potential for complaints after 11.00 pm. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.</p> <p>3.27 However, considerable work has been done with organisers of various events and festivals at the venue and as a result; the level of complaints and noise issues has been reduced.</p> <p>3.28 Last year's festival generated only one complaint, which was due to patron dispersal at the end of an event. It also did not result in any formal action being taken by the Council.</p> <p>3.29 As for all of these types of events, officers are currently working with the organisers and their representatives on appropriate noise management plans and procedures for the festival. The noise plan must demonstrate that noise from the event will not cause unreasonable disturbance to both the commercial and residential premises of the area.</p> <p>3.30 Officers will consider all reports and supporting information to ensure the technical requirements are in accordance with all the relevant legislation and guidance.</p> <p><u>Financial and Resource Implications</u></p> <p>3.31 Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.32 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Location map</p> <p>Appendix 2 – Rationale from the organiser outlining the reasons for requesting the extended hours</p> <p>Appendix 3 – PSNI comments</p>



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.
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Appendix 1



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

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

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Subject:	Request to Extend a Provisional Amusement Permit - Mavericks, 28 Bradbury Place
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	To consider a request from Belfast Leisure Company Limited to further extend the period of their Amusement Permit. This was granted provisionally at a meeting of the Licensing Committee in 2014.						
1.2	<table border="0"> <tr> <td>Premises and Location</td> <td>Ref. No.</td> <td>Applicant</td> </tr> <tr> <td>Mavericks 28 Bradbury Place Belfast BT7 1RQ</td> <td>WK/2013/0190</td> <td>Mr Gareth McCausland Belfast Leisure Company Limited</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	Mavericks 28 Bradbury Place Belfast BT7 1RQ	WK/2013/0190	Mr Gareth McCausland Belfast Leisure Company Limited
Premises and Location	Ref. No.	Applicant					
Mavericks 28 Bradbury Place Belfast BT7 1RQ	WK/2013/0190	Mr Gareth McCausland Belfast Leisure Company Limited					
1.3	The applicant has requested an extension period of 6 months to allow them to complete works before opening the premises in September. A copy of the letter from the applicant is attached at Appendix 1.						

2.0	Recommendations
2.1	Members are requested to determine if you agree with the grounds of the request and if you then consent to further extend the period which the Provisional Amusement Permit has been previously granted.
2.2	If Members agree to extend the period for the Provisional Amusement Permit you are then also required to agree the appropriate expiry date of the new period.

3.0	Main report
	<p data-bbox="264 219 421 250"><u>Key Issues</u></p> <p data-bbox="165 273 1452 407">3.1 Members are reminded that, at a meeting of the Licensing Committee on 19 March 2014, you granted a Provisional Amusement Permit to Mr Gareth McCausland of Belfast Leisure Company Limited under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <p data-bbox="165 430 1452 564">3.2 Under the Order, an Amusement Permit granted provisionally is only valid for two years from the date it is granted, unless the applicant can satisfy the Council that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.</p> <p data-bbox="165 586 1452 689">3.3 Members will recall that at, your meeting on 16th March 2016, a request was received from the applicant company to extend the period of the Provisional Amusement Permit for 12 months and, after consideration, you agreed to grant the extension to 19th March 2017.</p> <p data-bbox="165 712 1034 743">3.4 A copy of the Provisional Permit is attached as Appendix 2.</p> <p data-bbox="165 779 1452 882">3.5 Members are reminded of the recent judgment regarding the applications, by Oasis Retail Services Limited, for leave to apply for judicial review regarding the Amusement Permits granted for the premises at 28 Bradbury Place and 25-41 Botanic Avenue.</p> <p data-bbox="165 904 1452 972">3.6 These judicial reviews were determined on 13th January 2017 and were reported to the Committee at last month's meeting.</p> <p data-bbox="165 994 1452 1128">3.7 As a consequence of the judicial review proceedings, the applicant was reluctant to start the construction works on the premises. Now that the judgment has been made, the applicant has advised that they would not be able to complete all necessary work by the deadline of the 19th March 2017, as previously granted by the Committee.</p> <p data-bbox="165 1151 1452 1285">3.8 The request for the extension is, therefore, to afford appropriate time for the building works to be carried out to meet the technical requirements of the Building Regulations. An Amusement Permit will then be issued on completion of the works, which they have indicated will be in September 2017.</p> <p data-bbox="264 1326 402 1357"><u>Applicant</u></p> <p data-bbox="165 1393 1452 1460">3.9 The applicant, or their representative, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p data-bbox="264 1491 775 1523"><u>Financial and Resource Implications</u></p> <p data-bbox="165 1550 829 1581">3.10 There are no financial and resource issues.</p> <p data-bbox="264 1617 823 1648"><u>Equality or Good Relations Implications</u></p> <p data-bbox="165 1684 871 1715">3.11 There are no equality or good relations issues.</p>
4.0	Documents Attached
	<p data-bbox="357 1859 1126 1890">Appendix 1 – Letter from Belfast Leisure Company Limited</p> <p data-bbox="357 1912 948 1944">Appendix 2 – Provisional Amusement Permit</p>

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

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Building Control Service

City Hall, Belfast BT1 5GS
Tel. 02890 320202 Fax 02890 438805
email: buildingcontrol@belfastcity.gov.uk

**PERMIT AUTHORISING GAMING BY MEANS OF GAMING MACHINES
PROVISIONAL AMUSEMENT PERMIT**

(Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985: Article 110) as amended.

Permit No: WK/200900909

PART 1

Premises for which permit granted

This Permit is granted to: **Mr Gareth McCausland**

Of: **Belfast Leisure Company Ltd, 28 Bradbury Place, Belfast, BT7 1RQ.**

for the purposes of Article 108(1)(ca) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 and authorises gaming by means of gaming machines in accordance with the conditions specified in Article 108 of that Order

at: **Mavericks, 28 Bradbury Place, Belfast, BT7 1RQ.**

of which premises, being premises of the following kind, namely AN AMUSEMENT ARCADE, the above-mentioned proposes to become the occupier.

This permit is granted on condition that these premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

The owner of the premises is: **Elmoreton Ltd**

Of: **7-21 Bradbury Place, Belfast, BT7 1RQ**



Head of Building Control

Dated the **8th** day of **April** 2016

PART 2

Details as to Grant of Permit

This permit was granted provisionally to the holder of the permit specified in Part I hereof
by the Council on **16th** day of **March** **2016** .



Subject:	Application for the Renewal of an Entertainments Licence with a Previous Conviction - The Devenish Complex, 33-37 Finaghy Road North
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider an application for an Entertainments Licences 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.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the application and to:-</p> <ol style="list-style-type: none"> 1. approve the application, or 2. should you be of a mind to refuse the application, or approve it with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <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 However, as the applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following application:

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
<p>The Devenish Complex 33-37 Finaghy Road North Belfast BT10 0JB</p>	<p>Mooney Inns Limited</p>	<p>Renewal</p>	<p>October 2015 <u>Wolf and Whistle</u> Formally (The Whitefort Inn) One leaf of a final exit closed and screwed to door frame. Log Book for pre-event checks was not completed. Fire door wedged open. Fire door/wall providing inadequate fire protection. Fire Safety signage not being illuminated; and a designated means of escape was obstructed.</p>	<p>28 June 2016 £600 and £69 Court costs</p>

3.3 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.

Application History

The Devenish Complex

3.4 This application is being placed before Committee because the applicant company, Mooney Inns Limited, was convicted of offences under the Order at Belfast Magistrates Court on the 28th June 2016 regarding one of their other premises namely the Wolf and Whistle (formally known as The Whitefort Inn).

3.5 This is the second time an application from Mooney Inns has been brought before the Committee, as you previously considered the application for the Wolf and Whistle at your meeting on 19th October 2016 and, after consideration, you agreed to renew the licence.

3.6 The applicant is also the licensee for the Rock Bar, 491 Falls Road. The application to renew that licence will be brought before the Committee in due course for consideration.

<p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p>	<p>Since the previous renewal, the premises have been subject to two further during performance inspections as well as the recent renewal inspection to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.</p> <p><u>Representations</u></p> <p>Notice of the application has been advertised and no written representations have been received.</p> <p><u>PSNI</u></p> <p>The PSNI has confirmed that it has no objection to the application.</p> <p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.</p> <p><u>Applicants</u></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to their application. A copy of the application form is attached at Appendix 1.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Application Form</p>

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

Document is Restricted

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Subject:	Application for the Renewal of a Seven-Day Annual Entertainments Licence with a Previous Conviction - Bootleggers, 46 Church Lane
Date:	15th March 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider, in accordance with paragraph 10 (5) of the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order), if the Council wishes to revoke an Entertainments Licence where the applicant has been convicted of an offence.</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> Bootleggers 46 Church Lane Belfast BT1 4QN </td> <td>WK/201600979</td> <td>Quay Street Merchants Limited</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Bootleggers 46 Church Lane Belfast BT1 4QN	WK/201600979	Quay Street Merchants Limited
Premises and Location	Ref. No.	Applicant					
Bootleggers 46 Church Lane Belfast BT1 4QN	WK/201600979	Quay Street Merchants Limited					
1.2	Members will recall that, at your meeting of the 18th January 2017, after considering a report regarding the level of fines imposed by the Court in relation to offences under the Order the Committee agreed to consider the option to revoke an Entertainments Licence immediately after a licensee is convicted of an offence.						
1.3	Rather than wait until the licence falls due for renewal the licence holder is now required to appear before Committee and convince Members as to why their licence should not be revoked.						
1.4	The applicant has also applied to renew the licence, so should the Committee decides not to revoke the licence it must then determine whether to grant the renewal application.						

2.0	Recommendations
	<p data-bbox="244 237 405 271">Revocation</p> <p data-bbox="150 309 1439 439">2.1 Taking into account the information presented and any representations received, you are required to consider the recent legal proceedings and determine if you wish to revoke the Entertainments Licence, on the grounds that the applicant has been convicted of an offence under the Order.</p> <p data-bbox="150 477 1439 539">2.2 If the licence is revoked, the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.</p> <p data-bbox="244 577 528 611">Renewal application</p> <p data-bbox="150 647 1439 710">2.3 Should Members be satisfied that the Entertainments Licence need not be revoked, you are then required to consider the application to renew the licence and:</p> <ol data-bbox="264 745 1390 875" style="list-style-type: none"> 1. Approve the application for the renewal of the Seven-day Annual Entertainments Licence, or 2. Approve the application for the renewal of the Seven-day Annual Entertainments Licence with special conditions. <p data-bbox="150 913 1439 976">2.4 If the licence is renewed with special conditions, the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.</p>

3.0	Main report
	<p data-bbox="244 1111 400 1144"><u>Key Issues</u></p> <p data-bbox="150 1180 1439 1310">3.1 Members are advised that, whilst you are primarily considering if you wish to revoke the Entertainments Licence on the grounds that the applicant has been convicted of an offence, an application has been received for the renewal of the licence which you are asked to determine, should you not revoke the licence.</p> <p data-bbox="150 1346 1439 1543">3.2 The matter is before Committee because the applicant company, Quay Street Merchants Limited, was convicted of offences under the Order at Belfast Magistrates Court on 21st February 2017, after a during performance inspection carried out in May last year found that the required minimum clear distance through a rear escape route was not being maintained and the appropriate pre-entertainments checks were not carried out prior to the entertainment taking place.</p> <p data-bbox="150 1579 1401 1610">3.3 As a result, the applicant was fined a total of £500 and ordered to pay court costs of £69.</p> <p data-bbox="244 1646 376 1680"><u>Premises</u></p> <p data-bbox="150 1715 1439 1778">3.4 The applicant currently holds a Seven-Day Annual Indoor Entertainments Licence and the areas licensed to provide entertainment are the:</p> <ul data-bbox="280 1814 1198 1980" style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 100 persons • Ground Floor Restaurant, with a maximum capacity of 80 Persons • First Floor Function Room, with a maximum capacity of 60 persons

3.5	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 pm to 3.00 am the following morning.
3.6	A copy of the application form is attached at Appendix 1.
3.7	A location map is attached at Appendix 2.
<u>Representations</u>	
3.8	Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.
<u>PSNI</u>	
3.9	The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 3.
<u>Health, Safety and Welfare Inspections</u>	
3.10	Following the offence, officers of the Service met with the management of the bar to review their fire safety procedures and ensure that appropriate measures are in place for safe evacuation from the club should an emergency situation occur
3.11	Particular attention was given to the rear escape route to ensure that the required minimum clear width of 1.1m is maintained. The applicant has since marked the area with appropriate paint to prevent a recurrence of the offence for which they were convicted.
3.12	Further to this action, the recent opening of the Bullitt Hotel, which backs on to the premises, required a boundary wall to be removed which increased the available space for the rear escape route and this has resolved the issue.
3.13	The premise has been subject to three further during performance inspections as well as a recent renewal inspection to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.
<u>NIFRS</u>	
3.14	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.
<u>Noise Issues</u>	
3.15	The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that, since the last renewal, no complaints have been received relating to noise break out from the premises or due to patron dispersal.
<u>Applicant</u>	
3.16	The applicant has been made aware of the concerns raised by the Committee regarding the level of fines imposed by the Court and the new procedure you have adopted to give Members the opportunity to seek assurances as to why their Entertainments Licence should not be revoked.

3.17	<p>As a result, they have been invited to attend your meeting to answer any queries you may have in relation to the future management of the premises.</p> <p><u>Financial and Resource Implications</u></p>
3.18	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.19	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Documents Attached</p>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI correspondence</p>

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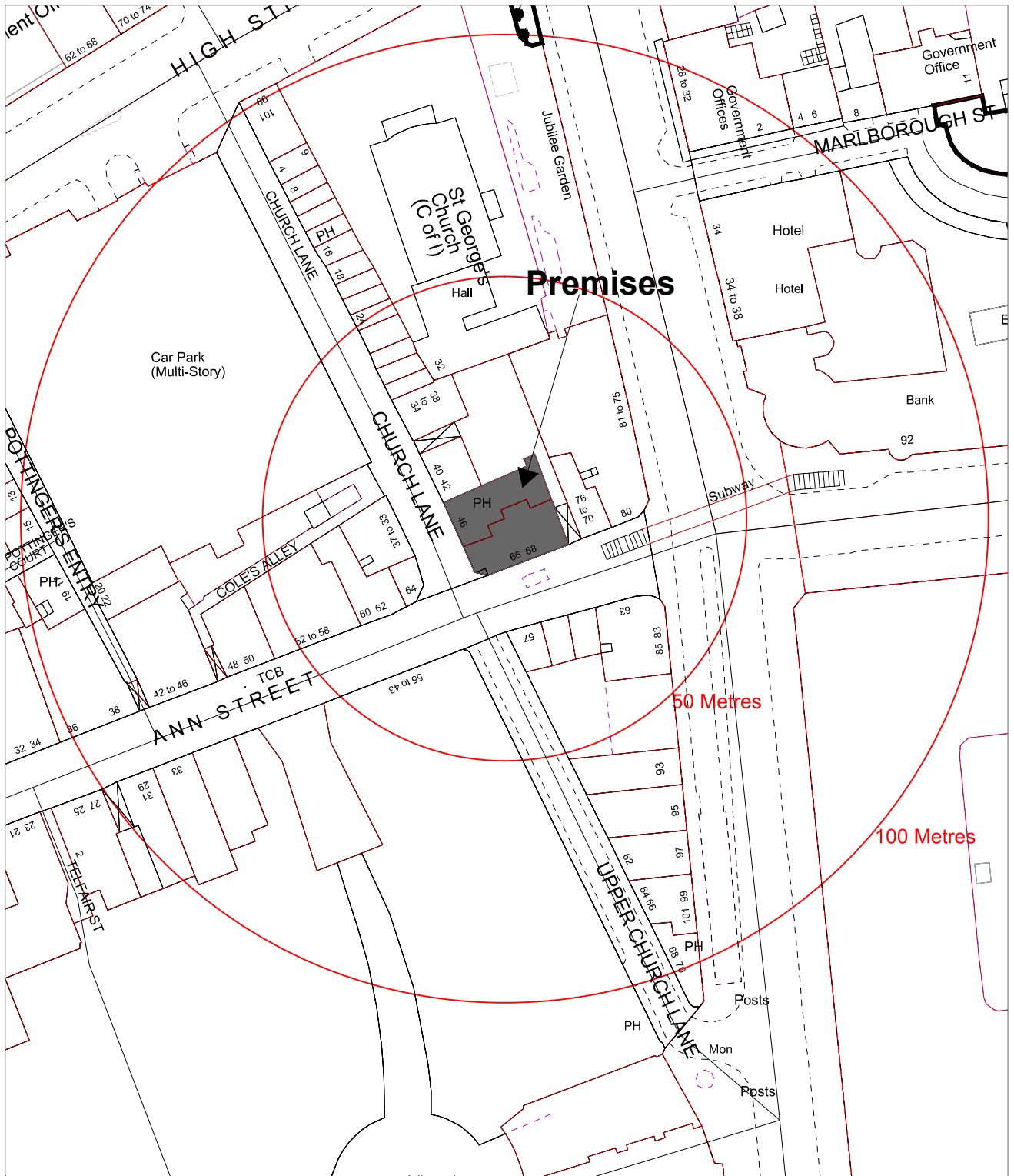
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Building Control Service

Belfast Mapping Data v3.0
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Based upon the Ordnance Survey
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Appendix 2



DRAWN BY MT
DATE 07/03/2017

Page 37
Bootleggers
Ann Street

SCALE 1:1250

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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for the Grant of a Mobile Street Trading Licence
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider an application from Mr. Thomas Seenan for the grant of a Mobile Street Trading Licence to cover the Turf Lodge, Andersonstown, Ladybrook, Finaghy, Suffolk, Poleglass, Twinbrook and Dunmurry areas of the City for the sale of ice cream, confectionery, non-alcoholic beverages and groceries.
1.2	Mr Seenan has applied to trade Monday to Sunday between the hours of 12.00 pm and 9.00 pm using a Ford Transit van.

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received the Committee is requested to consider the application and decide to:</p> <ol style="list-style-type: none"> 1. Grant and approve the licence, or 2. Grant and approve the licence with additional conditions, or 3. Refuse the application.
2.2	Members may attach any reasonable conditions when granting a licence.
2.3	Should you be of a mind to refuse the application you are required to advise the applicant of your intention to do so.
2.4	If the application is subsequently refused the applicant may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.

3.0	Main Report
	<p data-bbox="258 226 416 255"><u>Key Issues</u></p> <p data-bbox="165 293 1471 389">3.1 The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p data-bbox="165 427 1471 562">3.2 Section 9 of the Act provides that the Council may, in certain circumstances, refuse an application if the applicant has at any time been granted a Street Trading Licence by the council, which was revoked if the applicant had refused or neglected to pay fees or other charges due to the council in respect of the licence.</p> <p data-bbox="165 600 1471 696">3.3 The Committee is reminded that, at its meeting on 18th June 2014, it revoked Mr. Seenan's previous Mobile Street Trading Licence, as he owed £843.87 in licence fee arrears, despite significant effort being made by the Council to manage his debt.</p> <p data-bbox="165 734 1471 831">3.4 Mr Seenan declined to make representation on two occasions to the Committee regarding the non-payment of fees. Furthermore, whilst he subsequently paid these arrears, he did not re-apply for a licence.</p> <p data-bbox="165 869 1471 936">3.5 When Mr. Seenan previously traded, he had no licence infringements. Since Mr. Seenan's Licence was revoked no other application to trade in these areas has been granted.</p> <p data-bbox="258 965 456 994"><u>Consultations</u></p> <p data-bbox="165 1032 1471 1099">3.6 Transport NI and the PSNI have been consulted and both have confirmed that they have no objection to the application. Copies of their correspondence is attached.</p> <p data-bbox="165 1137 1471 1205">3.7 Members have previously expressed concerns that, if a licence were to be granted, it would be detrimental to other traders in the area.</p> <p data-bbox="165 1243 1471 1339">3.8 Advice was sought at that time on this matter from Counsel which indicated primarily that the Council could not restrict the number of traders on the grounds that it would affect another trader's business, as such a move would be contrary to anti-competition legislation.</p> <p data-bbox="258 1368 772 1397"><u>Financial and Resource Implications</u></p> <p data-bbox="165 1435 1471 1570">3.9 If the Committee grants a Mobile Street Trading Licence to Mr Seenan the fee is as follows:</p> <ul data-bbox="258 1503 1059 1570" style="list-style-type: none"> • application Fee of £120, and • a licence fee, for Monday to Sunday, of £882 per annum. <p data-bbox="258 1599 820 1628"><u>Equality or Good Relations Implications</u></p> <p data-bbox="165 1666 1214 1704">3.10 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	Correspondence from Transport NI and PSNI

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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for the Grant of a Seven-Day Annual Entertainments Licence - The Hawthorn Bar, 1- 3 Hawthorn Street
Date:	15th March 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	To consider an application for the Grant of a Seven-Day Annual Entertainments Licence for the Hawthorn Bar, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.						
1.2	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Premises and Location</td> <td style="width: 33%;">Ref. No.</td> <td style="width: 33%;">Applicant</td> </tr> <tr> <td>Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ</td> <td>WK/201602055</td> <td>Mr Philip McCann, 84 Glen Road, Belfast, BT11 8BU</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201602055	Mr Philip McCann, 84 Glen Road, Belfast, BT11 8BU
Premises and Location	Ref. No.	Applicant					
Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201602055	Mr Philip McCann, 84 Glen Road, Belfast, BT11 8BU					
1.3	The grant application was received from Mr Philip McCann on 30th September 2016. A copy of the application form is attached at Appendix 1.						
1.4	A location map of the premises is attached at Appendix 2.						
2.0	Recommendations						
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"> 1. Approve the application for the Grant of the 7-Day Annual Entertainments Licence, or 2. Approve the application for the Grant with special conditions, or 3. Refuse the application for the Grant of the 7-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 County Court.
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 Members are reminded that written representation objecting to the application was received outside the 28-day statutory period in the form of a petition with 10 signatures.</p> <p>3.2 At your meeting on 14th December, the Committee exercised its discretion and agreed to consider the late objections at a future meeting to which the objectors and the applicant would be invited to attend.</p> <p>3.3 A copy of the petition of objection is attached as Appendix 3.</p> <p>3.4 Members are reminded that the petition of objection is from residents of Cavendish Street and the nature of their objections relate to the following:</p> <ul style="list-style-type: none"> • The premises are situated in a highly populated residential area; • The premises already offer live entertainment without a licence; • The number of patrons, music and taxis already create an unacceptable, problematic amount of noise in this residential area. <p>3.5 In their petition of objection, the objectors further advise that they have met with the applicant, one of his employees and community representatives to discuss the above issues along with other members of the community, the PSNI and Belfast City Council. They also state that many of the issues have not yet been resolved; despite promises made by the applicant.</p> <p>3.6 The objectors also state that granting a licence will not only add to the current problems and issues concerned but will create further issues.</p> <p><u>Liaison Meetings</u></p> <p>3.7 Following receipt of the petition of objection, the Service offered to facilitate a liaison meeting between all parties involved in order to discuss the issues in an attempt to try and resolve them.</p> <p>3.8 The objectors did not wish to attend joint meetings with the applicant and, therefore, officers convened separate meetings with the objectors and the applicant but were not able to reach a resolution.</p> <p>3.9 As required by the Committee Protocol, the applicant and each of the objectors were requested to provide their representation in advance of the meeting for consideration.</p> <p>3.10 This was requested to ensure that there was appropriate time to share the information between all parties and to allow officers to incorporate the points raised in the report for your consideration.</p> <p><u>Objectors Representation</u></p> <p>3.11 The objectors Representation Forms are attached at Appendix 4 and they have been provided to the applicant, as required by the protocol.</p>

<p>3.12</p> <p>3.13</p> <p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p>	<p>In general, the representations relate to concerns as follows:</p> <ul style="list-style-type: none"> • noise issues in a built up residential area coming from the provision of amplified music, sound of taxi horns and noisy patrons; • the applicant disobeying the law in relation to both Liquor and Entertainment Licensing; • antisocial behaviour in the alleyway including public urination and drinking; • residents subject to verbal abuse and foul language from staff; • problems with vermin, rubbish and storage in the alleyway. <p>Further to providing the objectors with a copy of the applicants' Representation Form, they each submitted a counter representation with additional supporting information.</p> <p>In the counter representations, the objectors reiterate the issues previously raised and challenge the points made by the applicant. They have also included photographic evidence to support their argument. Copies of the counter representations made by the objectors is attached at Appendix 5.</p> <p>Each of the objectors has stated that they are objecting on their own behalf and they are not canvassing for objections. However, they are prepared to coordinate a joint representation regarding the application and attendance at your meeting.</p> <p>A delegation of three residents' representatives will be available to attend your meeting to discuss any matters relating to their objections should they arise during your meeting.</p> <p><u>Applicants Representation</u></p> <p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached at Appendix 6. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.</p> <p>The applicant's Representation Form has also been provided to the objectors, as required by the protocol.</p> <p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> • he has worked very hard to build and promote good and sound relationships with the residents and will continue to do so • he has always made himself available to engage in discussions with the relevant agencies, in regards to any concerns or complaints raised by residents in relation to the operations within the bar • he has also attended meetings with the objectors and local representatives and groups, but with no success • he has always made himself and remains in contact with Sgt James Duffy and is content and committed to continue to work with the local PSNI in relation to the premises • he has not and does not intend to provide any form of amplified music, dancing or like kind within the premises • the premises do not lend itself to large numbers of people; so, the motivation to promote any sort of event is restricted due to the limited space • he states that the live music referred to by the objectors is in relation to the in-house CD music system • he has advised that, if the Committee is minded to grant an Entertainments Licence, he would only have non-amplified session musicians without the need or use of powered amps, thereby reducing the potential for any noise outbreak from within the premises and
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	<ul style="list-style-type: none"> the number of taxis called to the bar is not and cannot be down to the Hawthorn Bar.
3.20	Further to providing the applicant with a copy of the objectors Representation Form, the applicant has advised that he did not wish to submit a counter representation as he was satisfied with what he has already submitted within his initial Representation Form.
3.21	However, the applicant has further advised that, if the Committee were of the mind to grant an Entertainments Licence, he would be willing to accept it for a shorter 6-month period and allow the Committee to restrict the nights permitted for entertainments to only a Thursday, Friday and Saturday.
3.22	<p>He has also advised officers that he will implement the following changes to help ease residents' concerns:</p> <ul style="list-style-type: none"> cleaning around the perimeter of the premises. ensure bottles and glasses are no longer permitted to be disposed of by staff at closing times. furnishing residents with a direct contact number for the individual responsible for door staff.
3.23	As part of our ongoing negotiations with all parties, these suggestions from the applicant have been conveyed back to the objectors to try and reach an agreement. However, at the time of writing this report, the objectors have confirmed that they still wish to object to the premises getting any form of Entertainments Licence.
3.24	The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
	<u>Details of the Premises</u>
3.25	<p>The area the applicant wishes to be licensed to provide entertainment is the:</p> <ul style="list-style-type: none"> Ground floor bar with a maximum capacity of 40 persons.
3.26	<p>The days and hours during which the applicant wishes to provide entertainment are:</p> <ul style="list-style-type: none"> Monday to Saturday: 11.30 am to 1.00 am and, Sunday: 12.30 pm to midnight
3.27	<p>The applicant is also agreeable to the inclusion of the following special conditions to the Entertainments Licence:</p> <ol style="list-style-type: none"> 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. No amplified music to be played on the premises.
	<u>PSNI</u>
3.28	The PSNI has been consulted and has confirmed that it has no objection to the application.

3.29	However, due to the nature of the objections, a letter was sent to the PSNI consisting of a number of additional questions regarding the issues raised within the objector's representations. The PSNI has also been provided with a copy of the various representations made by the objectors and the applicant, in order to help them form their response.
3.30	The PSNI has advised that it has not received any complaints for the premises regarding public safety or overcrowding problems. However, it has stated that it has received complaints in recent years regarding noise or general nuisance, but they are more related to alleged breaches of licensing hours, selling and consuming alcohol outside of permitted hours and providing entertainment.
3.31	It has received a total of 23 calls for service in regards to licensing type offences since 2014. In 2014 there were 3 complaints, 2015 there were 9 complaints, 2016 a total of 9 complaints were made and this year, 2 complaints have been made.
3.32	Whilst the Police Service has cautioned the licensee for selling alcohol at 9.30 am on 30th October 2015, it has not objected to the grant application.
3.33	A copy of our letter with questions and the response from the PSNI is attached at Appendix 7. The PSNI response also consists of a breakdown of the calls and complaints lodged against the premises.
3.34	The Area Inspector and Constable from the Local Neighbourhood Policing Team will be available at your meeting to answer any queries you may have in relation to the application.
<u>Health, Safety and Welfare Inspections</u>	
3.35	The Service became aware of residents' concerns with the premises in 2014 when complaints were made through the Councils Noise Hotline Service alleging that entertainment was being held on the premises and residents were being disturbed by noise from music and patrons in and around the premises.
3.36	Through the Licensed Premises Group (LPG), coordinated inspections to monitor the premises were carried out by the Councils Noise Team. Throughout this time, officers of the Noise Team also responded to a number of complaints made by residents of the area.
3.37	As a result of the complaints, a number of planned During Performance Inspections were carried out at the premises. In summary, a total of 11 inspections were carried out by officers of the Service since October 2014.
3.38	3 monitoring inspections have been carried out on the premises by officers from the Service since the Entertainment Licensing application was received in September. No entertainment was witnessed during the course of these inspections.
3.39	At the time of writing this report, we have found no entertainment being provided at the premises but further monitoring inspections have been planned. A breakdown of these inspections carried out by officers is included in the tables of inspections carried out by the Council and attached at Appendix 8.
<u>NIFRS</u>	
3.40	The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and has confirmed that it has no objection to the application.

<p>3.41</p> <p>3.42</p> <p>3.43</p> <p>3.44</p> <p>3.45</p> <p>3.46</p> <p>3.47</p> <p>3.48</p> <p>3.49</p> <p>3.50</p> <p>3.51</p>	<p>Allegations regarding the premises have also been forwarded to them for investigation and they have confirmed that they have observed no breaches in relation to fire safety. A copy of their correspondence is attached at Appendix 9.</p> <p><u>Noise Issues</u></p> <p>As noted above, complaints have been made against the premises since 2014 and through the LPG, a considerable number of reactive and planned inspections have been carried out by officers of the Council's Night Time Noise Team in that time.</p> <p>A total of 10 noise complaints have been received since the application was made in September 2016. When responding to the complaints and attending the area, officers of the Noise Team did not witness any excessive noise levels that warranted action. However, as with all complaints received against the premises, each of these complaints were forwarded to the applicant for his information.</p> <p>The applicant has been asked to provide an acoustic report to determine if any works need to be carried out to the premises to prevent noise breakout based on the type of entertainment proposed by the applicant.</p> <p>The report will be assessed by the Environmental Protection Unit and, should Members be of a mind to grant a licence, any works identified in the report will be required to be carried out to the satisfaction of the Council prior to a Licence being issued.</p> <p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p>A breakdown of the reactive and planned inspections carried out by the Night Time Noise Team is included in the tables of inspections carried out by the Council and attached at Appendix 8.</p> <p><u>Cleansing</u></p> <p>Issues regarding cleansing matters, which were raised within the objector's representations, relating to the alleyway at the rear of the premises have been reported to the Council's Cleansing Department.</p> <p>Officers of the Cleansing Service have confirmed that they conduct regular checks of the rear alleyway at least once a week. At the time of writing this report, officers have confirmed that the staff are continuing to comply with their agreement.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out monitoring inspections on premises receiving complaints but this is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
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4.0	Documents Attached
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Petition of objection</p> <p>Appendix 4 – Objectors Representation Forms</p> <p>Appendix 5 – Objectors Counter Representations</p> <p>Appendix 6 – Applicant’s Representation Form</p> <p>Appendix 7 – Initial PSNI Comments, our letter to PSNI with additional questions and PSNI response to the letter</p> <p>Appendix 8 – Breakdown of the reactive and planned inspections carried out by Council officers</p> <p>Appendix 9 – NIFRS letter</p>

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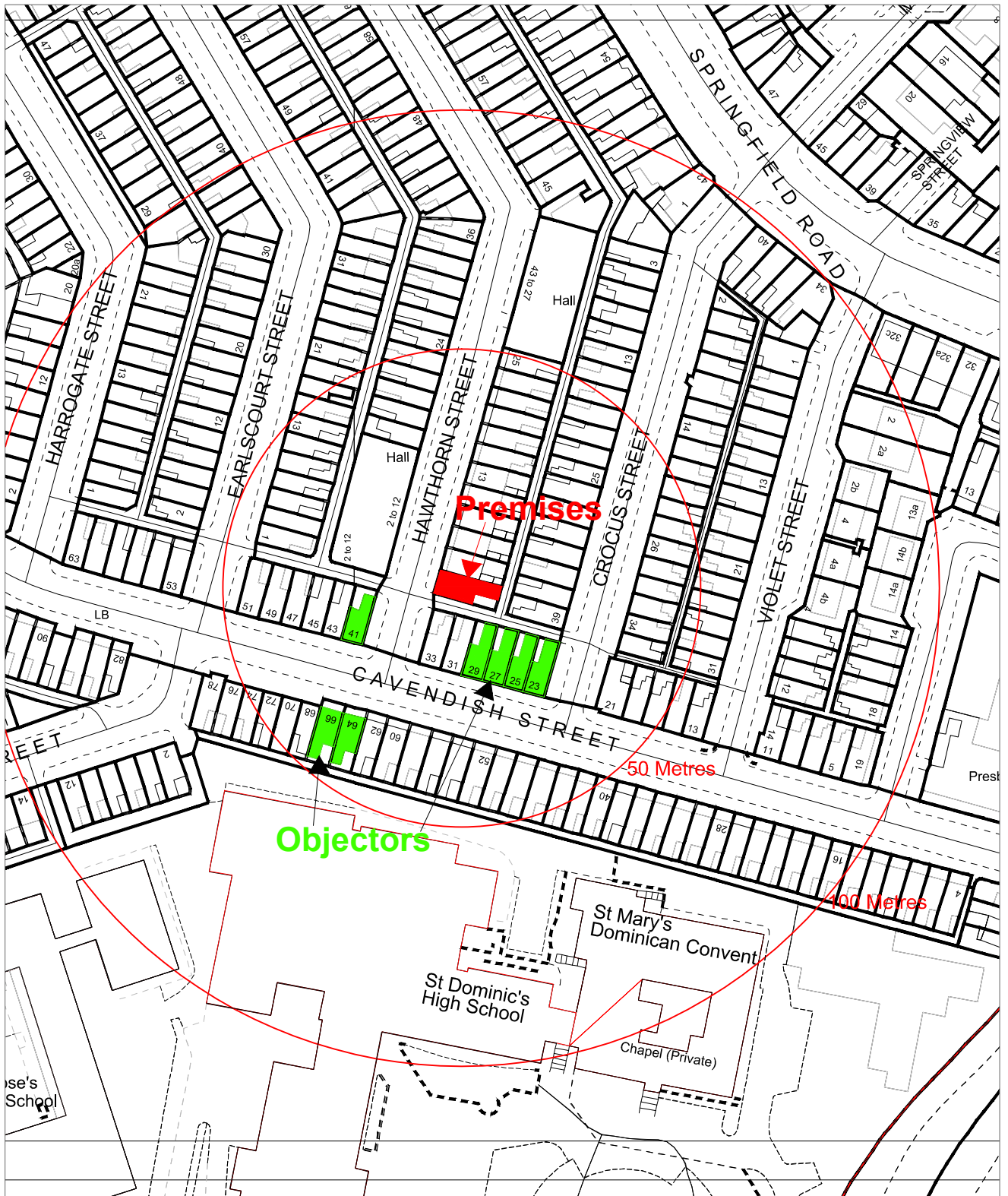
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Building Control Service

Belfast Mapping Data v3.0
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Appendix 2



DRAWN BY MT
DATE 22/11/2016

Page 61
The Hawthorn Bar
1-3 Hawthorn Road

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Subject:	Refusal of an Amusement Permit at 22-23 Shaftsbury Square - Update on Appeal
Date:	15th March 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To inform the Committee of the outcome of an appeal by KB Shaft Limited to the Belfast County Court regarding the Council's decision to refuse an application for the grant of an Amusement Permit for Players, 22-23 Shaftesbury Square.

2.0	Recommendation
2.1	The Committee is asked to note the contents of the report.

3.0	Main Report
	<u>Key Issues</u>
3.1	Members will recall that, at your meeting on 21 September 2016, you agreed to refuse the application for the grant of an Amusement Permit, on the grounds that the application failed to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of the following: <ol style="list-style-type: none"> 1. the cumulative build-up of amusement arcades in a particular location, and 2. the impact of the arcade upon the image and profile of Belfast.
3.2	A notice of Appeal was subsequently lodged on behalf of KB Shaft Limited on 30th September 2016 with the County Court.
3.3	Members will be aware of the recent judgment on the applications by Oasis Retail Services Limited for leave to apply for judicial review regarding the Council's decision to grant Amusement Permits for the premises at 28 Bradbury Place and 25-41 Botanic Avenue. The outcome of that matter was reported to the Committee at last month's meeting.

<p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p>	<p>The KB Shaft Limited appeal was brought before his Honour Judge Devlin in Belfast County Court on 5th January 2017 for papers to be served by the relevant parties involved. The Judge sought an update on the position in the judicial review proceedings. He also confirmed that it was his preference that the case be adjourned until the outcome of the case was known</p> <p>After consideration of the information Judge Devlin agreed that the case be listed for review on 16th January, 2017.</p> <p>On 25th January, 2017, as a result of the successful outcome of the judicial review applications, the appellant's solicitor, S.C. Connolly & Co. Solicitors, confirmed that their client had agreed to withdraw their appeal and to pay the Council's legal fees.</p> <p>The matter was formally withdrawn from court on 8th February 2017.</p> <p><u>Financial and Resource Implications</u></p> <p>None</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
<p>4.1</p>	<p>None</p>



Subject:	Proposed Extension of Sunday Trading Hours
Date:	15th March, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to brief the Licensing Committee about a decision of the Strategic Policy and Resources Committee, at their meeting of 21st October 2016, regarding a proposal to designate the entire Belfast City Council area (or specific parts of the area) as a 'holiday resort'.
1.2	The Building Control Service is responsible for the enforcement of The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 and previous Sunday trading matters have been considered by the Committee.

2.0	Recommendation
2.1	The Committee is requested to note the contents of the report.

3.0	Main Report
	<u>Key Issues</u>
3.1	At the Strategic Policy and Resources Committee meeting on 21st October, Members agreed on the recommendation for the Council to consult (by way of a public notice) on designating the entire area of Belfast City Council or specific part(s) of the area as a holiday resort under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997.
3.2	The effect of this designation would be to extend the Sunday trading hours for large shops on up to 18 Sundays (other than Easter Sunday) between 1st March and 30th September in any calendar year. This proposal was made in response to a strong lobby within the city, primarily Belfast

3.3	Chamber of Trade and Commerce, to designate Belfast as a 'holiday resort' area to improve the tourism offering in Belfast (particularly on a Sunday morning), to boost the local economy and to support the overall regeneration of the city centre.
3.4	The principle of additional Sunday opening hours for large shops in support of tourism was established under the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 and Schedule 2 of the Order deals with the rights of shop workers in respect of Sunday working.
3.5	Any designation as a 'holiday resort' must be done by resolution of the Council. However, before making a designation, the Council must first consult persons likely to be affected by the proposed designation and must publish notice of any such designation in such manner as it deems appropriate.
3.6	To make use of the exemption, the occupier or proposed occupier of a large shop must notify the Council of the dates of the proposed Sundays involved. The notification does not take effect until 14 days from the date it is given, unless the Council agrees it should come into effect earlier.
3.7	Having made the 'holiday resort' designation, the Council's role, in addition to the existing enforcement role performed in respect of Sunday trading, will be to keep a register of the large shops making use of the exemption and make the register available to the public at all reasonable times.
3.8	If this proposal were to proceed, the Council would work with key partners, such as the Belfast Chamber of Trade and Commerce and Visit Belfast to ensure the effective promotion of the additional hours and to consider the potential impact on city animation as a result of additional visitors to the city.
3.9	A copy of the minutes from the Strategic Policy and Resources Committee Meeting of 21st October is attached.
	<u>Financial and Resource Implications</u>
3.10	There are no financial and resource implications attached to this report
	<u>Equality or Good Relations Implications</u>
3.11	As with any other policy development, any such proposal to designate Belfast as a holiday resort will require formal Equality Screening and all equality requirements will be met. Any Good Relations issues will need to be addressed following the consultation on any such proposal.

4.0	Document Attached
	Minute of the Strategic Policy and Resources Committee Meeting of 21st October

Extension of Sunday Trading Hours

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to brief the Strategic Policy and Resources Committee on the powers contained within the Shops (Sunday Trading & c) (Northern Ireland) Order 1997 and to seek Committee approval to consult on a proposal to designate the entire Belfast City Council area (or specific parts of the area) as a ‘holiday resort’.

1.2 The effect of this designation would be to extend the Sunday trading hours for large shops on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.

2.1 Recommendations

2.2 The Committee is asked to:

- note the contents of the report and the key issues outlined within
- provide approval for the Council to consult (by way of a public notice) on designating the entire area of Belfast City Council or specific part(s) of the area as a holiday resort under Article 6 of the Shops (Sunday Trading & c) (Northern Ireland) Order 1997

3.1 Main Report

Background

3.2 During a recent meeting with the Minister for Communities, Members and Chief Officers indicated that there is a strong lobby within the city (e.g. Belfast Chamber of Commerce) for a review of the current Sunday trading laws which have been in place since 1997. Such a review would be in the context of boosting the local economy, benefiting the tourism industry and supporting the regeneration of towns and city centres.

3.3 The Minister had to leave the meeting before this item was raised but Departmental officials indicated that there may not be any appetite amongst politicians to amend existing legislation on Sunday trading.

3.4 Members will wish to note however that a provision exists under Article 6 of the current legislation which allows District Councils to designate any area within the district as a ‘holiday resort’ and that large shops in designated holiday resort areas may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September.

- 3.5 The following towns - Portrush, Portstewart, Ballycastle, Newry and Kilkeel - and the entire former Derry City Council area have all been designated as 'holiday resorts' for this purpose over the past number of years.

Key Issues

Legislation

- 3.6 The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 replaced the Shops Act (NI) 1946 and brought the Northern Ireland shops law broadly into line with the corresponding law in England and Wales (the Sunday Trading Act 1994).

The 1997 Order (copy attached at Appendix 1):

- removes the 1946 Acts restrictions on the goods which may be sold in shops on Sunday
 - allows small shops (floor area not more than 280 sq m) to open at any time on a Sunday
 - allows most large shops (floor area greater than 280 sq m) to open between the hours of 1pm and 6pm on a Sunday (except for Easter Sunday or when a Christmas Day falls on a Sunday)
 - allows District Councils to designate any areas as holiday resorts; large shops in designated holiday resorts may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.
 - allows certain large shops to trade without restrictions on Sunday
 - gives District Councils powers to prevent undue annoyance to local residents from deliveries to certain large shops early on Sunday mornings; and
 - provides employment protection measures for shop employees in relation to Sunday working
- 3.7 The provision to allow District Councils to designate any areas as holiday resorts is outlined in Article 6 – Additional permitted Sunday opening hours for large shops in holiday resorts.
- Large shops within a designated holiday resort may open for retail trade at any time on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.
 - Any designation as a 'holiday resort' must be done by resolution of the Council.
 - Before making a designation the Council must first consult persons likely to be affected by the proposed designation.
 - The Council must publish notice of any such designation in such manner as it deems appropriate.
 - To make use of the exemption, the occupier or proposed occupier of a large shop must notify the

local District Council of the dates of the Sundays involved. The notification does not take effect until 14 days from the date it is given, unless the Council agrees that it should come into effect earlier.

- A Council must maintain a register of shops in its district making use of this exemption and make the register available to the public at all reasonable times.

Use by other Councils

- 3.8 A number of Councils have already designated areas within their district as 'holiday resorts' for the purpose of extending Sunday trading hours. Notably, Causeway Coast and Glens have designated Portrush, Portstewart and Ballycastle and Newry Mourne and Down have designated Newry and Kilkeel as 'holiday resorts' for this purpose. The former Derry City Council designated the entire Derry district area as a 'holiday resort' back in 1998. Whilst no applications for additional opening were received until 2013, during that year some 17 notifications were received coinciding with a city of culture event. It appears that Derry City and Strabane have received four notifications this year for additional permitted opening hours, three from the same business which has two shops in Derry City and one large store in Strabane town centre. In light of these applications Derry City and Strabane Council are considering whether to designate the entire council area as a holiday resort and have agreed to go out to consultation in the form of a public notice. There is no indication as to whether this has taken place.

Next steps – Belfast City Council

- 3.9 The Council may wish to examine in more detail the impact and benefits of designating the Belfast district area as a 'holiday resort' and extending Sunday trading hours during the months of March to October.
- 3.10 The baseline tourist / visitor figures show that Belfast is by far the most visited district of the 11 local government districts in Northern Ireland. It may be difficult to argue against such a designation given that a number of other councils have already designated their own areas as holiday resorts and others are looking into doing so.
- 3.11 Any proposal to designate the Belfast district as a 'holiday resort' in order to extend Sunday trading hours would be subject to consultation with such persons as may be affected by the designation. It is proposed that Members grant permission for officers to proceed to an initial consultation (by public notice) before a formal proposal is brought back to Committee for resolution or otherwise.

3.12 Financial & Resource Implications

There are no Financial and Human Resource implications attached to this report.

3.13 Equality or Good Relations Implications

As with any other policy development, any such proposal to designate the district as a holiday resort will require formal Equality Screening. Any good relations issues will need to be addressed following the consultation on any such proposal.”

The Committee adopted the recommendations.



Subject:	Update on the Recovery of Court Costs
Date:	15th February, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues
1.1	Members will recall that the issue of recovery of legal costs for prosecutions issued pursuant to the Local Government (Miscellaneous Provisions) (NI) Order 1985 has been raised on a number of occasions and, most recently, at your meeting on 18th January, whilst considering a report on Entertainments Licences where an applicant had been convicted of an offence.
1.2	The purpose of this report is to explain how the level of costs is established and agreed against the various types and quantities of cases that Legal Services deal with on a weekly basis in Belfast Magistrates' Court.
1.3	The report will also provide a basis to advise the Committee what the Council is seeking to do in order to try and address Members' concerns.
2.0	Recommendation
2.1	The Committee is requested to consider the content of the report and the key issues within.
3.0	Main report
	<u>Key Issues</u>
3.1	The recovery of legal costs is governed by the Magistrates' Courts (Costs in Criminal Cases) Rules (NI) 1988 ("the 1988 Rules"). Schedule 1 of the 1988 Rules provided that the maximum fees for solicitor and counsel was capped at £75, however, if the court thinks that, due to exceptional length, difficulty or complexity the maxima are insufficient, it may make a special order for greater sums, stating the reasons for doing so.

<p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<p>Schedule 1 was amended on 1st January 2013, by the Magistrates' Courts (Costs in Criminal Cases) (Amendment) Rules (Northern Ireland) 2012, to remove the upper limits set by Schedule 1 of the 1988 Rules. Schedule 2 details the amounts payable in connection with the attendance of witnesses, travel costs, loss of earnings, other costs and expert witness fees.</p> <p>In the case of Re Caffrey's Application (2000) NI 17, it was established that a prosecuting body can only recover costs in relation to the prosecution of the case and not investigation costs. It was held that the prosecutor should serve, in advance of the hearing, a full statement detailing the legal costs and expenses, and the defendant can give proper notice of his intention to dispute any part of the costs. The prosecutor must specify what costs are claimed as legal fees under Schedule 1 and what relate to professional and expert witness expenses under Schedule 2 (the latter being subject to an absolute ceiling) so that the Judge can assess costs in relation to legal fees, professional and expert witnesses and ordinary witnesses, and then impose such amount for costs against the defendant as is proper.</p> <p>In terms of application for costs in court, the established custom and practice has been that the Council is awarded £50 in each case as a contribution towards legal costs, in addition to any court fees, for example, the fee for a process server to serve the summons.</p> <p>On average, Legal Services can prosecute up to 30 cases each week in the Magistrates' Court. The majority of those cases are relatively straightforward, although there are a number of cases which are technically complex. The number of complex cases can vary widely, but typically those which Legal Services spend more time preparing are those relating to breaches of Entertainments Licences, Health and Safety, Food Safety, illegal evictions, and breaches of the Building Regulations.</p> <p>The Divisional Solicitor has agreed to undertake a comprehensive review of this matter in conjunction with the Assistant Director of City and Neighbourhood Services Department and the Director of Planning and Place, to determine the appropriate standard fee for prosecutions. In the interim, Legal Services will apply for increased legal fees in respect of any technically complex or time consuming prosecutions where it is considered appropriate to do so.</p> <p><u>Financial and Resource Implications</u></p> <p>3.7 There are no financial and resources issues associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.8 There are no equality or good relations issues associated with this report.</p>
<p>5.0</p>	<p>Documents Attached</p>
	<p>None</p>