

# Public Document Pack

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



**Belfast  
City Council**

8th December, 2017

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 13th December, 2017 at 5.00 pm., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

## **AGENDA:**

1. Routine Matters
  - (a) Apologies
  - (b) Minutes
  - (c) Declarations of Interest
2. Delegated Matters
  - (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
  - (b) Applications for the Renewal of Annual Indoor Entertainments Licences - AM:PM/St. Paul's GAC (Pages 7 - 20)
  - (c) Application for the Variation of an Annual Indoor Entertainments Licence - Belfast Telegraph Printworks, 122-124 Royal Avenue (Pages 21 - 36)

- (d) Application for the Renewal of an Annual Indoor Entertainments Licence - Hawthorn Bar, 1-3 Hawthorn Street (Pages 37 - 62)
- (e) Consideration of Designating Resolutions for Street Trading Sites (Pages 63 - 106)

3. **Non-Delegated Matters**

- (a) Update on Premises Licensed to Provide Entertainment beyond 1.00 a.m. (Pages 107 - 118)



<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	13th December, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of 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.
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main Report</b>			
	<b><u>Key Issues</u></b>			
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting:			
	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>	<b>Applicant</b>
	Alexandra Park, (Marquee and Outdoor) Castleton Gardens, Belfast, BT15 3BY	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Botanic Gardens, (Marquee and Outdoor) Stranmillis Embankment, Belfast, BT7	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Boucher Road Playing Fields, (Marquee and Outdoor) Belfast, BT12 6E	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	C.S Lewis Square, Holywood Arches, Newtownards Road, Belfast, BT4 1HE	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Cathedral Park, (Marquee and Outdoor) Academy Street, Belfast, BT1	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Falls Park, (Marquee and Outdoor) Falls Road, Belfast	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Ormeau Park, (Marquee and Outdoor) Ormeau Embankment, Belfast, BT7	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Waterworks Park, (Marquee and Outdoor) Cavehill Road, Belfast, BT14 6NG	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Woodvale Park, (Marquee and Outdoor) Woodvale Road, Belfast, BT13 3BW	Renewal	Sun - Sat: 11.30 - 23.00	BCC
	Donegall Pass Community Centre, Apsley Street, Belfast, BT7 1BL	Renewal	Sun - Sat: 08.00 - 01.00	BCC
	Falls Bowling Pavilion, Falls Park, Falls Road, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	BCC

Hammer Main Hall, Agnes Street, Belfast, BT13 1GG	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Ardoyne Community Centre, 40 Herbert Street, Belfast, BT14 7FE	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS	Renewal	Sun - Sat: 11.30 - 23.00	BCC
Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 11.30 - 03.00	Regency Hotel (NI) Limited
The Doyen, 829-831 Lisburn Road, Belfast, BT9 7GY	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Regency Hotel (NI) Limited
Ballymacarrett Recreation Centre, Ballymacarrett Walkway, Belfast, BT4 1SX	Renewal	Sun - Sat: 08.00 - 01.00	Ms. Amanda Irvine
Bar Berlin, 265 Shankill Road, Belfast, BT13 1FR	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms. Rebecca Pollock
Beehive Bar, 193-195 Falls Road, Belfast, BT12 6FB	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Downview Inns Limited
Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH	Renewal	Sun - Sat: 08.00 - 01.00	Belfast Waterfront and Ulster Hall Limited
Bullitt Hotel, (Indoor and Outdoor) 40A Church Lane, Belfast, BT1 4QN	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Cathedral Leisure Limited
The Dirty Onion and Yard Bird, 42 Waring Street, Belfast, BT1 2ED	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Cathedral Leisure Limited
The National Grande Cafe Bar and Sixty6, 62-68 High Street, Belfast, BT1 2BE	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri: 11.30 - 03.00 Sat: 00.00 - 03.00	Cathedral Leisure Limited
Campbell College, Belmont Road, Belfast	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 11.30 - 01.00	Mr. Wayne Harper
Cregagh Sports Club, 3 Gibson Park Avenue, Belfast, BT6 9GL	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. David Cochrane
Cresta Golf and Social Club, 156-158 Castlereagh Road, Belfast, BT5 5FT	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Mervyn H. Hamilton
Crumlin Star Social Club, 2-20 Balholm Drive, Belfast, BT14 7NA	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Patrick McGlinchey

Dan's Bar, 221-223 Springfield Road, Belfast, BT12 7DD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	MMK (Belfast) Limited
Glen Park, 12-18 Ardoyne Avenue, Belfast, BT14 7DA	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms. Dorothea Burns
Knockbreda Parish Church Hall, Purdy's Lane, Newtownbreda, Belfast, BT8 6AR	Renewal	Mon - Sat: 10.00 - 00.00	Mrs. Wilma Chrusciak
Larionad An Droichid, 20 Cooke Street, Belfast, BT7 2EP.	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Sean Hayes
Ligoniel Sports and Social Club, 186a Ligoniel Road, Belfast, BT14 8DT	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. James Sullivan
Love and Death Inc, 10a Ann Street, Belfast, BT1 4EF	Renewal and Transfer	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 03.00	Maclad Limited
Maddens Bar, 74 Berry Street, Belfast, BT1 1JE	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr. Brian McMullan
RBAI Common Hall, Royal Belfast Academical Institute, College Square East, Belfast, BT1 6DL	Renewal	Sun - Sat: 08.00 - 01.00	Royal Belfast Academical Institute
St Johns Church Halls, 141 Malone Road, Belfast, BT9 6SX	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. Robert McKinney
St Malachy's College, College Hall, 36 Antrim Road, Belfast, BT15 2AE	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs. Lois Stewart
The Errigle Inn, 312-320 Ormeau Road, Belfast, BT7 2GE	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Mr. Phillip McGurran
West Belfast Sports and Social Club, 370 Falls Road, Belfast, BT12 6DG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. John Hughes

3.2 Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licence was issued since your last meeting.

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Boucher Crescent (lamp post No.16)	Stationary	Hot food and non- alcoholic beverages	Mon – Sat: 6.00 – 18.00	Mr. Hakan Sen

	<p><b><u>Financial and Resource Implications</u></b></p>
3.3	None
	<p><b><u>Equality or Good Relations Implications</u></b></p>
3.4	There are no equality and good relations issues.
<b>4.0</b>	<b>Documents Attached</b>
	None

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<b>Subject:</b>	<b>Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions – AM:PM/St. Paul’s GAC</b>
<b>Date:</b>	13th December, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider applications for the renewal of Indoor Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985 (the Order) within the previous five years.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented, you are required to consider the applications and to:-</p> <ol style="list-style-type: none"> <li>1. approve the applications, or</li> <li>2. should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.</li> </ol>

<b>3.0</b>	<b>Main Report</b>																		
3.1  3.2	<b><u>Key Issues</u></b>																		
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 within the Council's Scheme of Delegation.																			
However, as each 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 applications.																			
<table border="1"> <thead> <tr> <th data-bbox="272 539 496 640"><b>Premises and Location</b></th> <th data-bbox="496 539 683 640"><b>Applicant</b></th> <th data-bbox="683 539 871 640"><b>Application Type</b></th> <th data-bbox="871 539 1246 640"><b>Offence Details</b></th> <th data-bbox="1246 539 1457 640"><b>Date of Conviction and Penalty</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="272 640 496 1115"> <b>St Paul's GAC</b>  98c Shaw's Road Belfast BT11 8LN </td> <td data-bbox="496 640 683 1115"> Caroline McLaughlin </td> <td data-bbox="683 640 871 1115"> Renewal </td> <td data-bbox="871 640 1246 1115"> <p style="text-align: center;"><b>28 March 2015</b></p> Entertainment taking place in an area (1st Floor) not covered by the Entertainments Licence; The appropriate pre-entertainment checks had not been completed prior to entertainment taking place; A games machine was obstructing a final exit; and The main entrance door was not being manned. </td> <td data-bbox="1246 640 1457 1115"> <p style="text-align: center;"><b>10 November 2015</b></p> 12 months Conditional Discharge and ordered to pay court costs of £69. </td> </tr> <tr> <td data-bbox="272 1115 496 1830"> <b>AM:PM</b>  38-44 Upper Arthur Street Belfast BT1 4GH </td> <td data-bbox="496 1115 683 1830"> AM:PM Limited </td> <td data-bbox="683 1115 871 1830"> Renewal </td> <td data-bbox="871 1115 1246 1830"> <p style="text-align: center;"><b>20<sup>th</sup> May 2016</b></p> Rear final escape door was obstructed; Rear escape stair was obstructed; Rear escape corridor on the ground floor was obstructed; Fire door was held open on the ground floor escape route; All escape routes, including stairways, were not maintained with non-slippery and even surfaces; Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence; and The Entertainments Licence was not being displayed. </td> <td data-bbox="1246 1115 1457 1830"> <p style="text-align: center;"><b>On appeal: 6 January 2017</b></p> £2750 and £66 Court costs.  Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each.  Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750. </td> </tr> </tbody> </table>	<b>Premises and Location</b>	<b>Applicant</b>	<b>Application Type</b>	<b>Offence Details</b>	<b>Date of Conviction and Penalty</b>	<b>St Paul's GAC</b>  98c Shaw's Road Belfast BT11 8LN	Caroline McLaughlin	Renewal	<p style="text-align: center;"><b>28 March 2015</b></p> Entertainment taking place in an area (1st Floor) not covered by the Entertainments Licence; The appropriate pre-entertainment checks had not been completed prior to entertainment taking place; A games machine was obstructing a final exit; and The main entrance door was not being manned.	<p style="text-align: center;"><b>10 November 2015</b></p> 12 months Conditional Discharge and ordered to pay court costs of £69.	<b>AM:PM</b>  38-44 Upper Arthur Street Belfast BT1 4GH	AM:PM Limited	Renewal	<p style="text-align: center;"><b>20<sup>th</sup> May 2016</b></p> Rear final escape door was obstructed; Rear escape stair was obstructed; Rear escape corridor on the ground floor was obstructed; Fire door was held open on the ground floor escape route; All escape routes, including stairways, were not maintained with non-slippery and even surfaces; Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence; and The Entertainments Licence was not being displayed.	<p style="text-align: center;"><b>On appeal: 6 January 2017</b></p> £2750 and £66 Court costs.  Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each.  Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750.				
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Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.																			

	<p><b><u>Application History</u></b></p>
3.3	<p>Previous applications for the aforementioned premises were considered by the Committee as follows:</p>
	<p><b>St Paul's GAC</b></p>
3.4	<p>This is the third time an application for the premises has been considered by the Committee since being convicted of the offences on 10th November, 2015.</p>
3.5	<p>The previous renewal applications were considered by the Committee, in relation to these convictions on 14th December, 2016 and 19th August 2015 and, after consideration, you agreed to renew the Entertainments Licence.</p>
3.6	<p>Since you last considered the application the premises have been subject to one further during performance inspection as well as a renewal inspection. The premises were satisfactory and management procedures were being implemented effectively.</p>
	<p><b>AM:PM</b></p>
3.7	<p>This is the second time an application for the premises has been considered by the Committee since the applicant was convicted on 6 January 2017.</p>
3.8	<p>The previous renewal application was considered by the Committee on 18 January this year and, after consideration, you agreed to renew the Entertainments Licence.</p>
3.9	<p>Since you last considered the application the premises have been subject to two further during performance inspections as well as a renewal inspection. The premises were satisfactory and management procedures were being implemented effectively.</p>
	<p><b><u>Representations</u></b></p>
3.10	<p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.</p>
	<p><b><u>PSNI</u></b></p>
3.11	<p>The PSNI has been consulted and has confirmed that it has no objections to the applications. A copy of each of its responses is attached at Appendix 1.</p>
	<p><b><u>NIFRS</u></b></p>
3.12	<p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.</p>
	<p><b><u>Applicants</u></b></p>
3.13	<p>The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their applications. Copies of the respective application forms for the premises are attached at Appendix 2.</p>
	<p><b><u>Financial and Resource Implications</u></b></p>
3.14	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p>

3.15	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – PSNI Correspondence</p> <p>Appendix 2 – Application Forms</p>

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<b>Subject:</b>	<b>Application for the Variation of an Annual Indoor Entertainments Licence - Belfast Telegraph Printworks, 124-144 Royal Avenue</b>
<b>Date:</b>	13th December, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext 6446

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
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After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an application for the variation of the Seven-Day Annual Indoor Entertainments Licence for the Ground Floor of the former Belfast Telegraph Printworks, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table style="width: 100%; margin-top: 20px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Belfast Telegraph Printworks 124-144 Royal Avenue Belfast BT1 1ND</td> <td>WK/201701400</td> <td>Mr Alan Simms The Limelight Belfast Limited  17 Ormeau Avenue Belfast, BT2 8HD</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Belfast Telegraph Printworks 124-144 Royal Avenue Belfast BT1 1ND	WK/201701400	Mr Alan Simms The Limelight Belfast Limited  17 Ormeau Avenue Belfast, BT2 8HD
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Belfast Telegraph Printworks 124-144 Royal Avenue Belfast BT1 1ND	WK/201701400	Mr Alan Simms The Limelight Belfast Limited  17 Ormeau Avenue Belfast, BT2 8HD					
1.2	A copy of the application form is attached at Appendix 1.						

1.3	The nature of the variation is to extend the hours during which entertainment may be provided from 1.00 a.m. to 3.00 a.m. the following morning from Monday to Sunday.
1.4	Members are reminded that the normal process for dealing with Entertainments Licence applications, which are not the subject of objections, is that the Director of Planning and Place will grant the licence as provided for in the Council's Scheme of Delegation.
1.5	However, given that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 a.m., the application is being presented to you for consideration.
1.6	A location map is attached at Appendix 2.
<b>2.0</b>	<b><u>Recommendations</u></b>
2.1	Taking into account the information presented and representations received in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence, or</li> <li>2. approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence with special conditions, or</li> <li>3. refuse the application for the variation of the Seven-Day Annual Indoor Entertainments Licence.</li> </ol>
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.
2.3	Should the Committee decide to refuse the variation application and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Members will recall that, at your meeting on 18th October, after hearing representation from the applicant, the Committee agreed to grant a Seven-Day Annual Indoor Entertainments Licence for the Belfast Telegraph Printworks.
	<b><u>Planning Permission</u></b>
3.2	Further to consideration at the Licensing Committee, the application for temporary change of use for the former print hall to an event space was considered by the Planning Committee at their meeting of 14th November.
3.3	The Committee was advised that planning permission was sought for a one-year period to ensure compatibility with potential future developments. The Committee granted approval.

### **Variation Application**

- 3.4 An application for a variation of licence, to extend the hours during which entertainment may be provided, from 1.00 a.m. to 3.00 a.m. the following morning, from Monday to Sunday, has been received for the ground floor of the former Belfast Telegraph Printworks from Mr. Alan Simms of Limelight Belfast Limited.
- 3.5 Mr Simms is the licensee for Katy Dalys, Limelight, and Limelight 2, 17-21 Ormeau Avenue and is also the event promoter for Belsonic.
- 3.6 The areas currently licensed to provide indoor entertainment for the Belfast Telegraph Printworks are the:
- Main Hall, with a maximum capacity of 1870 persons
  - Room 2, with a maximum capacity of 460 persons
  - Bar Area and Lobby, with a maximum capacity of 300 persons
- 3.7 The days and hours during which the premises are currently licensed to provide entertainment are:
- Monday to Sunday: 7.00 p.m. to 1.00 a.m. the following morning.
- 3.8 The applicant proposes to provide entertainment in the form of DJ's and live bands. During these occasions they will operate a public bar facility via an Occasional Liquor Licence
- 3.9 The days and hours during which the applicant proposes to provide entertainment are:
- Monday to Sunday: 7.00 p.m. to 3.00 a.m. the following morning.

### **Reasons for the Variation**

- 3.10 The main reason the applicant has applied to extend the hours of entertainment is to provide entertainment in line with the operation of other city centre licensed premises which offer similar entertainment.
- 3.11 The applicant states there is an expectation amongst young people that certain events should end at 3.00 a.m. He advises that his patrons do not feel that a 1.00 a.m. finish time is value for money. This is particularly true for customers travelling from other countries with more relaxed licensing laws.
- 3.12 The applicant further advises that the additional hours will help them attract more international acts to the City as many of the acts they bring to NI are required to perform two Irish shows in one night to make the trip feasible. The extended hours will therefore facilitate the standard minimum two-hour performance in Belfast and a two-hour trip from an earlier gig in Dublin.
- 3.13 A copy of the applicant's submission is attached at Appendix 3.

### **Representations**

- 3.14 Notice of the application has been advertised and no written representations have been received.

<p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p>	<p><b><u>PSNI</u></b></p> <p>The Police Service Northern Ireland has been consulted in relation to the application and has confirmed that it has no objections to the application. A copy of it response is attached at Appendix 4.</p> <p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections. They will be kept informed and consulted on any potential future events at the venue.</p> <p><b><u>Health, Safety and Welfare Inspections</u></b></p> <p>The premises have been subject to inspections as part of the Entertainments Licence application process and the building works carried out under the Building Regulations application.</p> <p>Additionally, Officers of the Service were present throughout the events held on Saturday 30th September and a recent event on Friday 24th November. Officers were satisfied that all safety measures and management procedures were in place to protect the public, performers and staff.</p> <p><b><u>Noise Issues</u></b></p> <p>An acoustic report outlining the measures to be taken when entertainment is being provided has previously been assessed by EPU and these measures have been implemented to minimise disturbance to neighbouring premises.</p> <p>No complaints have been received in relation to the events held on 30th September and 24th November. Officers will continue to engage with EPU for each event being proposed.</p> <p><b><u>Applicant</u></b></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Rationale submission from the applicant</p> <p>Appendix 4 – PSNI Correspondence</p>

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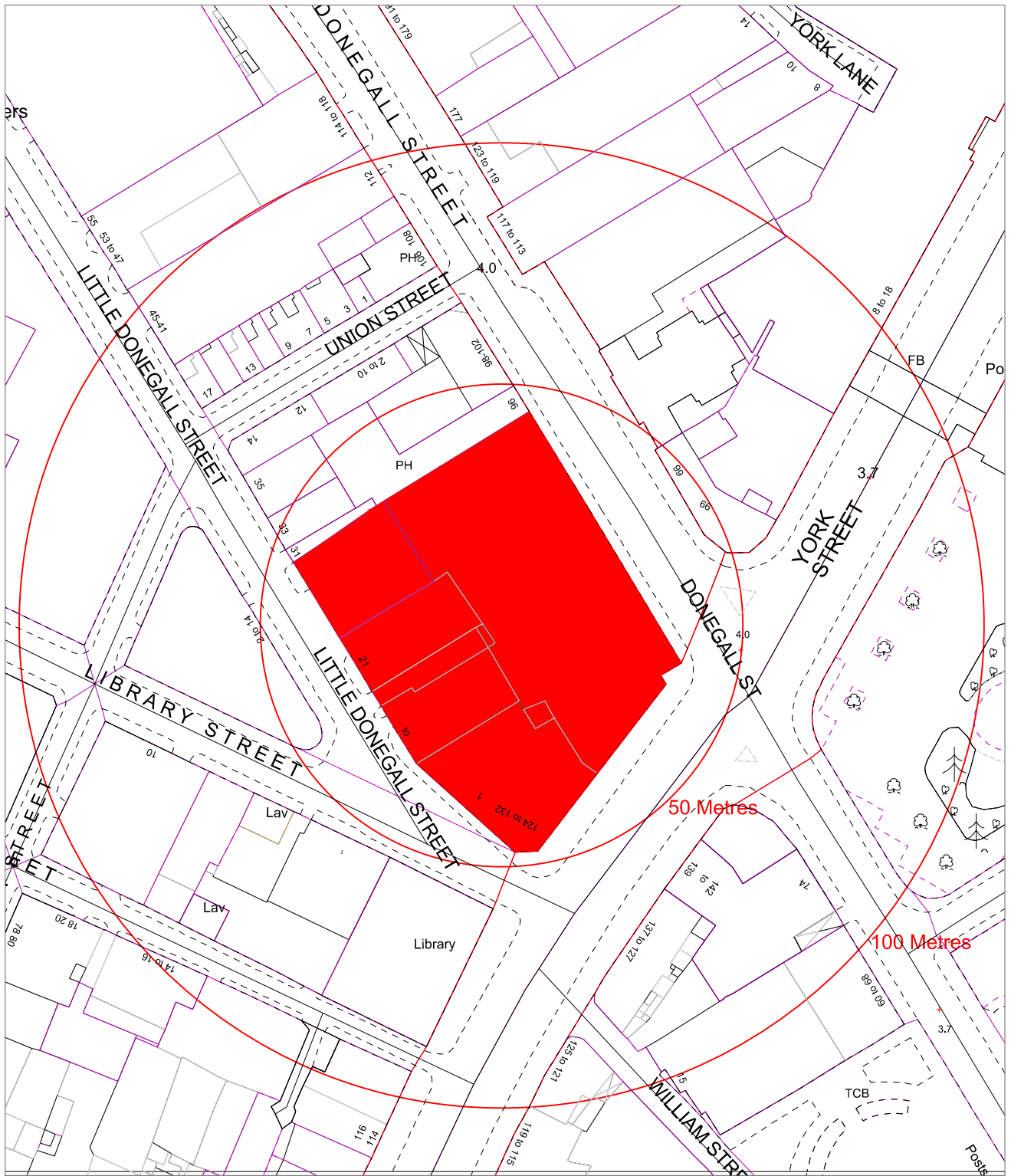
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# Building Control Service

Belfast Mapping Data v3.0  
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## Appendix 2



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<b>Subject:</b>	<b>Application for the Renewal of an Annual Indoor Entertainments Licence - Hawthorn Bar, 1-3 Hawthorn Street</b>
<b>Date:</b>	13th December 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Building Control Manager, ext. 6446

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an application for the renewal of a Seven-Day Annual Indoor 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.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ</td> <td>WK/201701273</td> <td>Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201701273	Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201701273	Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU					
1.2	Members are reminded that objections were received from local residents regarding the initial grant application. However, in the lead up to your meeting on 15th March 2017, an agreement was reached between all parties that the objections would be withdrawn, subject						

1.3	to the applicant agreeing to a number of conditions of licence. As a result, you agreed to grant the Entertainments Licence for a period of six months.
1.4	A copy of the minute of the meeting of 15th March is attached at Appendix 1.
1.5	A location map is attached at Appendix 2.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Taking into account the information presented and representations received in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. approve the application for the renewal of the Seven-Day Annual Entertainments Licence, or</li> <li>2. approve the application for the renewal of the Seven-Day Annual Entertainments Licence with special conditions, or</li> <li>3. refuse the application for the renewal of the Seven-Day Annual Entertainments Licence.</li> </ol>
<b>2.2</b>	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.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	The areas currently licensed to provide indoor entertainment are the: <ul style="list-style-type: none"> <li>• Ground floor bar with a maximum capacity of 40 persons.</li> </ul>
3.2	The days and hours during which the premises are currently licensed to provide entertainment, are: <ul style="list-style-type: none"> <li>• Thursday to Saturday: 11.30 a.m. to 1.00 a.m.</li> </ul>
3.3	Following your meeting on 15th March, the following special conditions were attached to the licence: <ol style="list-style-type: none"> <li>1. the licence will operate for a period of six months;</li> <li>2. entertainment will be restricted to a Thursday, Friday and Saturday, with the hours of operation being 11.30 a.m. to 1.00 a.m. the following morning;</li> <li>3. a maximum of 40 persons will be permitted in the ground floor bar whilst entertainment is taking place;</li> <li>4. the licensee will attend meetings, as and when required, with the Police Service of Northern Ireland and representative groups drawn from local residents, with those to be chaired by Council officers;</li> <li>5. the licensee will proactively clean around the perimeter of the premises;</li> <li>6. the licensee will ensure that bottles and glasses are not disposed of by staff at closing times;</li> </ol>

7. the licensee will provide residents with a direct point of contact and the contact number of the person responsible for managing door staff;
8. the licensee will erect and maintain signage inside the premises and in the rear external area requesting patrons to respect local residents and keep noise levels to a minimum;
9. the licensee will ensure compliance with the requirements of the Noise Report, to the satisfaction of the Council, and the Entertainments Licence will be issued only when all technical matters have been addressed; and
10. taxi notices will be kept and maintained on the premises and will warn patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action, if necessary, to enforce that requirement.

**Representations**

3.4 As a result of the application to renew the licence both the original objectors and the PSNI initially advised that they wished to object to the application. Several meetings have been held with all parties and both the PSNI and the residents have confirmed that they wish to withdraw their objections.

**Objectors Representations**

3.5 A letter, signed by a number of residents of the area, has been received and a general summary of their representation is listed below including:

- serious concerns about the operation and management of the premises, which has caused serious distress for many years, given the fact the bar is located in a highly populated residential area;
- regular complaints have been made to PSNI and Belfast City Council in relation to the unacceptable level of noise in a built up residential area from noisy patrons, amplified music and taxi horns;
- concerns regarding the applicant complying with the law relating to the Liquor Licence and Entertainments Licence as they have been complaining that patrons have been drinking in the bar beyond their permitted hours;
- witnessing anti-social behaviour, public urination, alcohol consumption and sexual acts within the alleyways;
- residents have been subjected to verbal abuse and foul language from staff; and
- Concerns regarding vermin, rubbish and storage in the alleyway.

3.6 The letter also makes reference to the premises Liquor Licence and applications which Mr. McCann has made to the Court to renew the licence and to extend the permitted hours to 1.00 a.m., under Article 44 of the Licensing (NI) Order 1996. A copy is attached at Appendix 3

**PSNI**

3.7 The PSNI initially objected following inspections of the premises which found that the applicant was allegedly operating without a Liquor Licence after failing to renew his Liquor Licence. This is currently being investigated by the PSNI. A copy of its response is attached at Appendix 4.

3.8 Police Officers will be available at your meeting to answer any queries you may have in relation to the application.

	<p><b><u>Liaison meetings</u></b></p> <p>3.9 As stated, several meetings have taken place since Committee granted the premises an Entertainments Licence. The meetings were attended by PSNI, objectors and the applicant. One of the meetings was also attended by Councillor Tim Attwood.</p> <p>3.10 An agreement has been negotiated and an Action Plan developed, which all parties have signed up to. The Action Plan is based on a number of the previous conditions, together with additional conditions the PSNI and residents have requested to be included.</p> <p><b><u>Agreement</u></b></p> <p>3.11 The applicant has confirmed that he is willing to agree to the Action Plan and to the following conditions being attached to the terms and conditions of his Entertainments Licence. A copy of the Action Plan is attached at Appendix 5.</p> <ol style="list-style-type: none"> <li>1. The licensee must 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;</li> <li>2. The licensee must install and maintain a suitable CCTV system both internally and externally to the premises. The position of cameras must be in agreement with the PSNI and any footage must also be made available to them and/or the Council should it be required;</li> <li>3. The licensee must maintain signage internally and externally to the premises and provide announcements at the end of the night asking patrons to respect the residents in the area and keep noise to a minimum when leaving;</li> <li>4. The licensee must ensure that noise from entertainment and patrons does not cause unreasonable disturbance to residents in the neighbourhood;</li> <li>5. The licensee or a nominated responsible person shall be available during the whole time that the premises is open to the public, and shall be assisted by sufficient staff;</li> <li>6. Taxi notices must be maintained on the premises. The notices shall contain a warning to patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action if necessary to enforce that requirement;</li> <li>7. The licensee must regularly and proactively clean around the perimeter of the premises and ensure they cause no obstruction within the rear alleyways;</li> <li>8. The licensee must ensure patrons do not carry opened or unopened bottles or glasses off the premises at any time;</li> <li>9. The licensee must ensure bottles and glasses are not disposed of by staff at closing times;</li> <li>10. The licensee must maintain a regular point of contact for residents to relay any concerns they may have;</li> <li>11. Shutters outside final exit doors to be secured in open position to ensure that they will not impede escape; and</li> <li>12. All doors on means of escape to be free from restrictive fastenings other than panic bolt type mechanisms.</li> </ol>
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	<p><b><u>Committee Protocol</u></b></p> <p>3.12 As a result of the negotiations and the development of the Action Plan, both the objectors and PSNI have withdrawn their objections.</p> <p>3.13 The applicant and/or their representatives will be available at your meeting along with a delegation of objectors should you have any queries in relation to the application.</p> <p><b><u>Health, Safety and Welfare Issues</u></b></p> <p>3.14 A total of four during performance inspections have been carried out on the premises by Officers from the Service since your meeting on 15 March 2017. The inspections included monitoring and observations outside the premises. On each of these occasions no entertainment was taking place.</p> <p>3.15 As part of the renewal application process an inspection was carried out and all technical requirements and associated operational and management procedures were found to be satisfactory. The inspection also verified that noise measures previously stipulated are being managed effectively.</p> <p><b><u>NIFRS</u></b></p> <p>3.16 The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the Entertainments Licence being renewed.</p> <p><b><u>Noise Issues</u></b></p> <p>3.17 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of four noise complaints since your meeting on 15 March 2017. The complaints were received over two separate nights and related to loud entertainment music and patron voices from the premises.</p> <p>3.18 The Noise Team responded to two of the complaints and on both occasions the bar was closed and no noise was witnessed. On the other two occasions, the Noise Team were unable to respond to the other complaints received due to their workload and time constraints. Officers of the Building Control Service followed up with all parties thereafter.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.20 Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>3.21 There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Minute of meeting of 15th March  Appendix 2 – Location Map  Appendix 3 – Letter of objection from residents  Appendix 4 – PSNI Correspondence  Appendix 5 – Copy of Action Plan</p>

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full. He concluded by stating that his mother had since died and that he now wished to commence trading again.

The Chairperson thanked Mr. Seenan for his contribution.

The Committee agreed, in its capacity as Licensing Authority, to grant to Mr. T. Seenan a Mobile Street Trading Licence permitting him to sell from a van confectionery, ice cream, groceries and non-alcoholic beverages from Monday to Sunday between the hours of 12.00 p.m. and 9.00 p.m. in the Andersonstown, Dunmurry, Finaghy, Ladybrook, Poleglass, Suffolk, Turf Lodge and Twinbrook areas of the City.

**Application for the Grant of a Seven-Day Annual Entertainments Licence - The Hawthorn Bar, 1- 3 Hawthorn Street**

The Building Control Manager submitted for the Committee's consideration the following report:

**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**

<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>
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 has been circulated to the Committee.**

**1.4 A location map of the premises has been forwarded to Members.**

**2.0 Recommendations**

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

- 1. approve the application for the Grant of the Seven-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

Key Issues

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.

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.

3.3 A copy of the petition of objection has been circulated to the Committee.

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:

- the premises are situated in a highly populated residential area;
- the premises already offer live entertainment without a licence; and
- the number of patrons, music and taxis already create an unacceptable, problematic amount of noise in this residential area.

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 the Council. They also state that many of the issues have not yet been resolved; despite promises made by the applicant.

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.

**Liaison Meetings**

- 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.
- 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.
- 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.
- 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.

**Objectors' Representation**

- 3.11 The objectors Representation Forms have been forwarded to Members and they have been provided to the applicant, as required by the protocol.
- 3.12 In general, the representations relate to concerns as follows:
- 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; and
  - problems with vermin, rubbish and storage in the alleyway.
- 3.13 Further to providing the objectors with a copy of the applicants' Representation Form, they each submitted a counter representation with additional supporting information.
- 3.14 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 have been made available to the Committee.

- 3.15 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.
- 3.16 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.

Applicant's Representation

- 3.17 The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response has been circulated to the Committee. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.
- 3.18 The applicant's Representation Form has also been provided to the objectors, as required by the protocol.
- 3.19 A summary of the applicant's representation is as follows:
- 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
- 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 six-month period and allow the Committee to restrict the nights permitted for entertainments to only a Thursday, Friday and Saturday.

3.22 He has also advised officers that he will implement the following changes to help ease residents' concerns:

- cleaning around the perimeter of the premises;
- ensure bottles and glasses are no longer permitted to be disposed of by staff at closing times; and
- 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.

#### Details of the Premises

3.25 The area the applicant wishes to be licensed to provide entertainment is the:

- Ground floor bar with a maximum capacity of 40 persons.

3.26 The days and hours during which the applicant wishes to provide entertainment are:

- Monday to Saturday: 11.30 am to 1.00 am and
- Sunday: 12.30 pm to midnight

3.27 The applicant is also agreeable to the inclusion of the following special conditions to the Entertainments Licence:

1. the licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to entertainments licensing; and
2. no amplified music to be played on the premises.

**PSNI**

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 has been circulate to Members. 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.

Health, Safety and Welfare Inspections

- 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 has been circulated to the Committee.

NIFRS

- 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.
- 3.41 Allegations regarding the premises have also been forwarded to it for investigation and it has confirmed that it has observed no breaches in relation to fire safety. A copy of its correspondence has been forwarded to the Committee.

**Noise Issues**

- 3.42 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.
- 3.43 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.
- 3.44 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.
- 3.45 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.
- 3.46 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.
- 3.47 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, which has been circulated to the Committee.

**Cleansing**

- 3.48 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.
- 3.49 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.

**Financial and Resource Implications**

- 3.50 Officers carry out monitoring inspections on premises receiving complaints but this is catered for within existing budgets.**

**Equality and Good Relations Implications**

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

The Building Control Manager circulated for the Committee's information a document setting out ten conditions which had been drafted by officers of the Building Control Service in the lead up to the meeting. The applicant had agreed to adhere to those conditions, should his application be approved and they had, subsequently, been approved by the objectors to the application. In summary, the applicant had accepted that an Entertainments Licence would be granted for a period of six months and would permit him to provide entertainment till 1.00 a.m. on a Thursday, Friday and Saturday night for up to a maximum of forty patrons within the ground floor bar. In addition, he would be obliged to attend meetings, when required, with representatives of the Council, the Police Service of Northern Ireland and the local community, to provide relevant contact details and to implement measures in relation to cleaning, bottle and glass disposal and noise minimisation.

The Committee was informed that Mr. P. McCann, the applicant, together with Mr J. McGuigan, his licensing consultant, were in attendance and they were welcomed by the Chairperson.

Mr. McGuigan informed the Committee that Mr. McCann had no issues with the ten conditions, as proposed, being attached to his Entertainments Licence, should it be granted, and that he would comply fully with those.

The Chairperson then welcomed Mr. T. McShane and Ms. R. Shannon, two objectors to the application.

Ms. Shannon informed the Members that she and Mr. McShane were acting on behalf of objectors to the application, all of whom lived in the streets surrounding the Hawthorn Bar. She explained that, following consultation with those objectors, a decision had been taken, in view of the significant stress which had been placed upon the local community throughout the application process, to withdraw their objection and to accept the proposed conditions, although it was regrettable that the issues which they had highlighted consistently in the past could not have been addressed at an earlier stage. Having held discussions with officers of the Building Control Service, the objectors had been reassured that, should the Entertainments Licence be granted with the ten conditions attached, it would form the basis for resolving those issues.

Mr. T. McShane then outlined the difficulties which had been faced by residents living around the Hawthorn Bar over the years and the efforts which they had made to

have them addressed, following which he and Ms. R. Shannon were thanked by the Chairperson.

During discussion, the Building Control Manager confirmed that, should the licence be granted and problems still occur, residents would, in the first instance, be encouraged to contact the licensee, with a view to having those resolved. Should that approach fail, Council officers would facilitate a meeting between both parties. In addition, the premises would be monitored on a regular basis by officers of the Building Control and the Night Time Noise Services and any issues which had been identified over the term of the Entertainments Licence would be brought to the Committee's attention when it was due for renewal.

After further discussion, the Committee agreed, in its capacity as Licensing Authority, to grant a Seven-Day Annual Entertainments Licence for the Hawthorn Bar, 1– 3 Hawthorn Street, with the following conditions, as agreed by the applicant and the objectors, being attached:

- (i) the licence will operate for a period of six months;
- (ii) entertainment will be restricted to a Thursday, Friday and Saturday, with the hours of operation being 11.30 am to 1.00 am. the following morning;
- (iii) a maximum of 40 persons will be permitted in the ground floor bar whilst entertainment is taking place;
- (iv) the licensee will attend meetings, as and when required, with the Police Service of Northern Ireland and representative groups drawn from local residents, with those to be chaired by Council officers;
- (v) the licensee will proactively clean around the perimeter of the premises;
- (vi) the licensee will ensure that bottles and glasses are not disposed of by staff at closing times;
- (vii) the licensee will provide residents with a direct point of contact and the contact number of the person responsible for managing door staff;
- (viii) the licensee will erect and maintain signage inside the premises and in the rear external area requesting patrons to respect local residents and keep noise levels to a minimum;
- (ix) the licensee will ensure compliance with the requirements of the Noise Report, to the satisfaction of the Council, and the Entertainments Licence will be issued only when all technical matters have been addressed; and

- (x) taxi notices will be kept and maintained on the premises and will warn patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action, if necessary, to enforce that requirement.

#### **Update on an Appeal against the Refusal of an Amusement Permit - Players, 22-23 Shaftsbury Square**

The Building Control Manager reminded the Committee that, at its meeting on 21st September, 2016, it had agreed to refuse an application by KB Shaft Limited for the grant of an Amusement Permit in respect of Players, 22 – 23 Shaftsbury Square. That decision had been taken on the grounds that the application had failed to comply with two of the five criteria set out within the Council’s Amusement Permit Policy in terms of (i) the cumulative build-up of amusement arcades in a particular location and (ii) the impact of the arcade upon the image and profile of Belfast.

He explained that, following that decision, a Notice of Appeal had been lodged on behalf of the applicant with the County Court and that the appeal had, on 5th January, been brought before Judge Devlin to allow for papers to be served upon the relevant parties. Judge Devlin had agreed to list the case for review on 16th January, to allow sufficient time for an application by Oasis Retail Services Limited for a judicial review of the Committee’s decisions of 19th March and 6th October, 2014, to grant Amusements Permits for Mavericks, 24 – 28 Bradbury Place and Onassis Amusements, 25 – 41 Botanic Avenue, respectively, to be determined.

The Building Control Manager reminded the Committee that the judge who had heard the application by Oasis Retail Services Limited had, on 17th January, ruled in favour of the Council. Following that ruling, KB Shaft Limited’s legal representative had confirmed that their client would be withdrawing their appeal against the Committee’s decision to refuse the application for the grant of an Amusement Permit for its premises in Shaftsbury Square and that it would meet the Council’s legal costs.

The Committee noted the information which had been provided.

#### **Non-Delegated Matters**

##### **Proposed Extension of Sunday Trading Hours**

The Committee was reminded that the Strategic Policy and Resources Committee, at its meeting on 21st October, 2016, had granted approval for the Council to consult, by way of a public notice, on designating the entire area of Belfast City Council or specific parts thereof as a ‘holiday resort’ under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997.

The Building Control Manager reported that the effect of that designation would be to extend the Sunday trading hours for large shops, of 280 m<sup>2</sup> or more, on up to 18 Sundays, other than on Easter Sunday, between 1st March and 30th September in any calendar year. The proposal had been made in response to calls, primarily by the Belfast Chamber of Trade and Commerce, to improve the tourism offering in Belfast,

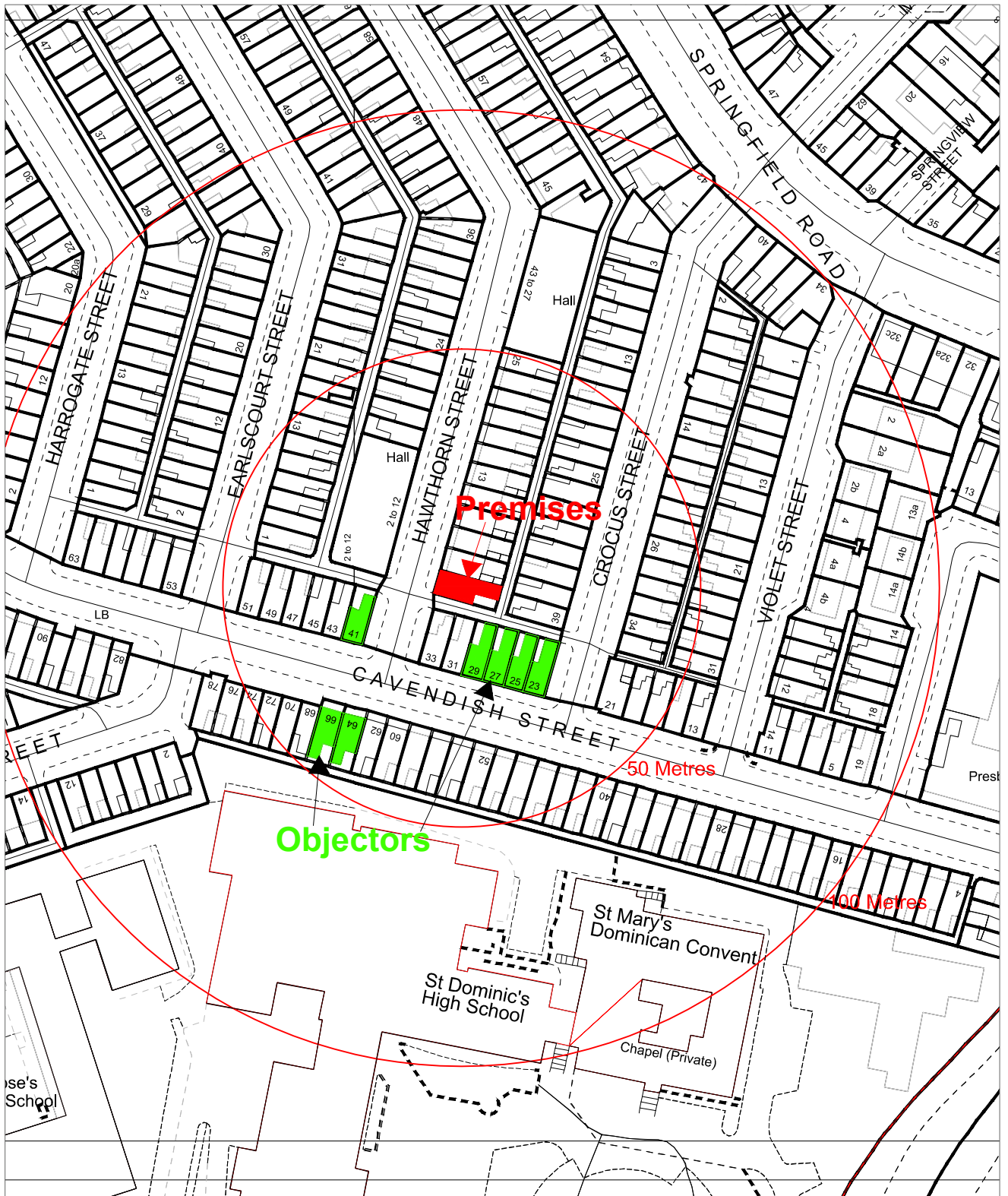
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# Building Control Service

Belfast Mapping Data v3.0  
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## Appendix 2



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<b>Subject:</b>	<b>Consideration of Designating Resolutions for Street Trading Sites</b>
<b>Date:</b>	13th December, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext 6446

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	Members will recall that, at your meeting on 19th April, you granted approval to initiate the statutory process for the designation of a number of new Street Trading Sites across the City, which have been identified as a result of applications or expressions of interest received from individuals wishing to trade from new sites.
1.2	At that meeting, the Committee also granted approval to initiate the statutory process for the variation of the commodities and services which are permitted to be offered at a number of other designated sites that are already licensed.
1.3	Members will also recall that, at your meeting of 21 June, a further report was presented to you as the Department for Communities, landowner of Blackstaff Square, had written to the Council requesting that the street trading pitch within Blackstaff Square be rescinded.

1.4	The Committee subsequently granted approval to initiate the statutory process for the rescinding of the designating resolution for the site in Blackstaff Square.
1.5	However, immediately following the June decision, the Department asked that this decision be reversed and there is now a licensed trader operating again at this site. This caused some delay in the process of Designation.
<b>2.0</b>	<b><u>Recommendations</u></b>
2.1	<p>Based on the information presented the Committee is requested to consider each proposal in turn and to decide whether to:</p> <ol style="list-style-type: none"> <li>1. approve a Designating Resolution to designate the whole street or part of the street (site/s), where it may allocate street trading pitches for Sites A-J. The Designating Resolution will include the operational date and may stipulate either: <ul style="list-style-type: none"> <li>• only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or</li> <li>• specified articles, things or services or classes of specified articles, things or services that are prohibited.</li> </ul> </li> <li>2. approve the variation of the Designating Resolution for sites K-N. The Designating Resolution will include the operational date and may stipulate either: <ul style="list-style-type: none"> <li>• only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or</li> <li>• Specified articles, things or services or classes of specified articles, things or services that are prohibited.</li> </ul> </li> <li>3. reverse your decision of 17 June regarding rescinding of the Designation of Blackstaff Square.</li> <li>4. decide not to proceed with any or all of the proposals.</li> </ol>
2.2	In addition to making any Designating Resolution, Members may, having considered all comments, record any reasonable conditions that should be applied to a subsequent licence. For example, these may include hours of trade, days of trade, duration of licence, etc.
2.3	Members are reminded that once the sites become designated you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.
2.4	At that time, you will assess the suitability and quality of the proposals and may decide to grant or refuse a licence within the requirements of the Act. Any Street Trading Licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.</p>



3.2	<p>The Street Trading Act (NI) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:</p> <ul style="list-style-type: none"> <li>b) PSNI, and</li> <li>c) Department for Infrastructure - Roads.</li> </ul>
3.3	<p>The Council may also consult other persons as it considers appropriate. Such consultees may include:</p> <ul style="list-style-type: none"> <li>a) Relevant Belfast City Council Departments;</li> <li>b) Belfast City Centre Management Company (BCCM);</li> <li>c) Nearby Street Trading Licence holders who may be affected; and</li> <li>d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.</li> </ul>
3.4	<p>Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.</p>
3.5	<p>Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and is therefore responding to the proposals at locations within this boundary only.</p>
3.6	<p>The purpose of this report is to enable the Committee to consider each of the proposals in conjunction with any submissions received and make a decision on whether or not to designate or vary the sites.</p>
3.7	<p>Each site is listed separately from A to N and indicated with their specific site location.</p>
3.8	<p>Where appropriate, the commodities are also considered in addition to a synopsis of the comments received during the consultation period. Copies of all the responses are attached to this report.</p>
3.9	<p>Maps and photographs of each location will be presented to you at your meeting.</p>
	<p><b><u>New Streets or part thereof</u></b></p>
	<p><b><u>Site A – Lisburn Road outside premises of Café Maud’s, 555 Lisburn Road.</u></b></p>
3.10	<p>The proposal is for ice-cream and non-alcoholic beverages. The site will operate during the day, from a refrigerated ice-cream cart operated by staff from Café Maud’s. The proposed site is 1.5 metres in length, operating at the front corner of the premises nearest the side lane.</p>
3.11	<p><b>PSNI</b> No objection.</p>
3.12	<p><b>DFI Roads</b> The Department have advised that this part of the footway is quite narrow because of the location of a street light. They also state that further obstruction, in the form of a street trading pitch, would not be appropriate at this location.</p>
3.13	<p><b>Published 28-day Notice</b> No responses were received to the notice.</p>

	<b><u>Site B – Balmoral Road, situated outside the former B&amp;Q site on the left-hand side of the road</u></b>
3.14	The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a food trailer. The site will operate during the day.
	<b>PSNI</b>
3.15	No objection.
	<b>DFI Roads</b>
3.16	No objection.
	<b>Published 28-day Notice</b>
3.17	No responses were received to the notice.
	<b><u>Site C – Oldpark Road, in lay-by 45ft from the junction with Hillview Road.</u></b>
3.18	The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a mobile catering unit. The site will operate during the day.
	<b>PSNI</b>
3.19	No objection.
	<b>DFI Roads</b>
3.20	No objection.
	<b>Published 28-day Notice</b>
3.21	No responses were received to the notice.
	<b><u>Site D – Gordon Street, at junction with Dunbar Street beside metal artwork for night time trading.</u></b>
3.22	The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.
	<b>PSNI</b>
3.23	The Police Service wishes to object to the application. It believes that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.
	<b>DFI Roads</b>
3.24	No objection.
	<b>Department for Communities Belfast Regeneration Directorate</b>
3.25	The Department has advised they own the land at Gordon Street with the junction at Dunbar Street. They wish to offer no objection to the proposed designation of a trading pitch nor the commodities to be sold.
	<b>Published 28-day Notice</b>
3.26	No responses were received to the notice.
	<b><u>Site E – Bridge Street, in lay-by outside 12-16 Bridge Street for night time trading.</u></b>
3.27	The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.

3.28	<p><b>PSNI</b> The Police Service wishes to object to the application. They believe that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.</p>
3.29	<p><b>DFI Roads</b> The Department has advised that this location is to be changed to a 24hr public hire taxi rank in the very near future. Therefore, no street trading will be allowed at this site.</p>
3.30	<p><b>BCCM</b> BCCM has no issue with the new designation for night time trading.</p>
3.31	<p><b>Published 28-day Notice</b> No responses were received to the notice.</p>
3.32	<p><b><u>Site F – Donegall Street, in parking bay near the junction with Waring Street for night time trading.</u></b></p> <p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.</p>
3.33	<p><b>PSNI</b> Police wish to object to the application. They believe that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.</p>
3.34	<p><b>DFI Roads</b> The Department has advised that this part of the footway is too narrow to accommodate street trading because of street trees, etc.</p>
3.35	<p><b>Published 28 day Notice</b> No responses were received to the notice.</p>
3.36	<p><b><u>Site G – Cupar Way.</u></b></p> <p>The proposal is for tourist souvenirs or similar commodities. The site will operate during the day.</p>
3.37	<p><b>PSNI</b> No objection.</p>
3.38	<p><b>DFI Roads</b> The Department has advised that this part of the footway is quite narrow because of the placement of street trees. They recommend that the street trading pitch would need to be away from these trees to provide a minimum 1.8m passing room for pedestrians.</p>
3.39	<p><b>Visit Belfast</b> Have stated that they believe the application needs further discussion with the communities. They also recommend that feedback would be required from Fáilte Feirste Thiar and Greater Shankill Partnership.</p>
3.40	<p>Following Visit Belfast's recommendation, we contacted both Fáilte Feirste Thiar and Greater Shankill Partnership. At the time of writing this report no response has yet been received.</p>

3.41	<p><b>Published 28-day Notice</b> No responses were received to the notice.</p>
<p><b><u>Site H – The Arc, Titanic Quarter (5 sites) Hamilton Dock.</u></b></p>	
3.42	<p>This area is managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.43	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, crafts and souvenirs.</p>
<p><b>PSNI</b></p>	
3.44	<p>No objection.</p>
<p><b>DFI Roads</b></p>	
3.45	<p>No objection.</p>
<p><b>Published 28-day Notice</b></p>	
3.46	<p>No responses were received to the notice.</p>
<p><b><u>Site I - Titanic Quarter (4 sites) Titanic Plaza.</u></b></p>	
3.47	<p>This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.48	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.</p>
<p><b>PSNI</b></p>	
3.49	<p>No objection.</p>
<p><b>DFI Roads</b></p>	
3.50	<p>No objection.</p>
<p><b>Published 28-day Notice</b></p>	
3.51	<p>No responses were received to the notice.</p>
<p><b><u>Site J – Titanic Quarter (3 sites)</u></b></p>	
3.52	<p>This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.53	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.</p>
<p><b>PSNI</b></p>	
3.54	<p>No objection.</p>
<p><b>DFI Roads</b></p>	
3.55	<p>No objection.</p>
<p><b>Published 28-day Notice</b></p>	
3.56	<p>No responses were received to the notice.</p>

**Variation of Commodities and Services to be Provided**

**Site K – Lower Garfield Street at the junction with North Street.**

3.57 The current designated site allows for the commodity to be determined but excludes the sale of hot food. The proposal is to allow for the sale of confectionary and hot food to include crepes, waffles, roasted nuts, sandwiches, rolls, paninis sausage rolls and hot pastries.

3.58 If Committee is minded to grant this variation, they may wish to limit the sale of the hot food to day time trade only.

**PSNI**

3.59 No objection.

**DFI Roads**

3.60 No objection.

**BCCM**

3.61 No issue with the proposed variation.

**Published 28-day Notice**

3.62 No responses were received to the notice.

**Site L – Donegall Square North at front of City Hall**

3.63 The current designated site is for the sale of ice-cream and hot and cold non-alcoholic beverages from an ice-cream tricycle. The proposal is to allow for the sale of confectionary and artisan hot food.

**PSNI**

3.64 No objection.

**DFI Roads**

3.65 No objection.

3.66 Officers checked with DFI Roads after receiving comments from the Council's Markets Unit at 3.82 below, the Department are not objecting to this proposal.

**BCCM**

3.67 They have advised they are opposed to the proposed variation to include confectionary and artisan hot food stating that Donegall Square is very well represented by businesses which already provide these and similar products. As a result, they consider that this area is very well serviced in the provision of the aforementioned commodities.

**Visit Belfast**

3.68 They would caution against this change as taking away from the general environment, particularly when there are now an abundance of cafes and restaurants in and around Donegal Square, including The Bobbin Café in City Hall.

**Belfast City Council Facilities Management**

3.69 Have concerns about extending the current arrangements of selling ice-cream and hot and cold beverages. Apart from potential litter issues they raised the following points:

- Detrimental to what is one of the key visitor attractions in Belfast.

	<ul style="list-style-type: none"> <li>• Detrimental to a Grade A listed building.</li> <li>• Will clash with other activities which are allowed to take place on the cobbled area.</li> <li>• Restricts pedestrian access via the front gates.</li> <li>• May clash with the Spring &amp; Christmas Markets.</li> <li>• Potential mixed reaction from Members, some might be positive but others will be negative.</li> </ul>
	<p><b>Belfast City Council Markets Unit</b></p>
3.70	The Unit wish to object to the variation. They consider that this extended offer will clash with the Spring and Christmas markets. Those traders, and others at events taking place within the City Hall grounds, are paying a high premium to trade at them and is therefore unfair.
3.71	They state there were concerns last year over the reputation of the market and the City Hall as the trader using this pitch did not trade in a professional manner. There were issues with waste and general cleanliness of his pitch and therefore his licence would need to be more strictly policed.
3.72	The Unit also point out that during the Continental Markets, traders in the chalets beyond the railings are not permitted to sell any form of hot food. This has been stipulated by DFI Roads when the Council sought agreement with them in relation to approvals.
	<p><b>Published 28-day Notice</b></p>
3.73	No responses were received to the notice.
	<p><b><u>Deferred Decisions</u></b></p>
3.74	Committee is reminded that at its meetings of 16 April 2014 and 18 March 2015, the Licensing Committee had deferred consideration of the following two applications to vary the designation resolutions for sites at Castle Junction Kiosk and Castle Place (opposite Donegall Arcade) respectively, to provide for the sale of bus tour tickets, pending the outcome of a review which was being undertaken by the Council's Development Department into sightseeing coach provision in the City.
3.75	The outcome of that research had, on 14 October 2015, been presented to the Council's City Growth and Regeneration Committee.
3.76	In light of that Committee's decision, the Licensing Committee agreed to initiate a new process in relation to those applications to vary the designating resolutions at sites in Castle Place (opposite Donegall Arcade) and the Castle Junction Kiosk. The Committee requested that the Department for Infrastructure, Driver & Vehicle Agency, be specifically consulted on these proposals.
	<p><b><u>Site M – Castle Junction Kiosk</u></b></p>
3.77	The current designated site is for the sale of hot and cold non-alcoholic beverages, confectionery, ice-cream and cold food or similar commodities including the sale of theatre and event tickets. The proposal is to allow for the sale of bus tour tickets.
	<p><b>PSNI</b></p>
3.78	No objection.
	<p><b>DFI Roads</b></p>
3.79	No objection.

3.80	<p><b>Department for Communities Belfast Regeneration Directorate</b> DfC own the Castle Junction Kiosk (run under licence by a private operator). They have no objection as long as there is no limitation to a single bus tour operator.</p>
3.81	<p><b>Department for Infrastructure Driver &amp; Vehicle Agency</b> They have consulted with Passenger Transport Licensing and DVA Enforcement for their views and confirmed they have no issues with the proposal.</p>
3.82	<p><b>BCCM</b> They have advised that they are opposed to the proposed variation to include the sale of bus tour tickets at this location or any other mobile location within Belfast city centre. A detailed response is awaited.</p>
3.83	<p><b>Visit Belfast</b> They have advised that if approved, the tenant will be able to decide which operator they sell tickets for and that this will be a commercial decision.</p>
3.84	<p>Visit Belfast also consider this is an attractive kiosk and could work well for the sale of bus tickets. However, while relationships have improved between the two bus operators, they still have some concerns that introducing another sales outlet could cause issues amongst the street staff, with a risk that the area around the Kiosk could become unpleasant for visitors.</p>
3.85	<p>They have suggested that the Committee make a temporary provision to allow this variation of commodities for initially up to one year, with conduct around the kiosk monitored by all relevant agencies with a view to extension of the period, or termination, dependent on the results of the trial period.</p>
3.86	<p>Members are advised that any such temporary provision would be dealt with during the licensing process if you are minded to vary the designation.</p>
3.87	<p><b>Published 28-day Notice</b> No responses were received to the notice.</p>
3.88	<p><b><u>Site N – Castle Place opposite Donegall Arcade</u></b>  The current designated site allows for the commodity to be determined but excludes the sale of hot food and tour tickets. The proposal is to allow for the sale of bus tour tickets.</p>
3.89	<p><b>PSNI</b> No objection.</p>
3.90	<p><b>DFI Roads</b> No objection.</p>
3.91	<p><b>Department for Infrastructure Driver &amp; Vehicle Agency</b> They have consulted with Passenger Transport Licensing and DVA Enforcement for their views and confirmed they have no issues with the proposal.</p>
3.92	<p><b>BCCM</b> They state they are opposed to the proposed variation to include the sale of bus tour tickets at this location or any other mobile location within Belfast city centre. A detailed response is awaited.</p>

<p>3.93</p> <p>3.94</p> <p>3.95</p> <p>3.96</p> <p>3.97</p>	<p><b>Visit Belfast</b></p> <p>Visit Belfast states that this site is too close to the site at the bottom of Lombard Street, which already sells bus tour tickets, and, if granted, could cause issues between rival companies.</p> <p>Visit Belfast's preference is for temporary approval to the Castle Junction Kiosk. If for any reason the Castle Junction Kiosk was not suitable, then this option would need to be piloted in the same way as the recommendation for the Castle Junction Kiosk.</p> <p><b>Published 28-day Notice</b></p> <p>No responses were received to the notice.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as our policy states that it must be placed in three newspapers for two consecutive weeks.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>There are no equality or good relations issues.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Copies of correspondences received</p>



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<b>Subject:</b>	<b>Update on Premises Licensed to Provide Entertainment beyond 1.00 a.m.</b>
<b>Date:</b>	13th December, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To provide the Committee with information regarding premises which are licensed to provide entertainment beyond 1.00 a.m. and the Council's powers to manage their impact upon local communities.
1.2	Members will recall that you requested this information at your meeting of 18 October 2017.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to note the information.

<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="258 219 416 248"><b><u>Key Issues</u></b></p> <p data-bbox="165 275 1474 405">3.1 Members are reminded that, at your meeting on 18th October, when considering an application to extend the permitted hours of an Entertainments Licence, you requested information on premises which are licensed to provide entertainment beyond 1.00 a.m. and details of the Council's powers to manage their impact upon local communities.</p> <p data-bbox="165 432 1474 528">3.2 Any application to extend the hours of entertainment beyond 1.00 a.m., whether or not objections have been received, is presented to Committee for consideration. Each application will then be assessed on its individual merits and location.</p> <p data-bbox="165 555 1474 965">3.3 There are currently 502 Entertainments Licenced venues in Belfast, consisting of:</p> <ul style="list-style-type: none"> <li data-bbox="309 629 580 658">– 195 Pubs / Clubs</li> <li data-bbox="309 665 624 694">– 95 Registered Clubs</li> <li data-bbox="309 701 564 730">– 41 Church Halls</li> <li data-bbox="309 736 655 766">– 39 Community Centres</li> <li data-bbox="309 772 480 801">– 30 Hotels</li> <li data-bbox="309 808 528 837">– 27 Marquees</li> <li data-bbox="309 844 756 873">– 25 Educational Establishments</li> <li data-bbox="309 880 555 909">– 27 Restaurants</li> <li data-bbox="309 916 603 945">– 16 Leisure Centres</li> <li data-bbox="309 952 496 981">– 7 Theatres</li> </ul> <p data-bbox="258 1003 919 1032"><b><u>2.00 a.m. and 3.00 a.m. Entertainment Licences</u></b></p> <p data-bbox="165 1059 1474 1133">3.4 The vast majority of these premises are only permitted to operate beyond 1.00 a.m. on certain nights of the week.</p> <p data-bbox="165 1160 1474 1305">3.5 Of the 502 venues:</p> <ul style="list-style-type: none"> <li data-bbox="309 1238 948 1267">• 15 are permitted to operate to 2.00 a.m., and,</li> <li data-bbox="309 1274 874 1303">• 42 are permitted to operate to 3.00 a.m.</li> </ul> <p data-bbox="258 1339 1203 1368"><b><u>Council's Powers to Manage their Impact upon Local Communities.</u></b></p> <p data-bbox="165 1395 1474 1503">3.6 On receipt of an application for extended hours, officers discuss the proposals with the applicant to determine the need for additional hours and request the applicant to consider what measures they will implement to minimise any adverse impact.</p> <p data-bbox="165 1529 1474 1637">3.7 In most instances, the premises with extended hours are situated within the city centre, however, there are a number on arterial routes and, more recently, some premises located close to residential areas have been granted extended hours.</p> <p data-bbox="165 1664 1474 1738">3.8 A list of those premises with 2.00 a.m. and 3.00 a.m. Licences, is attached at Appendix 1. This is accompanied at Appendix 2 by a map showing the extent of the Licences.</p> <p data-bbox="165 1765 1474 1966">3.9 In considering applications for extended hours, Members have always been mindful of the impact this may have on the neighbourhood and generally look to introduce an additional level of control by attaching conditions aimed at minimising nuisance and disturbance. Many of these are suggested by the applicant and agreed in advance. Examples include:</p> <ul style="list-style-type: none"> <li data-bbox="309 1933 1187 1962">• Restrictions on the later nights of entertainment to the weekend;</li> </ul>

	<ul style="list-style-type: none"> <li>• Requirement for the licensee to attend meetings with relevant parties, including local residents, to address any issues that arise;</li> <li>• Provision of a plan to ensure speedy patron dispersal;</li> <li>• Engagement with the PSNI;</li> <li>• Providing a traffic management plans including management of taxis;</li> <li>• Provision of signage at the premises and announcements at the end of the night to remind patrons to be mindful of residents;</li> <li>• Providing a direct line telephone contact for residents;</li> <li>• Setting of appropriate noise levels, the use of noise limiting devices and the proactive monitoring of noise levels by the licensee; and</li> <li>• Windows and doors to be kept shut.</li> </ul>
3.10	Other conditions attached are more general technical requirements aimed at protecting public safety.
3.11	Failure to adhere to these conditions are considered to be breaches of the terms and conditions of the Entertainments Licence which may result in the Council initiating legal proceedings against the applicant/licensee/manager. Convictions are then considered by Members at your monthly meetings in relation to applications where the applicant has previous convictions.
	<b><u>Noise Issues</u></b>
3.12	The Environmental Protection Unit (EPU) has statutory powers under the Clean Neighbourhood and Environment Act 2011 and the Noise Act 1996 in relation to the control of entertainment noise after 11.00 p.m.
3.13	Building Control also has a protocol with EPU that all complaints are referred to the Service to ensure appropriate action is taken against any alleged offenders that hold an Entertainments Licence.
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Premises with 2.00 am and 3.00 a.m. Licences</p> <p>Appendix 2 – Map showing the extent of the Licences</p>

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**VENUES IN BELFAST TO 2:00 am**

<p><b>21 Social</b> 1 Hill Street</p>	<p>Monday to Sunday</p>
<p><b>Beehive Bar</b> 193-195 Falls Road</p>	<p>Friday and Saturday</p>
<p><b>Biddy Duffys</b> 133a Andersonstown Road</p>	<p>Friday and Saturday and Bank / Public Holidays</p>
<p><b>Botanic Inn</b> 23-27 Malone Road</p>	<p>First Floor – Wednesday, Thursday and Saturday, and Additionally, entertainment will be permitted to 2.00 am should Christmas eve, New Year's eve, St. Patrick's night, Easter Monday, May Day or Halloween fall on a Sunday, Monday, Tuesday or Friday night.</p>
<p><b>Duke of York</b> 3-11 Commercial Court</p>	<p>Friday and Saturday</p>
<p><b>Empire</b> 42 Botanic Avenue</p>	<p>Monday to Sunday</p>
<p><b>Filthy McNastys</b> 41-45 Dublin Road</p>	<p>Monday to Sunday</p>
<p><b>Lavery's Bar</b> 12-18 Bradbury Place</p>	<p>Friday only</p>
<p><b>Oh Yeah Music Centre</b> 15-21 Gordon Street</p>	<p>Saturday only</p>
<p><b>Parlour Bar</b> Elmwood Avenue</p>	<p>Monday to Sunday</p>
<p><b>Plastik</b> Mays Meadow Laganbank Road</p>	<ol style="list-style-type: none"> <li>1. Entertainment is permitted to take place on Friday and Saturday and may be provided on a maximum of 2 additional nights per week in accordance with the following times. <ul style="list-style-type: none"> <li>• Monday to Thursday 11.30 am to 2.00 am</li> <li>• Sunday 12.30 pm to 12.00 Midnight</li> </ul> </li> <li>2. Entertainment may not be provided on more than 3 consecutive nights.</li> <li>3. Entertainment may be provided on Sunday until 2.00 am the following morning on the occasions where the following day is a Bank or Public Holiday.</li> </ol>

<b>Sliabh Dubh</b> 179 Whiterock Road	Monday to Sunday
<b>The Errigle Inn</b> 312-320 Ormeau Road	Friday, Saturday and Bank Holidays
<b>The Suffolk Inn</b> 12 Suffolk Road	Monday to Saturday
<b>Whites Tavern</b> 2-4 Winecellar Entry	Monday to Saturday



## VENUES IN BELFAST TO 3:00 am

<b>Aether and Echo Inc</b> 1-3 Lower Garfield Street	Monday, Thursday, Friday and Saturday
<b>Alibi</b> 23-31 Bradbury Place	Monday to Saturday
<b>Apartment</b> 2-6 Donegall Square West	Monday to Sunday
<b>Basement Bar &amp; Grill</b> 18 Donegall Square East	Friday and Saturday
<b>Bear and The Doll</b> 2-14 Little Donegall Street	Monday to Saturday
<b>Bootleggers</b> 46 Church Lane	Monday to Sunday
<b>Brennans Bar</b> 48-50 Great Victoria Street	Monday to Sunday
<b>Chester Park Inn</b> 466-468 Antrim Road	Monday to Saturday
<b>Crescent Arts Centre</b> 2-4 University Road	Monday to Sunday
<b>Europa Hotel</b> Great Victoria Street	Monday to Sunday
<b>Filthy McNasty's</b> (First Floor only)	Friday and Saturday
<b>Granny Annie's</b> 81-85 Chichester Street	Monday to Sunday
<b>Hilton Hotel Belfast</b> 4 Lanyon Place	Monday to Sunday
<b>Katy Dalys, Limelight and Limelight 2</b> 17-21 Ormeau Avenue	Monday to Sunday

<b>Kelly's Cellars</b> 32 Bank Street	Monday to Sunday
<b>Kremlin Bar</b> 96 Donegall Street	Monday to Sunday
<b>Lavery's Bar</b> 12-18 Bradbury Place	Saturday only
<b>Love and Death Inc</b> 10a Ann Street	Thursday, Friday and Saturday
<b>LUX</b> 2-16 Dunbar Street	Monday to Sunday
<b>Maddens Bar</b> 74 Berry Street	Monday to Sunday
<b>Madisons</b> 59-65 Botanic Avenue	Friday, Saturday and Sunday
<b>Maverick</b> 106-110 Donegall Street	Monday to Sunday
<b>McCracken's Cafe Bar</b> 4 Joys Entry	Monday to Saturday
<b>McHugh's Bar</b> 29-31 Queens Square	Monday to Saturday
<b>Morrison's</b> 21 Bedford Street	Monday to Sunday
<b>Northern Whig House</b> 2-10 Bridge Street	Monday to Sunday
<b>Plastik</b> Mays Meadow Laganbank Road	<ol style="list-style-type: none"> <li>Entertainment is permitted to take place on Friday and Saturday and may be provided on a maximum of 2 additional nights per week in accordance with the following times. <ul style="list-style-type: none"> <li>Monday to Thursday 11.30 am to 2.00 am</li> <li>Sunday 12.30 pm to 12.00 Midnight</li> </ul> </li> <li>Entertainment may not be provided on more than 3 consecutive nights.</li> <li>Entertainment may be provided on Sunday until 2.00 am the following morning on the occasions where the following day is a Bank or Public Holiday.</li> </ol>

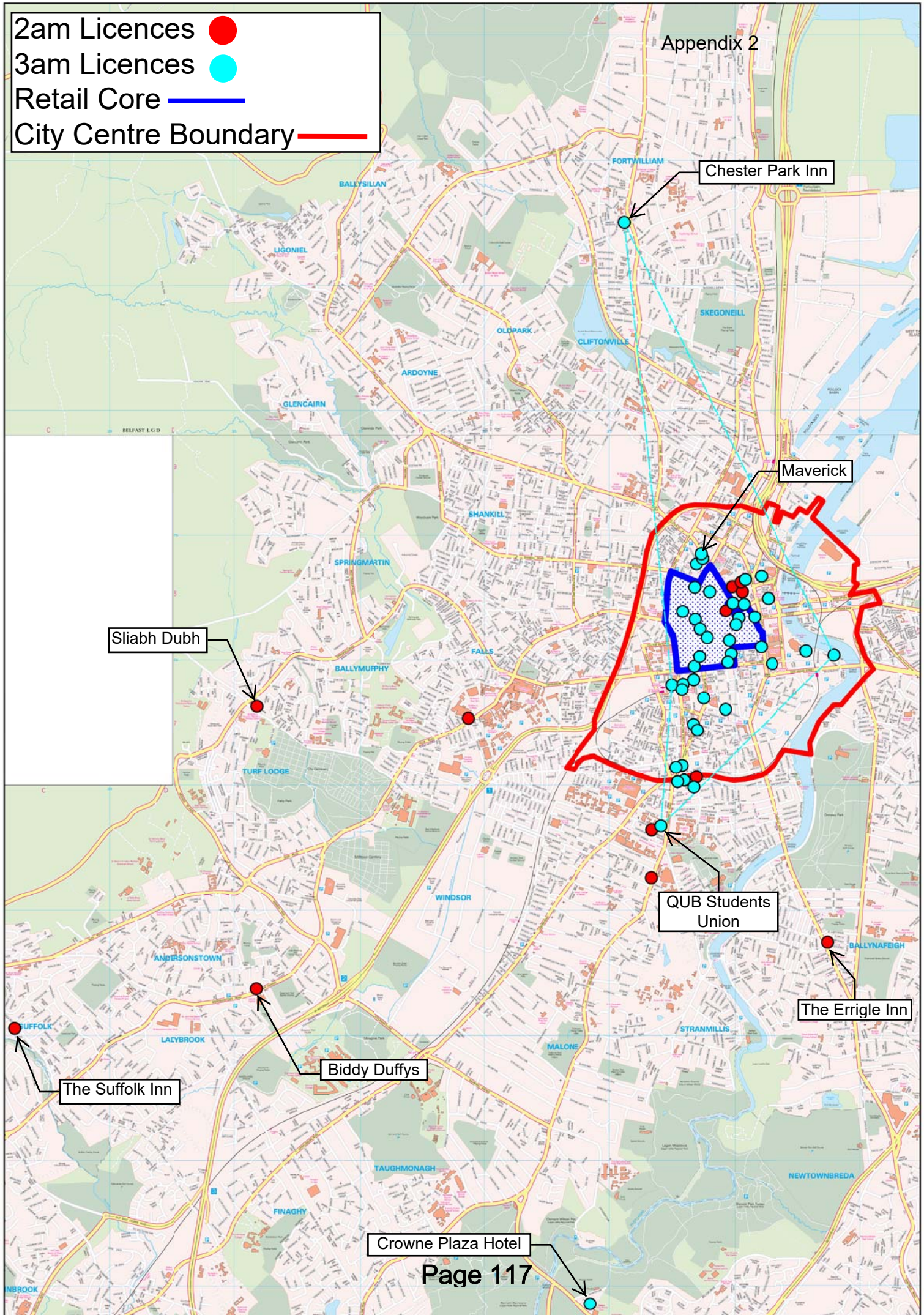
<b>QUB Students Union</b> 79 University Road	Monday to Sunday
<b>Queen's Cafe Bar</b> 4-6 Queen's Arcade	Monday to Sunday
<b>Crowne Plaza Hotel</b> 117 Milltown Rd Shaw's Bridge	Monday to Sunday
<b>Revolucion de Cuba</b> 25-39 Arthur Street	Friday & Saturday
<b>Rita's, Chinawhite &amp; Shiro</b> 43 Franklin Street	Monday to Sunday
<b>Robinsons Bar</b> 38-40 Great Victoria Street	Monday to Sunday
<b>Ronnie Drew's</b> 79-83 May Street	Friday & Saturday
<b>Fourteen Tomb Street</b> 10-14 Tomb Street	Monday to Sunday
<b>The Five Points</b> 44 Dublin Road	Monday to Sunday
<b>The Fly</b> 5 Lower Crescent	Monday to Saturday
<b>The Hudson Bar</b> 10-14 Gresham Street	Monday to Sunday
<b>The National Grande Cafe</b> Bar & Sixty6 62-68 High Street	Friday & Saturday
<b>Thompsons Garage</b> 3 Patterson's Place	Monday to Sunday
<b>Voodoo</b> 9-11 Fountain Street	Monday to Sunday
<b>Washington Bar</b> 21 Howard Street	Monday to Sunday

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2am Licences ●  
3am Licences ●  
Retail Core —  
City Centre Boundary —

Appendix 2





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