

Public Document Pack

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



**Belfast
City Council**

11th January, 2018

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Wednesday, 17th January, 2018 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Delegated Matters**
 - (a) Licences and Permits Issued Under Delegated Authority (Pages 1 - 4)
 - (b) Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions - Ardoyne Working Men's Club/Sliabh Dubh/The Corner House/Wolf and Whistle (Pages 5 - 34)
 - (c) Application for the Variation of an Annual Indoor Entertainments Licence - Love and Death Inc., 10a Ann Street (Pages 35 - 50)
 - (d) Applications for the Grant of Annual Indoor and Outdoor Entertainments Licences with Previous Convictions - South 13, Boucher Road (Pages 51 - 72)



Subject:	Licences and Permits Issued Under Delegated Authority
Date:	17th January, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
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"/>

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

1.0	Purpose of Report/Summary of Main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Place is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of Entertainments Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendation
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.
3.0	Main Report
	<u>Key Issues</u>
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:

Premises and Location	Type of Application	Hours Licensed	Applicant
Avoniel Leisure Centre Avoniel Road, Belfast, BT5 4SF	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Ballysillan Leisure Centre, 71 Ballysillan Road, Belfast, BT14 7QQ	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Brook Activity Centre 25 Summerhill Park, Belfast, BT17 0RD	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Grove Health and Wellbeing Centre, 120 York Road, Belfast, BT15 3GU	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Loughside Recreation Centre, Shore Road, Belfast, BT15 4HS	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Whiterock Leisure Centre, Whiterock Road, Belfast, BT12 7PG	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
Woodvale Community Centre, 79a Disraeli Street, Belfast, BT13 3HT	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Woodvale Park Bowling Pavilion, Woodvale Road, Belfast	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	BCC
Chinawhite, Sweet Afton, Rita's, & The Perch, 43 Franklin Street and 12 Brunswick Street, Belfast, BT2 7GG	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Abacus Inns Limited
Connswater Community Centre, Ballymacarrett Walkway, Belfast, BT4 1SX	Renewal	Sun - Sat: 08.00 - 01.00	Ms. Amanda Irvine
Fratelli Belfast Unit 1, 60 Great Victoria Street, Belfast, BT2 7BB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Fratelli Belfast Limited
Garrick Bar, 29 Chichester Street, Belfast, BT1 4YB	Renewal and Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Chichester Street Pubs Limited
Hawarden Tennis Club, 3 Clonlee Drive, Belfast, BT4 3DA	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Steven Leeman
Hunting Lodge, 39 Stewartstown Road, Belfast, BT11 9BZ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Beeches Drive Company Limited
Laurel Leaf Bar, Unit 14, Twin Spires Centre, 155 Northumberland Street, Belfast, BT13 2JF	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Sky Blue Pubs NI Limited

Malmaison Hotel, 34-38 Victoria Street, Belfast, BT1 3GH	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Malmaison Limited
McCracken's Cafe Bar, 4 Joys Entry, Belfast, BT1 4DR	Renewal & Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 03.00	JAR (IRE) Limited
Park Inn Hotel, 4 Clarence Street West, Belfast, BT2 7GP	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ovolo Limited
Ramada Encore Hotel, 20 Talbot Street, Belfast, BT1 2LD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ducalse Asset No1 Limited
Robinsons Bar, 38-40 Great Victoria Street, Belfast, BT2 7BA	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Regency Hotel (NI) Limited
The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1 2BE	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Cathedral Leisure Limited
The Stokers Halt, 195-199 Upper Newtownards Road, Belfast, BT4 3JB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Approachable Leisure Limited

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were issued since your last meeting:

Premises and Location	Type of Application	Hours Licensed	Applicant
Little Vegas, 163 Stranmillis Road, Belfast, BT9 5AJ	Renewal	Sun - Sat: 00.00 - 00.00	Little Vegas (NI) Limited

3.3 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
Antrim Road at 179-181 Antrim Road	Stationary	Fish	Thursday only 09.00 – 16.00	Michael Halpin
Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Springfield Road at junction with Springfield Avenue	Stationary	Fish	Friday only 09.00 – 16.00	Michael Halpin

Financial and Resource Implications

3.4 None

	<u>Equality or Good Relations Implications</u> There are no equality and good relations issues.
4.0	Documents Attached
	None



Subject:	Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions – Ardoyne Working Men’s Club / Sliabh Dubh / The Corner House / Wolf and Whistle
Date:	17th January, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
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"/>

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider applications for the renewal of Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the applications and to:</p> <ol style="list-style-type: none"> 1. approve the applications, or 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.

3.0	Main Report				
3.1 3.2	<u>Key Issues</u>				
	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.				
	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.				
	Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
<p>Ardoyne Working Men's Club</p> <p>9b Kerrera Street Belfast BT14 7FL</p>	<p>Mr. Brendan Mailey (Secretary)</p>	<p>Renewal</p>	<p>December, 2014</p> <p>Entertainment being provided without a valid Entertainments Licence being in place</p>	<p>28th July, 2015</p> <p>£200 and £66 Court costs.</p>	
<p>Wolf and Whistle</p> <p>67-71 Andersonstown Road Belfast BT11 9AH</p>	<p>Mooney Inns Limited</p>	<p>Renewal</p>	<p>October 2015</p> <p>One Leaf of a final Exit closed and screwed to door frame. Log Book for pre-event checks was not completed. Fire door wedged open. Fire door/wall providing inadequate fire protection. Fire Safety signage not being illuminated; and a designated means of escape was obstructed.</p>	<p>28th June, 2016</p> <p>£600 and £69 Court costs</p>	

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
<p>Sliabh Dubh</p> <p>79 Whiterock Road Belfast BT12 7FW</p>	Mr. Tony Clarke	Renewal	<p>July 2015</p> <p><u>Caulfield's Bar</u></p> <p>Final Exit locked shut and an obstructed means of escape</p>	<p>8th March, 2016</p> <p><u>Caulfield's Bar</u></p> <p>£200 and £69 Court costs</p>
<p>The Corner House</p> <p>167-177 Oldpark Road Belfast BT14</p>	Mr. Michael Markey	Renewal	<p>February 2016</p> <p>Entertainment being provided without a valid Entertainments Licence being in place</p>	<p>13th September, 2016</p> <p>Conditional Discharge</p>

3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.

Application History

3.4 Previous applications for the aforementioned premises were considered by the Committee as follows:

Ardoyne Working Men's Club

3.5 This is the third time that an application for the premises has been considered by the Committee since the applicant was convicted on 28th July, 2015.

3.6 The previous renewal applications were considered by the Committee, in relation to the conviction, on 12th November, 2015 and 14th December, 2016 and, after consideration, it agreed to renew the Entertainments Licence.

3.7 Since the previous renewal application, the premises have been subject to one during performance inspection as well as the annual renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.

Wolf and Whistle

3.9 This is the second time that an application for the premises has been considered by the Committee since the applicant was convicted on 28th June, 2016.

3.10 The previous renewal application was considered by the Committee on 19th October, 2016 and, after consideration, you agreed to renew the Entertainments Licence.

3.11	<p>Since you last considered the application, the premises have been subject to three further during performance inspections as well as a renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.</p> <p>Sliabh Dubh</p>
3.12	<p>This is the second time that an application for the premises has been considered by the Committee since the applicant was convicted on 8th March, 2016.</p>
3.13	<p>The application is placed before the Committee because the applicant, Mr Tony Clarke, was convicted of offences under the Order at Belfast Magistrates' Court regarding Caulfield's Bar, another premises for which he is the licensee.</p>
3.14	<p>The previous renewal application was considered by the Committee on 21st September, 2016 and, after consideration, you agreed to renew the Entertainments Licence.</p>
3.15	<p>Since you last considered the application, the premises have been subject to one further during performance inspection as well as a renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.</p> <p>The Corner House</p>
3.16	<p>This is the second time an application for the premises has been considered by the Committee since the applicant was convicted on 13 September 2016.</p>
3.17	<p>The previous renewal application was considered by the Committee, in relation to the conviction, on 21 September 2016 and, after consideration, you agreed to renew the Entertainments Licence.</p>
3.18	<p>Since the previous renewal application, the premises have been subject to three further during performance inspection as well as the annual renewal inspection.</p>
3.19	<p>On two of our inspections we found that no entertainment was taking place. The other inspection uncovered no further issues and management procedures were being implemented effectively.</p> <p><u>Representations</u></p>
3.20	<p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.</p> <p><u>PSNI</u></p>
3.21	<p>The PSNI has been consulted and has confirmed that it has no objections to the applications. A copy of its correspondences is attached at Appendix 1.</p> <p><u>NIFRS</u></p>
3.22	<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>3.23</p> <p>3.24</p> <p>3.25</p>	<p><u>Applicants</u></p> <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 their respective application forms for the premises are attached at Appendix 2.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – PSNI Comments</p> <p>Appendix 2 – Application Forms</p>

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Subject:	Application for the Variation of an Annual Indoor Entertainments Licence - Love and Death Inc., 10a Ann Street
Date:	17th January, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
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"/>

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application for the variation of the Seven-Day Annual Indoor Entertainments Licence for Love and Death Inc., 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: 10px;"> <tr> <td style="width: 33%;">Premises and Location</td> <td style="width: 33%;">Ref. No.</td> <td style="width: 33%;">Applicant</td> </tr> <tr> <td>Love and Death Inc. 10a Ann Street Belfast BT1 4EF</td> <td>WK/201701574</td> <td>Mr. Mark Marais Maclad Limited Pearl Assurance House, 2 Donegall Square East, Belfast, BT1 HB</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	Love and Death Inc. 10a Ann Street Belfast BT1 4EF	WK/201701574	Mr. Mark Marais Maclad Limited Pearl Assurance House, 2 Donegall Square East, Belfast, BT1 HB
Premises and Location	Ref. No.	Applicant					
Love and Death Inc. 10a Ann Street Belfast BT1 4EF	WK/201701574	Mr. Mark Marais Maclad Limited Pearl Assurance House, 2 Donegall Square East, Belfast, BT1 HB					
1.2	A copy of the application form is attached at Appendix 1.						

1.3	The premises are currently licenced to provide entertainment to 3.00 a.m. on a Thursday, Friday and Saturday. However, the nature of the variation is to extend the hours during which entertainment may be provided from 1.00 a.m. to 3.00 a.m. on a Sunday, Monday, Tuesday and Wednesday.
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 licence will be granted as provided for in the Council's Scheme of Delegation.
1.5	The applicant company has also applied to transfer and renew the current Entertainments Licence for the premises and these have already been dealt with under the delegated powers of the Director of Planning and Building Control.
1.6	However, in light of the fact that the applicant has also applied for a variation to extend the hours of entertainment past 1.00 a.m., the application is being presented before you for your consideration.
1.7	A location map is attached at Appendix 2.
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: <ol style="list-style-type: none"> 1. approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence, or 2. approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence with special conditions, or 3. refuse the application for the variation of the Seven-Day Annual Indoor 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.
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.
3.0	Main Report
	<u>Key Issues</u>
3.1	The areas currently licensed to provide indoor entertainment are the: <ul style="list-style-type: none"> • First Floor, with a maximum capacity of 50 persons. • Second Floor, with a maximum capacity of 110 persons.
3.2	The days and hours during which the premises are currently licensed to provide entertainment are:

- Monday to Wednesday: 11.30 am to 1.00 am the following morning,
- Thursday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 0.00 midnight

3.3 Members are advised that the Licensing Committee granted a previous variation application to enable entertainment to be provided until 3.00 a.m. on a Thursday, Friday and Saturday on 7th December, 2010.

3.4 The premise operates as a public house, with entertainment currently provided in the form of DJ's and live band performances.

Reasons for the Variation

3.5 The applicant has stated that the main reasons they wish to extend the hours of entertainment are to offer entertainment to tourists' midweek and because customers are now coming out later and expect live entertainment. The applicant is currently investing in the premises and believes the additional hours will be needed to sustain its viability.

3.6 A copy of the applicant's submission is attached at Appendix 3.

Representations

3.7 Notice of the application has been advertised and no written representations have been lodged.

PSNI

3.8 The PSNI has confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 4.

Health, Safety and Welfare Issues

3.9 A total of eight during performance inspections have been carried out on the premises by officers from the Service since the licence was previously renewed in 2016. Of those inspections:

- three revealed some issues that required to be resolved;
- two found that no entertainment was taking place; and
- the remaining three revealed that all management procedures were being adhered to.

3.10 Officers have met with representatives of the applicant company regarding the inspections when issues were uncovered and these have been corrected. The other inspections were carried out following those meetings. The premise has also been subject to inspection as part of the licence renewal process.

3.11 All technical requirements and associated operational and management procedures have been checked and are satisfactory.

3.12 The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.

<p>3.13</p> <p>3.14</p> <p>3.15</p> <p>3.16</p>	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the application.</p> <p><u>Noise Issues</u></p> <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that it has received no noise complaints in the past 12 months.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Rationale for variation from the applicant</p> <p>Appendix 4 – PSNI Comments</p>

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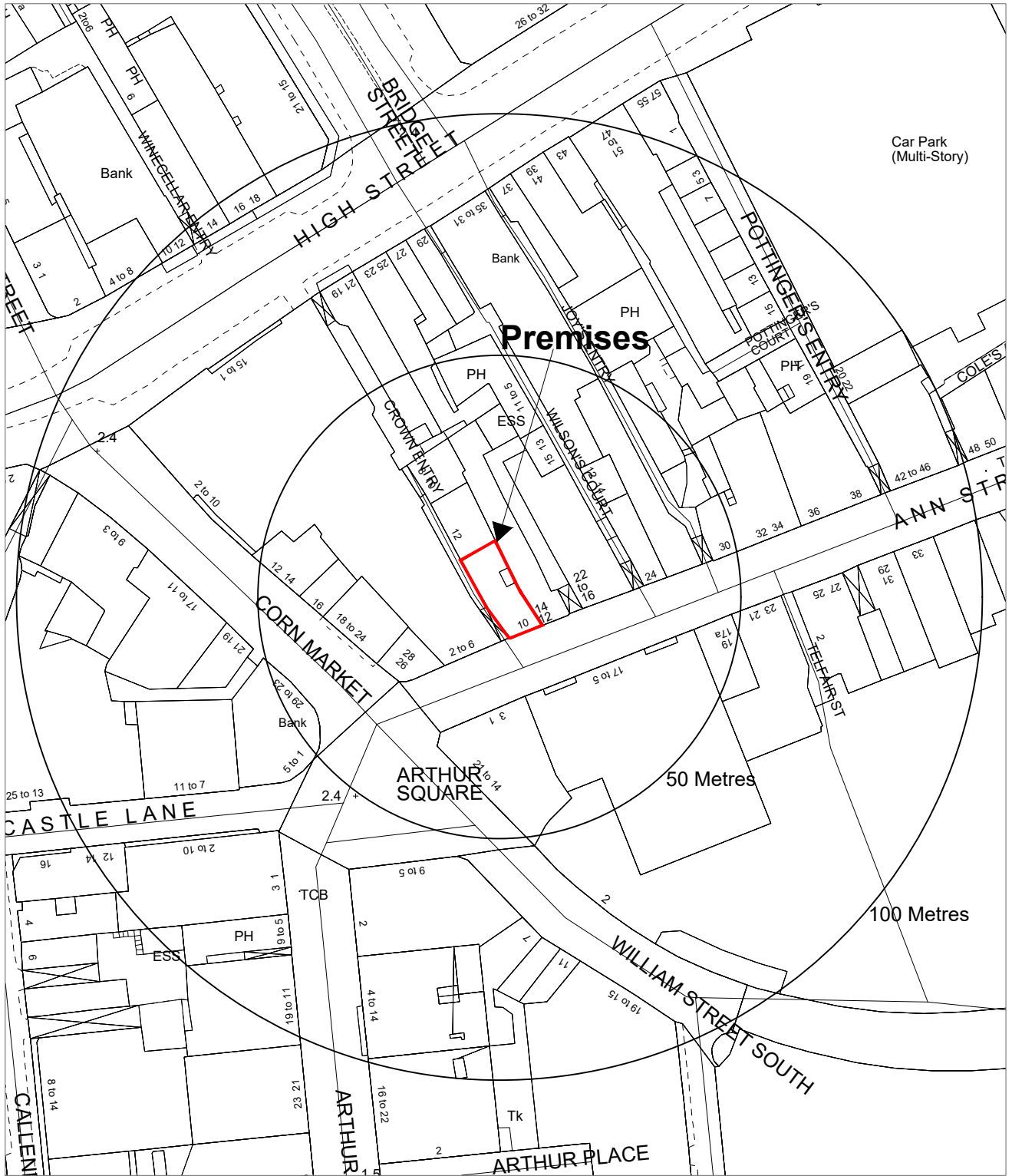
Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
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Appendix 2



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LICENSING COMMITTEE



Belfast
City Council

Subject:	Applications for the Grant of Annual Indoor and Outdoor Entertainments Licences with Previous Convictions - South 13, Boucher Road
Date:	17th January, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
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"/>

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

1.0	Purpose of Report/Summary of Main Issues															
1.1	<p>To consider applications for the grant of a Seven-Day Annual Indoor Entertainments Licence and a Seven-Day Annual Outdoor Entertainments Licence for the former B&Q building, now known as South 13, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind, theatrical performances and outdoor musical entertainment.</p> <table border="0"> <tr> <td>Premises and Location</td> <td>Ref. No.</td> <td>Applicant</td> </tr> <tr> <td>South 13</td> <td>WK/201602847</td> <td>Mr. Gary Flynn</td> </tr> <tr> <td>Boucher Road</td> <td>WK/201602844</td> <td>T13Belfast Limited</td> </tr> <tr> <td>Belfast, BT12 6HR</td> <td></td> <td>Boucher Road</td> </tr> <tr> <td></td> <td></td> <td>Belfast, BT12 6HR</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	South 13	WK/201602847	Mr. Gary Flynn	Boucher Road	WK/201602844	T13Belfast Limited	Belfast, BT12 6HR		Boucher Road			Belfast, BT12 6HR
Premises and Location	Ref. No.	Applicant														
South 13	WK/201602847	Mr. Gary Flynn														
Boucher Road	WK/201602844	T13Belfast Limited														
Belfast, BT12 6HR		Boucher Road														
		Belfast, BT12 6HR														

1.2	Copies of the application forms are attached at Appendix 1.
1.3	A location map is attached at Appendix 2.
1.4	Under the terms of the Local Government Miscellaneous Provisions (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the applicant of an offence under the Order within the period of five years immediately preceding the date when the application was made.
2.0	Recommendations
2.1	Notwithstanding the opportunity to refuse the applications on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.2	Taking into account the information presented and any representations received you are required to consider the applications in light of the previous convictions and to: <ol style="list-style-type: none"> 1. approve the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences, or 2. approve the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences with special conditions, or 3. refuse the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences.
2.3	If the applications are refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
2.4	If you are of a mind to refuse the applications or attach special conditions to the licences within seven days from the date of the Council's decision the applicant will be advised in writing of their right to an opportunity of appearing before and of being heard by the Committee.
3.0	Main Report
	<u>Key Issues</u>
	Previous Convictions
3.1	The applications are being placed before the Committee because the directors of the applicant company are also the directors of a company, No Limat Limited, previously convicted of offences under the Order at Belfast Magistrates Court on 7th May, 2013 and 21st June, 2016. Both offences related to events held at the T13 Complex, Queens Road.
3.2	The conviction on 7th May, 2013 arose following a breach of the Entertainments Licence conditions in that they failed to provide one month's notice to the Council of proposed entertainment involving children. In addition, the applicant failed to provide an Event Management Plan and did not agree the maximum occupancy suitable for the event with the Service. The log book was also not available on the night the event took place to demonstrate that pre-event checks had been carried out.

3.3	As a result, they were fined a total of £200 and ordered to pay court costs of £109 for the offence with a 12-month conditional discharge.
3.4	The conviction on 21st June, 2016 arose following a further breach of the Entertainments Licence conditions in that entertainment was held at the venue beyond 1.00 a.m.; the latest permitted hours of entertainment.
3.5	As a result of that offence, they were fined a total of £100 and ordered to pay court costs of £72.
3.6	Following each of the offences, officers of the Service met with the directors to review their procedures and ensure that appropriate measures were in place to prevent a recurrence. Events held at the T13 Complex since the offences occurred were attended by officers of the Service and we were satisfied that the venue was being managed effectively.
3.7	Subsequent to being convicted of offences under the Order relating to the T13 Complex applications were considered by the Licensing Committee on 22nd January, 2014, 16th September, 2015 and 10th November, 2016 and, after consideration, the Committee agreed to renew the Entertainments Licences on each occasion.
Events considered under delegated authority by Chief Officers	
3.8	Members may be aware that a situation arose whereby the applicant company had permitted an event promoter to market and sell tickets for indoor events at S13 on Wednesday 27th and Thursday 28th December, in advance of an Entertainments Licence being granted.
3.9	Whilst applications for both an Indoor and Outdoor Entertainments Licence were submitted in February 2017, the applicant failed to provide the required supporting documentation in order for an Entertainments Licence to be considered by Committee, despite advice from the Service in this regard.
3.10	In the circumstances where a significant number of tickets had been sold and there being no alternative licensed venues available to re-locate the events to at such a late stage, Chief Officers, in consultation with the Chairperson of the Licensing Committee and Party Group representatives, agreed to grant approval for these two events only. Approval was given on the understanding that no further entertainment could take place until the matter has been considered by the Licensing Committee.
3.11	The situation where the cancellation of an event or events has to be contemplated places Chief Officers in an invidious position of having to make a decision in the absence of Committee approval. The last minute nature of the circumstances also places significant pressure on Building Control staff to assess event safety documentation and ensure all technical requirements are in place for the safe operation of the events.
3.12	Additional work was also undertaken to ensure that noise from patron dispersal and entertainment noise did not cause unreasonable disturbance to persons in the neighbourhood.
3.13	The terms and conditions for the events were provided to the applicant in the form of a letter, a copy of which is attached at Appendix 3.
Consideration by the Licensing Committee	
3.14	Members are required to consider the applications for the grant of a Seven-Day Annual Indoor Entertainments Licence and a Seven-Day Annual Outdoor Entertainments Licence for South 13 by Mr. Gary Flynn of T13Belfast Limited.

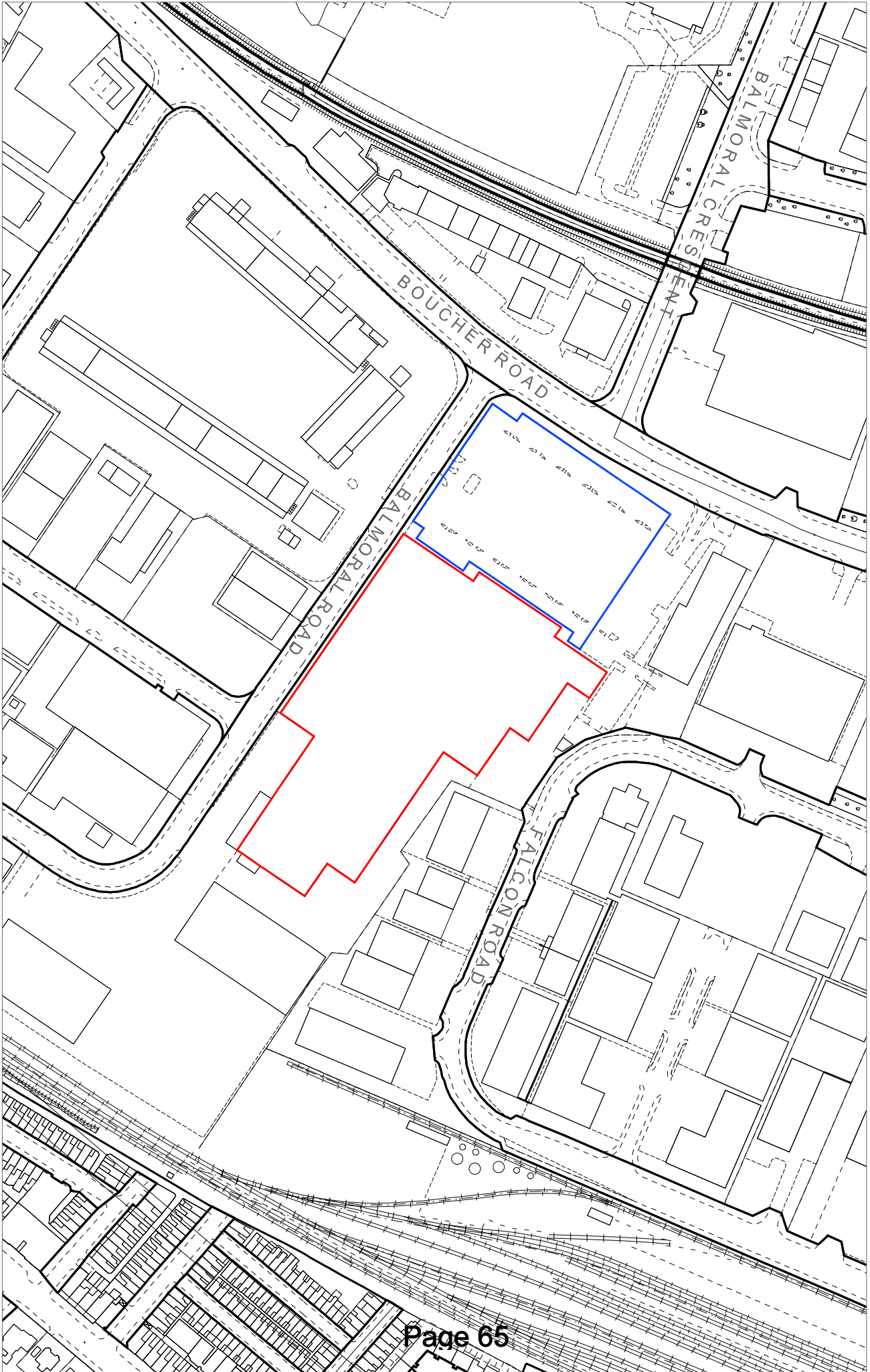
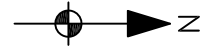
3.15	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Place will grant the licence as provided for in the Council's Scheme of Delegation. However, in light of the fact that the directors of the applicant company have been found guilty of committing an offence within 5 years of the application for the licence being submitted to the Council you are required to consider the applications.
3.16	The area where indoor entertainment is proposed to be provided is the: <ul style="list-style-type: none"> <li data-bbox="309 495 687 524">• Ground Floor Main Arena
3.17	The applicant has applied to provide entertainment on the following days and hours: <ul style="list-style-type: none"> <li data-bbox="309 631 1198 660">• Monday to Sunday: 9.00 a.m. to 1.00 a.m. the following morning.
3.18	The area where outdoor entertainment is proposed to be provided is as follows: <ul style="list-style-type: none"> <li data-bbox="309 768 549 797">• Front Car Park
3.19	The standard days and hours for an Outdoor Entertainments Licence are: <ul style="list-style-type: none"> <li data-bbox="309 904 922 934">• Monday to Sunday: 11.30 a.m. to 11.00 p.m.
3.20	In addition, the following special conditions are usually attached to Outdoor Licences: <ol style="list-style-type: none"> <li data-bbox="293 1034 1445 1099">1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. <li data-bbox="293 1137 1445 1234">2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. <li data-bbox="293 1272 1445 1368">3. any requests to provide entertainment later than 11.00 p.m. must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. <li data-bbox="293 1406 1445 1615">4. should an application to provide entertainment beyond 11.00 p.m. be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Place, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.
3.21	The maximum numbers for the indoor and outdoor areas will be agreed for each event and on assessment of the proposed event set up.
3.22	If Members are of the mind to grant the applications for Indoor and Outdoor Entertainments Licences, officers would request to be given delegated authority to draft appropriate conditions to be attached to each of the licences.
3.23	The applicant proposes to provide entertainment in the form of live bands, DJ's and theatre. During these occasions they will operate a public bar facility via an Occasional Liquor Licence.

3.24	A layout plan of the venue is attached at Appendix 4.
	<u>Representations</u>
3.25	Notice of the applications has been advertised and no written representations have been lodged.
	<u>PSNI</u>
3.26	The PSNI has been consulted and has confirmed that it has no objection to the applications. Officers were also included in the discussions and planning for the events held on 27th and 28th December, 2017. A copy of its correspondence is attached at Appendix 5.
	<u>Health, Safety and Welfare Inspections</u>
3.27	The premises have been subject to inspections as part of the Entertainments Licence application process and Building Regulations application.
3.28	Officers worked with the applicant and event organisers in the lead up to the events held on Wednesday 27th and Thursday 28th December to ensure all documentation and technical requirements were in place.
3.29	Additionally, officers of the Service were present throughout each of the events held and were satisfied that all safety measures and management procedures were in place to protect the public, performers and staff.
	<u>NIFRS</u>
3.30	The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and confirmed that they have no objections. It was also included in the discussions and planning for the events held on 27th and 28th December and will be kept informed of any potential future events at the venue.
	<u>Noise Issues</u>
3.31	To facilitate the events held on 27th and 28th December, a number of terms and conditions were attached to the agreement regarding the management of noise.
3.32	These provisions proved effective and no complaints were received regarding the December events.
3.33	A revised Acoustic Report is currently being developed for the ongoing use of the venue and this will be assessed by colleagues in the Environmental Protection Unit (EPU).
	<u>Applicant</u>
3.34	The applicant and/or their representatives will be available at your meeting to answer any queries which you may have in relation to the applications.
	<u>Financial and Resource Implications</u>
3.35	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.

3.36	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Application Forms</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Letter sent to applicant regarding December 2017 events</p> <p>Appendix 4 – Layout plan of the venue</p> <p>Appendix 5 – PSNI Comments</p>

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 DATE: 10/01/2018

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 Boucher Road

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