

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



**Belfast  
City Council**

14<sup>th</sup> June, 2018

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 20th June, 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 - 6)
  - (b) Application for the Variation of a Seven-day Annual Indoor Entertainments Licence - Botanic Inn, 23-27 Malone Road (Pages 7 - 20)
  - (c) Application for Extended Hours - Lower Crescent Park (Pages 21 - 30)
  - (d) Application for Extended Hours - Woodvale Park (Pages 31 - 42)
  - (e) Application for Extended Hours - Falls Park (Pages 43 - 54)

- (f) Applications for the Renewal and Variation of Seven-Day Annual Indoor and Outdoor Entertainments Licences - Thompson's Garage, 3 Patterson's Place (Pages 55 - 68)
- (g) Application for the Grant of an Amusement Permit - Players, 22 Shaftesbury Square (Pages 69 - 84)
- (h) Application for the Grant of an Amusement Permit - Players, Unit 5-6, 133-137 Lisburn Road (Pages 85 - 102)



<b>Subject:</b>	<b>Licences/Permits issued under Delegated Authority</b>
<b>Date:</b>	20 <sup>th</sup> June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext 3375

<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>
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control 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>
2.1	The Committee is requested to note the applications which have been approved under the Scheme of Delegation.

<b>3.0</b>	<b>Main Report</b>																																																																
<b>3.1</b>	<p><b><u>Key Issues</u></b></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting:</p> <table border="1"> <thead> <tr> <th><b>Premises and Location</b></th> <th><b>Type of Application</b></th> <th><b>Hours Licensed</b></th> <th><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td>Bank Square, Chapel Lane, Belfast</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Bank Square, Chapel Lane, Belfast</td> <td>Renewal (marquee)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Brantwood Football and Recreation Club, Jellicoe Avenue, Belfast, BT15 3FZ</td> <td>Renewal</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr. Noel Holmes</td> </tr> <tr> <td>Cotton Court, Waring Street, Belfast, BT1 2ED</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3BG</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3BG</td> <td>Renewal (marquee)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Donegall Quay, Lagan Lookout and Lagan Weir, Belfast.</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr. Patrick Magee</td> </tr> <tr> <td>Horatio Todd's, 406-408 Upper Newtownards Road, Belfast, BT4 3EZ.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Wandsworth Pubs Ltd.</td> </tr> <tr> <td>John Hewitt Bar, 51 Donegall Street, Belfast, BT1 2FG</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr. David Moore</td> </tr> <tr> <td>Kelly's Cellars, 32 Bank Street, Belfast</td> <td>Renewal</td> <td>Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00</td> <td>Ms. Elizabeth Mulholland</td> </tr> <tr> <td>Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 02.00</td> <td>Mr. Bernard Lavery</td> </tr> <tr> <td>Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB</td> <td>Renewal</td> <td>Sun - Sat: 08.00 - 01.00</td> <td>Mr. Ciaran McAuley</td> </tr> <tr> <td>McEnaneys, 1-3 Glen Road, Belfast, BT11 8BA</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Sky Blue Pubs NI Ltd.</td> </tr> <tr> <td>Mount Masonic Social Club, 45 Park Avenue, Belfast, BT4 1PU</td> <td>Renewal</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr. Randal Armstrong</td> </tr> </tbody> </table>	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>	<b>Applicant</b>	Bank Square, Chapel Lane, Belfast	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Bank Square, Chapel Lane, Belfast	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities	Brantwood Football and Recreation Club, Jellicoe Avenue, Belfast, BT15 3FZ	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Noel Holmes	Cotton Court, Waring Street, Belfast, BT1 2ED	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Custom House Square, Belfast, BT1 3BG	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Custom House Square, Belfast, BT1 3BG	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities	Donegall Quay, Lagan Lookout and Lagan Weir, Belfast.	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Patrick Magee	Horatio Todd's, 406-408 Upper Newtownards Road, Belfast, BT4 3EZ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Wandsworth Pubs Ltd.	John Hewitt Bar, 51 Donegall Street, Belfast, BT1 2FG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. David Moore	Kelly's Cellars, 32 Bank Street, Belfast	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Ms. Elizabeth Mulholland	Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS	Renewal	Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 02.00	Mr. Bernard Lavery	Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Ciaran McAuley	McEnaneys, 1-3 Glen Road, Belfast, BT11 8BA	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Sky Blue Pubs NI Ltd.	Mount Masonic Social Club, 45 Park Avenue, Belfast, BT4 1PU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Randal Armstrong
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Oh Yeah Music Centre, 15-21 Gordon Street, Belfast, BT1 2LG	Renewal	Sun: 08.00 - 00.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 02.00	Oh Yeah Music Centre Ltd
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Tom McNaught
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 23.00	Stillery Inns Ltd
Shaftesbury Recreation Centre, 97 Balfour Avenue, Belfast, BT7 2EW	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Gerard Rice
Shandon Park Golf Club, 73 Shandon Park, Belfast, BT5 6NY	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Dominic Doherty
Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Ltd
SS Nomadic, Hamilton Dock, Queens Road, Belfast	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Titanic Belfast Ltd
St Malachys College Old Boys Assoc, 442 Antrim Road, Belfast	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Conor Cassidy
Stormont Hotel, 587 Upper Newtownards Road, Belfast, BT4 3LP	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Jonathan Topping
Albany and Miel Et Moi, 701-703 Lisburn Road, Belfast, BT9 7GU	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Calla House Ltd
The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Tobar Inns Ltd
The Metropolitan Arts Centre, 10 Exchange Street West, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Paul McIlwaine
The Parador, 471-473 Ormeau Road, Belfast, BT7 3GQ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Blaney Inns Ltd
The Skainos Centre, 239 Newtownards Road, Belfast, BT4 1AF	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Garry Robb
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (indoor)	Sun - Sat: 08.00 - 01.00	Titanic Belfast Ltd

Premises and Location	Type of Application	Hours Licensed	Applicant
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (marquee)	Sun: 11.30 - 23.00	Titanic Belfast Ltd
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Titanic Belfast Ltd
Writers Square, Donegall Street, Belfast, BT1 1ZZ	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities
Writers Square, Donegall Street, Belfast, BT1 1ZZ	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 198,5 the following Amusement Permits were issued since your last meeting:

Premises and Location	Type of Application	Hours Licensed	Applicant
Jet Amusements, 32-46 Castlereagh Road, Belfast, BT5 5FP.	Renewal	Sun - Mon: 00.00 – 00.00	Mr. James Johnston
Funtime Amusements, 91 Castle Street, Belfast, BT1 1GJ.	Renewal	Sun - Sat: 00.00 - 00.00	P & F Amusements
Twilight Zone Amusement Centre, 191 Kingsway, Dunmurry, Belfast, BT17	Renewal	Sun - Sat: 00.00 - 00.00	EZE Gaming Ltd

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

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Duncrue Crescent 45ft from junction with Duncrue Road	Stationary	Hot food and non-alcoholic beverages	Mon – Fri: 07.00 – 16.00	Mr. James Thompson

3.4 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting:

Location	Type of Activity	Date and Hours permitted	Applicant
Oxford Street.	Filming	3rd June: 6am to 10am	Ms. Lynda Shannon
Upper and Lower Crescent.	Filming	3rd June: 6am to 8pm	Mr. Chris Myers

	<b><u>Financial and Resource Implications</u></b>
3.5	None
	<b><u>Equality or Good Relations Implications</u></b>
3.6	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>Application for the Variation of a Seven-day Annual Indoor Entertainments Licence - Botanic Inn, 23-27 Malone Road</b>
<b>Date:</b>	20th June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

<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 whether to accept late objections to an application for the variation of the hours during which entertainment may be provided at the Botanic Inn to 3 a.m. on Saturday nights.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; width: 50%;">Premises and Locations</th> <th style="text-align: left; width: 50%;">Applicant</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">                     Botanic Inn                      23-27 Malone Road                      Belfast                      BT9 6RU                 </td> <td style="vertical-align: top;">                     Mr. Felix Mooney                      Cathal GM Ltd                      Botanic Inn                      23-27 Malone Road                      Belfast                      BT9 6RU                 </td> </tr> </tbody> </table>	Premises and Locations	Applicant	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU
Premises and Locations	Applicant				
Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU				
1.2	The variation application for the Botanic Inn for the extension of hours of entertainment to 3.00 a. m. was received on 22nd November, 2016.				

<b>2.0</b>	<b>Recommendations</b>
2.1	As the objections against the application were received outside the 28-day statutory period, you are required to determine if you wish to exercise your discretion to consider them and, if so, give the objectors and the applicant an opportunity of appearing before and being heard by the Committee.
2.2	Should you exercise your discretion, you are required to set a suitable date and time to receive the persons who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the applications.
2.3	If you decide not to take the late representation into account, then the application will be brought before you at a future meeting for your consideration, as all applications for the extension of hours of entertainment beyond 1.00 a.m. must be brought before the Committee for consideration. Additionally, you will also consider the objections of the Lower Malone Residents' Association arising from the decision to take them into account at your meeting on 19th April 2017.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Members are reminded that, at your meeting on 18th January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections:</p> <ol style="list-style-type: none"> <li>1. has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period?;</li> <li>2. does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period/;</li> <li>3. how far outside the 28-day period were the representations received?;</li> <li>4. the proximity of the objectors to the premises;</li> <li>5. the number of other representations received outside the 28-day period;</li> <li>6. whether there are any other material considerations which would warrant consideration of the objection.</li> </ol> <p>3.2 A factor Members may also wish to take into consideration is the previous history of objection, Committee hearings and Court cases associated with these premises and the fact that the Entertainments Licence currently has conditions which require the Licensee to attend liaison meetings between Belfast City Council, the Lower Malone Residents Association and the PSNI.</p> <p>3.3 Written representation, objecting to the applications, has been received from a number of sources, which were outside the 28 day statutory period. (See Appendix 1)</p> <p>3.4 All of the above objections were received in April and May, 2018.</p> <p>3.5 A synopsis of the objections received is outlined below:</p> <ul style="list-style-type: none"> <li>• the premises are located near residential streets in the greater University area and Lower Malone. It is totally inappropriate for a pub to open to 3.00 am in this area;</li> </ul>

<p>3.6</p>	<ul style="list-style-type: none"> <li>• many streets in the surrounding area are residential in nature and many of the owners have to work the next day and have children trying to sleep;</li> <li>• there has been an ongoing problem with antisocial behaviour in the wider university area;</li> <li>• there is an ongoing concern in Lower Malone with antisocial behaviour and noisy students making their way back to the Elms Village and other student housing in the area.</li> </ul> <p>Arising from your decision of 18th January, 2017, we have received correspondence from the objectors explaining the reason for their late objection. They have all stated this was because they were unaware of the application submitted by the Botanic Inn to increase their hours of entertainment until advised by the PSNI via their local residents' group in April 2018.</p> <p><b>Lower Malone Residents Association</b></p>
<p>3.7</p>	<p>Members will recall that, at your meeting on 19th April 2017, it was reported that representations had been received from the Lower Malone Residents' Association objecting to this application. The Committee agreed, in view of the explanation which had been provided and relevance of the objection, to exercise its discretion and consider the objections outside the 28-day statutory period at a future meeting of the Committee.</p>
<p>3.8</p>	<p>In the interim period, there has been ongoing mediation between the management of the Botanic Inn and Lower Malone Residents Association, who confirmed that they were happy to withdraw their objection on the basis that the Licence was issued for one night per week for a six month period.</p>
<p>3.9</p>	<p>However, the Lower Malone Residents Association confirmed, on 20th May 2018 that, although they entered into the mediation process with the management of the Botanic Inn, they would like to maintain their original objection. A copy of the original Lower Malone Residents' Association objection is attached at Appendix 2.</p> <p><b>PSNI</b></p>
<p>3.10</p>	<p>The Police Service of Northern Ireland originally objected to the 3 a.m. extension, as it was proposed for midweek and it would not have adequate resources to facilitate this. Due to this objection, the applicant proposed changing the proposed 3 a.m. extension to a Saturday night and the Police Service of Northern Ireland confirmed it would have no objection. A confirmation email from the PSNI is attached at Appendix 3.</p> <p><b><u>Financial and Resource Implications</u></b></p>
<p>3.11</p>	<p>None.</p> <p><b><u>Equality or Good Relations Implications</u></b></p>
<p>3.12</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 – Objection E-mails  Appendix 2 – Original objection from Lower Malone Residents' Association  Appendix 3 – Email from Police Service of Northern Ireland</p>

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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<b>Subject:</b>	<b>Application for Extended Hours - Lower Crescent Park</b>
<b>Date:</b>	20th June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	To consider a request from the organisers of the FOCAL Festival to operate an outdoor event over three nights within Lower Crescent Park, on Thursday 30th and Friday 31st August and Saturday 1st September 2018, and to permit entertainment to run beyond 11.00 p.m to 1.00 a.m. on each of those nights.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> <li>1. Agree if any or each of the proposed nights should be permitted to take place beyond the standard hours of licence or;</li> <li>2. Refuse to extend any or all of the hours as requested.</li> </ol>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	Lower Crescent Park is the responsibility of the Parks Service of the City and Neighbourhood Services Department, which currently holds a Seven-Day Annual Outdoor Entertainments Licence for the park.
3.2	<p>The standard days and hours during which the park is currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 a.m. to 11.00 p.m.</li> </ul>

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p>	<p>In addition, the following special conditions are attached to the Entertainments Licence:</p> <ol style="list-style-type: none"> <li>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> <li>2. the licensee may, three months in advance of a proposed event, apply for additional hours to provide entertainment beyond 11.00pm. Such applications will be considered by the Licensing Committee and any previous noise issues will be taken into account;</li> <li>3. should an application to provide entertainment beyond 11.00pm 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 Building Control, 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; and</li> <li>4. all letters forwarded by promoters to residents must advise that, should they have objections or concerns regarding an event providing entertainment beyond 11.00pm, they contact the Building Control Service.</li> </ol> <p>The Committee may recall approving in November an application from the organisers of the FOCAL Festival for an event which ran to 1.00 a.m. on 21st, 22nd and 23rd December 2017. This is the third edition of the Focal Festival and is a follow-on from events held in June/July 2017 and December 2017 at the venue.</p> <p>Focal Festival is an independent food and drink festival centred on the celebration and promotion of local food and drink incorporated within an outdoor festival.</p> <p>It is a standard condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p> <p>Members are reminded that the Committee has previously granted extensions for other similar events across the City, including the Cathedral Quarter Arts Festival, the Belfast Beer Festival 2017 and Oktoberfest at Custom House Square and the Belfast City Blues Festival at Writers Square.</p> <p>The Parks Service has also sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 5th June 2018, subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul style="list-style-type: none"> <li>• the promoter resolves all operational issues to the Council's satisfaction;</li> <li>• an appropriate legal agreement is completed, to be prepared by the City Solicitor; and</li> <li>• the promoter meets all statutory requirements of the Building Control Service, including the terms and conditions of the Parks Entertainments Licence and any subsequent decisions made by the Licensing Committee.</li> </ul> <p>This decision will be subject to ratification by Council on 2nd July 2018.</p>
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**Rationale for Additional Hours**

3.10 The applicant has provided the following rational in support of the application to provide entertainment beyond 11.00 p.m. to 1.00 a.m. on 3 consecutive nights:

- People Flow - we are anticipating up to 2,000 guests each day at Focal 2018. With this large number of people leaving at night and in the dark may cause congestion and confusion within the crowd. By extending the licensing hours we can allow people to leave in phases;
- Local Area - As a large scale event with alcohol involved, if everyone has to leave at one time there could be a run on other local establishments, which will no doubt already be pushed to capacity. We would like to allow our security team to work with local bars in order to phase the crowd leaving instead of everyone having to leave at once. This issue has been backed up by several of the nearby establishments;
- Transport - We want to ensure each guest is able to get warm and safe transport home - by having everyone leave in phases we can ensure this happens instead of all wanting taxi's at one time;
- Musicians - We are promoting exclusively Northern Irish emerging talents, supporting every genre from pop, singer-songwriter, DJ, rock and traditional music. By having extended licensing we can showcase 23 artists opposed to 17 and
- Finances - Due to having to hire extra marquees, higher levels of insurance, heating costs and stage costs the festival is costing around 40% more than the last event. By having the extra entertainment licence hours we can keep the festival running longer and recuperate some more of these costs and strive to break even for the festival. We do not do this to make a profit.

3.11 As this is not an application to vary the terms and conditions of the Outdoor Entertainments Licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.

3.12 Officers from the Service have engaged with the organisers and with officers of the Parks Service and are currently working with them to determine an appropriate occupancy for the venue and ensure other arrangements are in place to manage the event safely.

3.13 Representatives of both the Parks Service and event organisers will be available at your meeting should you wish to seek further information about the event.

3.14 A copy of the letter from the event organisers about the festival and their rationale for the request to extend the hours is attached at Appendix 1.

3.15 A location map is attached at Appendix 2.

**PSNI**

3.16 The PSNI has been consulted in relation to the application. However due to the request to operate beyond 11.00 p.m. being received in June 2018 it has not responded as yet. Therefore, we will advise of the PSNI's response at the Licensing Committee meeting. The Police Service will also be consulted in advance of any proposed event to consider traffic management and wider operational policing issues.

	<b><u>NIFRS</u></b>
3.17	As with all such events, a detailed planning meeting will be held, attended by officers of the PSNI and NIFRS, to look at public safety, traffic management, transport and any wider operational issues.
	<b><u>Health, Safety and Welfare Issues</u></b>
3.18	Having worked with the event organisers for their June and December festivals, we are satisfied that the space can accommodate the proposed festival and, to date, the organisers have co-operated fully regarding measures to protect public safety and the surrounding area.
	<b><u>Noise Issues</u></b>
3.19	The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. in the Park and been provided with a recently submitted noise report which outlines the promoters strategy to mitigate noise disturbance in the surrounding area.
3.20	EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. They are committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
3.21	Given the cumulative impact of three late nights in a row and potential sleep disturbance to nearby residents, Officers are concerned that there is a greater potential for complaints after 11.00 p.m. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 p.m.
3.22	Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11 p.m. the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.
3.23	2 noise complaints were received in relation to the festival in December 2017, and 3 arising from the event hosted in June 2017.
3.24	The complaints have been brought to the attention of the event organisers and will be taken into account in preparation for this event. No formal action was undertaken in respect of the noise complaints.
3.25	When all reports and supporting information have been developed they will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.
3.26	The organiser will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place. They will also be advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.
	<b><u>Financial and Resource Implications</u></b>
3.27	Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.

3.28	<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 – Rationle</p> <p>Appendix 2 – Location map</p>

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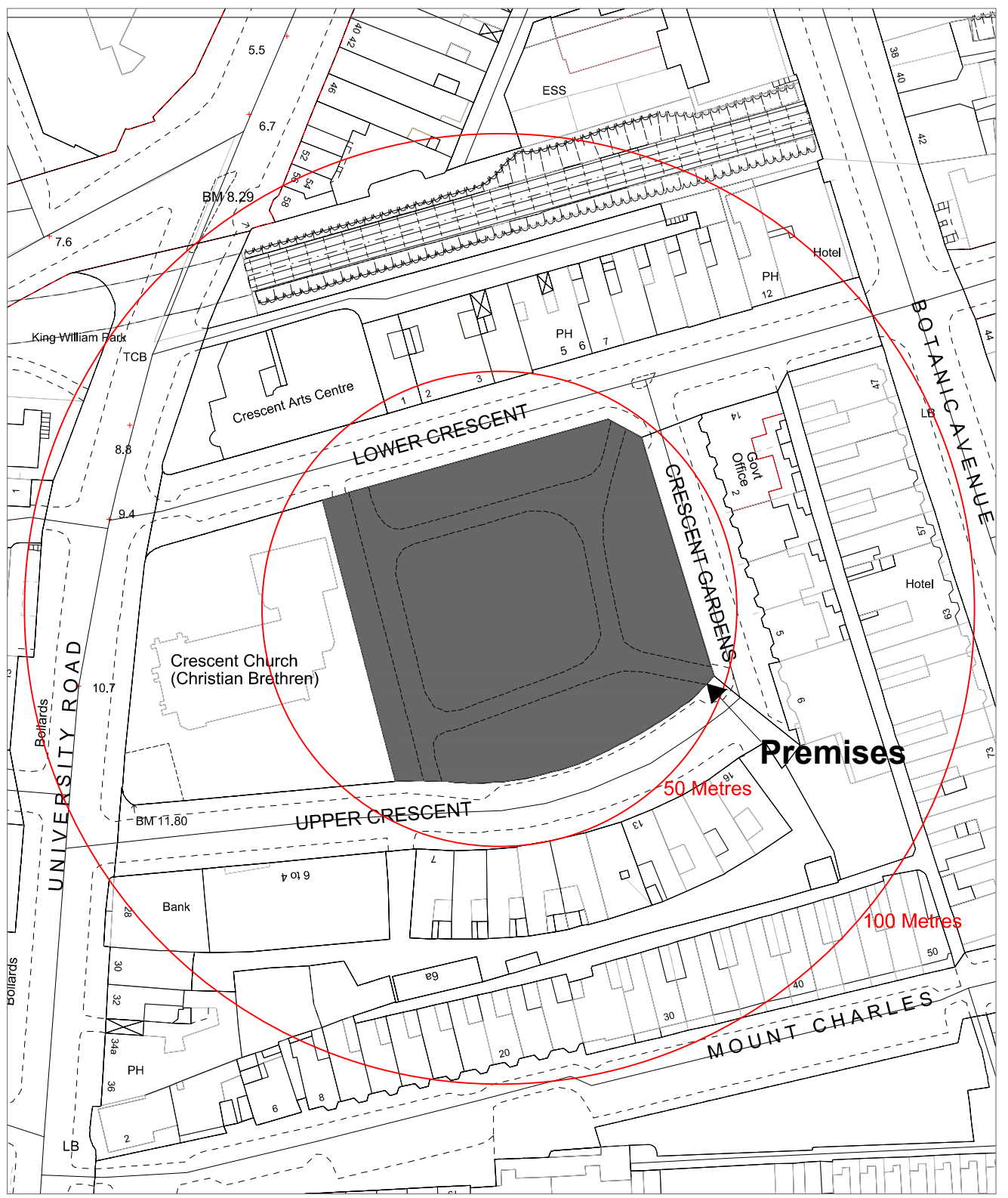
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# Building Control Service

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## Appendix 2



DRAWN BY MT  
DATE 02/08/2016

Page 29  
Crescent Park  
Crescent Gardens

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<b>Subject:</b>	<b>Application for Extended Hours - Woodvale Park</b>
<b>Date:</b>	20 <sup>th</sup> June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

<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 consider a request from Twaddell and Woodvale Residents Association to hold an outdoor musical event at Woodvale Park on 9th and 11th July 2018 and to permit entertainment to run beyond 11.00 p.m. on both nights.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations received, you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> <li>1. agree if the events on the 9th and 11th July 2018 should be permitted to take place beyond the standard hours of licence to 1.00 am or</li> <li>2. refuse to extend the hours as requested.</li> </ol>

<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 226 432 255"><b><u>Key Issues</u></b></p> <p data-bbox="165 293 1474 454">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Indoor Licence, for a Marquee, has been granted for Woodvale Park and both have been used to hold events in the past. The licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">3.2 The days and hours during which entertainment may be provided both outdoors and in a marquee are Monday to Sunday from 11.30 a.m. to 11.00 p.m.</p> <p data-bbox="165 595 1474 663">3.3 In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ol data-bbox="288 696 1390 1267" style="list-style-type: none"> <li>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> <li>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> <li>3. any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> <li>4. should an application to provide entertainment beyond 11.00 pm 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 Building Control, 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.</li> </ol> <p data-bbox="165 1301 1474 1435">3.4 The Twaddell and Woodvale Residents' Association has been an active participant in the bonfire programme for a number of years. In 2007, it was involved in the design of the Bonfire Beacon as an alternative to the traditional 11th July bonfire and it has successfully run this event from 2008, attracting over 1,000 people.</p> <p data-bbox="165 1469 1474 1626">3.5 The Council's People and Communities Committee, at its meeting on 8th May, granted authority to Twaddell and Woodvale Residents' Association to hold a three-day programme of cultural celebration in Woodvale Park in July, subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that the event organiser:</p> <ul data-bbox="320 1671 1474 1839" style="list-style-type: none"> <li>• ensures that all health and safety requirements are met to the Council's satisfaction, including an event management plan, risk assessments and public liability insurance; and</li> <li>• meets all statutory requirements, including entertainments licensing.</li> </ul> <p data-bbox="165 1872 1474 1973">3.6 It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p>

3.7	Members are reminded that, last year, the Committee considered an extension beyond the standard hours of 11.00 p.m. to 1.00 a.m. for this event at Woodvale Park and, after consideration, agreed to grant the request.
3.8	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 p.m. for other events and festivals, including at your meeting in March, the Cathedral Quarter Arts Festival.
3.9	The Committee has also granted extensions for other events and venues across the City, including Lower Crescent Park.
<b><u>Rationale for Additional Hours</u></b>	
3.10	The organisers have not yet finalised the details for the event but have confirmed that their event will commence on Monday 9th and run to Wednesday 11th July 2018.
3.11	Acts for this year's event are still being finalised but it is anticipated that the event on 9th July will be split into two clear segments, a matinee event for families running from 3 p.m. to 5 p.m. and an evening event for over 16-year olds, involving a live concert featuring a range of UK and European electronic music artists.
3.12	The event on 11th July will involve a range of international artists, including live bands and singers, as well as a range of family orientated activities and music.
3.13	The organisers have requested that you give consideration to permitting entertainment on Monday 9th and the last night of their programme of celebrations on 11th July 2018 to run beyond 11.00 p.m. to a maximum on 1.00 a.m.
3.14	As this is not an application to vary the terms of the Outdoor Entertainments Licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.
3.15	A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to beyond 11 p.m. is attached at Appendix 1.
3.16	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.17	A location map is attached at Appendix 2.
<b><u>PSNI</u></b>	
3.18	The PSNI has been consulted regarding the event and the request to operate on 9th and 11th July to 1.00 am. It has confirmed that it has no objections to this proposal and that, in previous years, it appears to have been well run and beneficial to the area.
3.19	A copy of its correspondence is attached at Appendix 3.
<b><u>Health, Safety and Welfare Issues</u></b>	
3.20	Officers have engaged with the organisers and officers of the Parks Service and are currently working with them to agree the details of their Event Management Plan and the layout plan for the site. We will continue this work to determine an appropriate occupancy for the event and ensure other arrangements are in place to manage the event safely.

3.21	<p>Officers from the Service have carried out inspections for previous events to celebrate the 11th night and have found that the organisers have adhered to the health, safety and welfare management requirements during that time.</p> <p><b><u>Noise Issues</u></b></p>
3.22	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the event and the request to operate to beyond 11.00 p.m. on both nights. It has confirmed that no complaints were received in relation to last year's event on the 11th July.</p>
3.23	<p>EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.</p>
3.24	<p>An appropriate noise report will be developed in conjunction with the Council's Parks Service and EPU will work with the organiser to ensure noise break out and disturbance is kept to a minimum and that the agreed noise limit is in line with the relevant Code of Practice.</p>
3.25	<p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 p.m.</p>
3.26	<p>Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that, for events continuing after 11 p.m., the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.</p>
3.27	<p>Officers will also ensure the organiser produces a suitable resident's notification letter and will agree the extent of its distribution prior to the event taking place.</p>
3.28	<p><b><u>Financial and Resource Implications</u></b></p> <p>Officers will be required to carry out inspections at the event, but this is catered for within existing Service budgets.</p>
3.29	<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 – Rationale for requesting the extended hours</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>



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

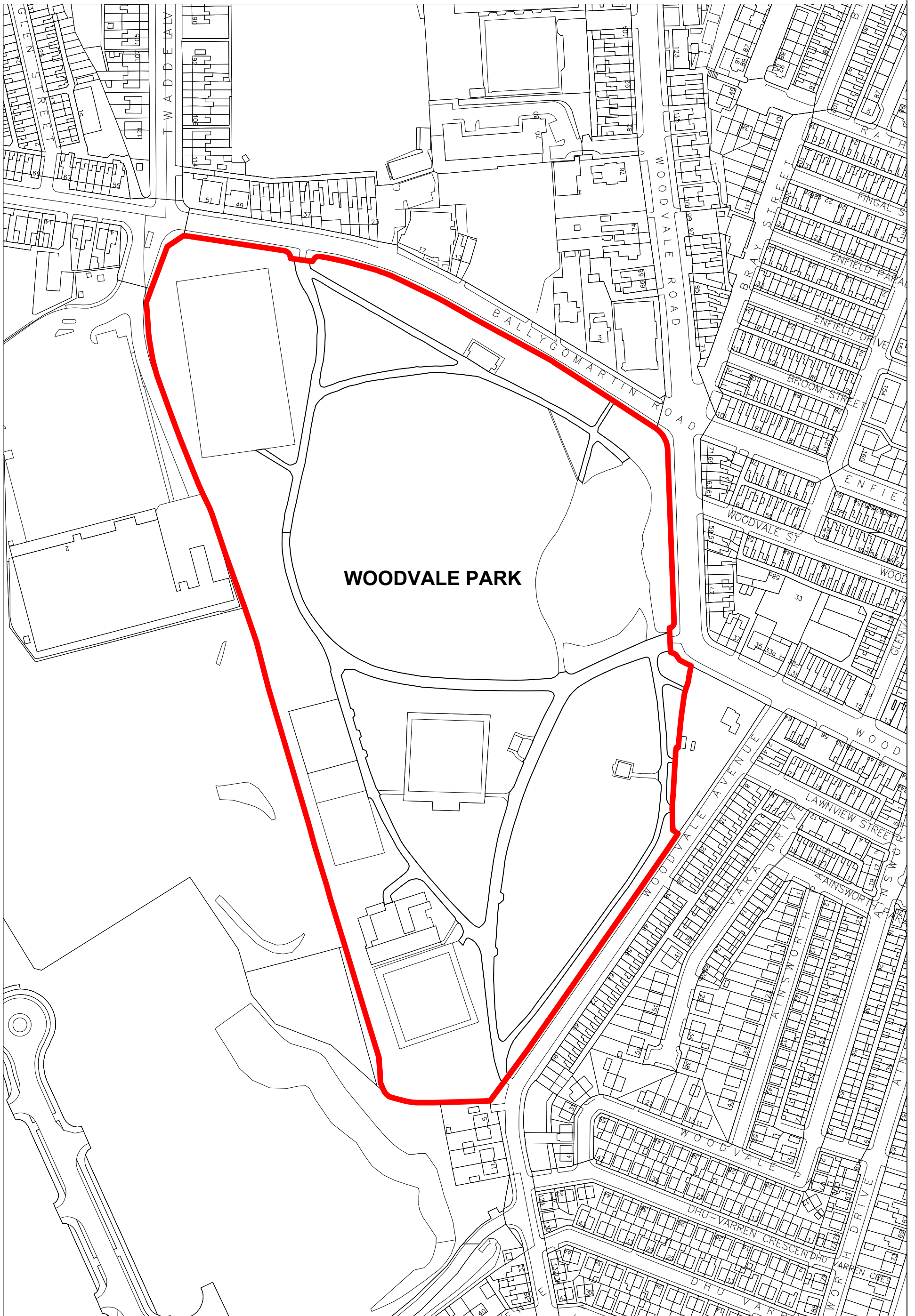
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# Building Control Service

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**WOODVALE PARK**

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<b>Subject:</b>	<b>Application for Extended Hours - Falls Park</b>
<b>Date:</b>	20 <sup>th</sup> June, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

<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 consider a request from the organisers of Féile an Phobail to hold a four-day music event within Falls Park, running from Wednesday 8th to Sunday 12th August 2018, and to permit the entertainment to run beyond 11.00 pm on all occasions.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations received, the Committee is required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> <li>1. agree if any or all of the four events should be permitted to take place beyond the standard hours of licence to 1.00 a.m. on all 4 occasions;</li> <li>2. refuse to extend any or all of the hours as requested.</li> </ol>

<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 226 427 255"><b><u>Key Issues</u></b></p> <p data-bbox="165 293 1474 456">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold numerous events in the past; primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">3.2 The days and hours during which entertainment may be provided both outdoors and in a marquee, are Monday to Sunday from 11.30 a.m. to 11.00 p.m.</p> <p data-bbox="165 600 1474 667">3.3 In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul data-bbox="325 696 1390 1263" style="list-style-type: none"> <li>• maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals;</li> <li>• 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> <li>• any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event; and</li> <li>• should an application to provide entertainment beyond 11.00 pm 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 Building Control, 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.</li> </ul> <p data-bbox="165 1301 1474 1435">3.4 The organisers have not yet finalised all of the artists to perform at this year's event but they have confirmed that the genre and type of entertainments will be similar to previous years. However, Olly Murs has been identified as the headline act to perform on 11th August. Musical performances are also scheduled for 8th, 10th, and 12th August.</p> <p data-bbox="165 1473 1474 1570">3.5 The People and Communities Committee, at its meeting on 5th June, agreed the use of the park for this event subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul data-bbox="325 1608 1474 1868" style="list-style-type: none"> <li>• The Event Organisers resolve all operational issues to the Council's satisfaction.</li> <li>• An appropriate legal agreement is prepared by the Town Solicitor.</li> <li>• The Event Organisers meet all statutory requirements including Public Liability Insurance cover, Health and Safety, Food Safety and licensing responsibilities.</li> <li>• The Event Organisers obtain licences for the sale of alcohol, in a timely manner through the appropriate channels.</li> <li>• The timely payment of the agreed charges and bonds as required in the legal agreements.</li> </ul> <p data-bbox="165 1906 1474 1935">3.6 This decision will be subject to ratification by Council on 2nd July.</p>



3.7	It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
3.8	As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
3.9	Members may recall that, last year, you agreed to grant the organisers permission to operate all of their eleven nights of the event at the venue beyond the standard hours of 11.00 p.m. to 12.00 a.m.
3.10	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 p.m. for other events and festivals including the Cathedral Quarter Arts Festival at your March meeting.
3.11	The Committee has also granted extensions for other events and venues across the City, including Lower Crescent Park.
<b>Rationale for additional hours</b>	
3.12	The organisers have confirmed that this is the 30th year of the event, which has always been staged as a community event for the people. The event has grown over the years from being held over 2 to 3 days to a full festival running over 10 or 11 days, offering a mixture of entertainments, social hubs, artistic performances, sports activities to multi-cultural and educational events. This year's festival will run from 2nd -12th August.
3.13	The event organisers have cited that, after significant engagement with the local community and stakeholders, the entertainment aspect of the festival within Falls Park has been consolidated from 11 nights of entertainment to 4 nights of entertainment.
3.14	The event organisers have also indicated that, although the application is to provide 4 nights of entertainment to 1.00 a.m., it is envisaged that entertainment will only run to 1.00 a.m. on 8th August. Entertainment on the remaining evenings will finish before this time.
3.15	The ability to operate beyond the permitted hours to 1.00 a.m. allows the organisers to develop their plans around some of the diversionary activities they propose to put in place to help with the ongoing antisocial behavior issues and to take kids off the streets by giving them somewhere safe to go to. In addition to the entertainment and social aspect of the event, there are proposals to introduce activities involving sport and discussion for the youth to engage with.
3.16	As reported at 3.4, acts for this year's festival are still being finalised, but a number of international artists that will appeal to all age groups are booked and a full running order should be completed during the month of June.
3.17	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.18	A copy of the letter from the organisers, outlining the background to the festival and reasons for requesting the extended hours to 1.00 a.m., is attached at Appendix 1.
3.19	A location map is attached at Appendix 2.

	<b><u>PSNI</u></b>
3.20	The PSNI has been consulted in relation to the event and has confirmed that the organisers have been in regular contact with it regarding it and their proposal to operate each night beyond the permitted hours to 1.00 a.m. It has also been working with them regarding traffic management and an Occasional Liquor Licence application.
3.21	As a result, the PSNI has offered no objection to the event and the proposal to operate beyond the permitted hours. A copy of its comments is attached at Appendix 3.
	<b><u>Health, Safety and Welfare Issues</u></b>
3.22	Officers have engaged with the organisers and officers of the Parks Service and they have provided a draft Event Management Plan and Site Plan. A significant change in the format of the event is the proposal to host all entertainment completely outdoors. Previously entertainment was hosted for the duration of the event within a marquee.
3.23	Event organisers continue to engage with the Service as the proposals in relation to the events develop.
3.24	Officers from the Service have carried out during performance inspections over previous events organised by Féile an Phobail and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of events during that time.
	<b><u>Noise issues</u></b>
3.25	The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. on the identified nights in Falls Park. An acoustic report has not been provided to the Unit at this stage. The proposed event space still remains the subject of ongoing construction works. When construction works have been completed the site will be available for analysis by the organisers Acoustic Consultant.
3.26	EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
3.27	Given the cumulative impact of four late nights so close together and potential sleep disturbance to nearby residents, officers are concerned that there is a greater potential for complaints after 11.00 p.m. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
3.28	Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11pm the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.
3.29	Last year there were 27 noise complaints in relation to Falls Park over the course of the festival. 25 of these complaints were received between 11.00 p.m. and 1.00 a.m. A measurement taken inside a complainant's bedroom at 11.19 pm with the window open was 42db LAeq. This significantly exceeded the World Health Organisation (WHO) guidelines of 30 dB(A).

<p>3.30</p> <p>3.31</p> <p>3.32</p> <p>3.33</p> <p>3.34</p> <p>3.35</p>	<p>Loud bass beat could be heard in the surrounding area. The complainants commented that they were unhappy with the 1.00 a.m. finish.</p> <p>The complaints were brought to the attention of the event organisers both at the time of the events and in discussions with the organisers in preparation for this year's Feile. No formal action was undertaken in respect of the noise complaints.</p> <p>When all reports and supporting information have been developed they will be considered by officers to ensure that the technical requirements are in accordance with all relevant legislation and guidance. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises and have been advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.</p> <p>The organisers will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers will be required to carry out inspections at the event but this is catered for within existing Service 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 – Rationale for requesting the extended hours</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>

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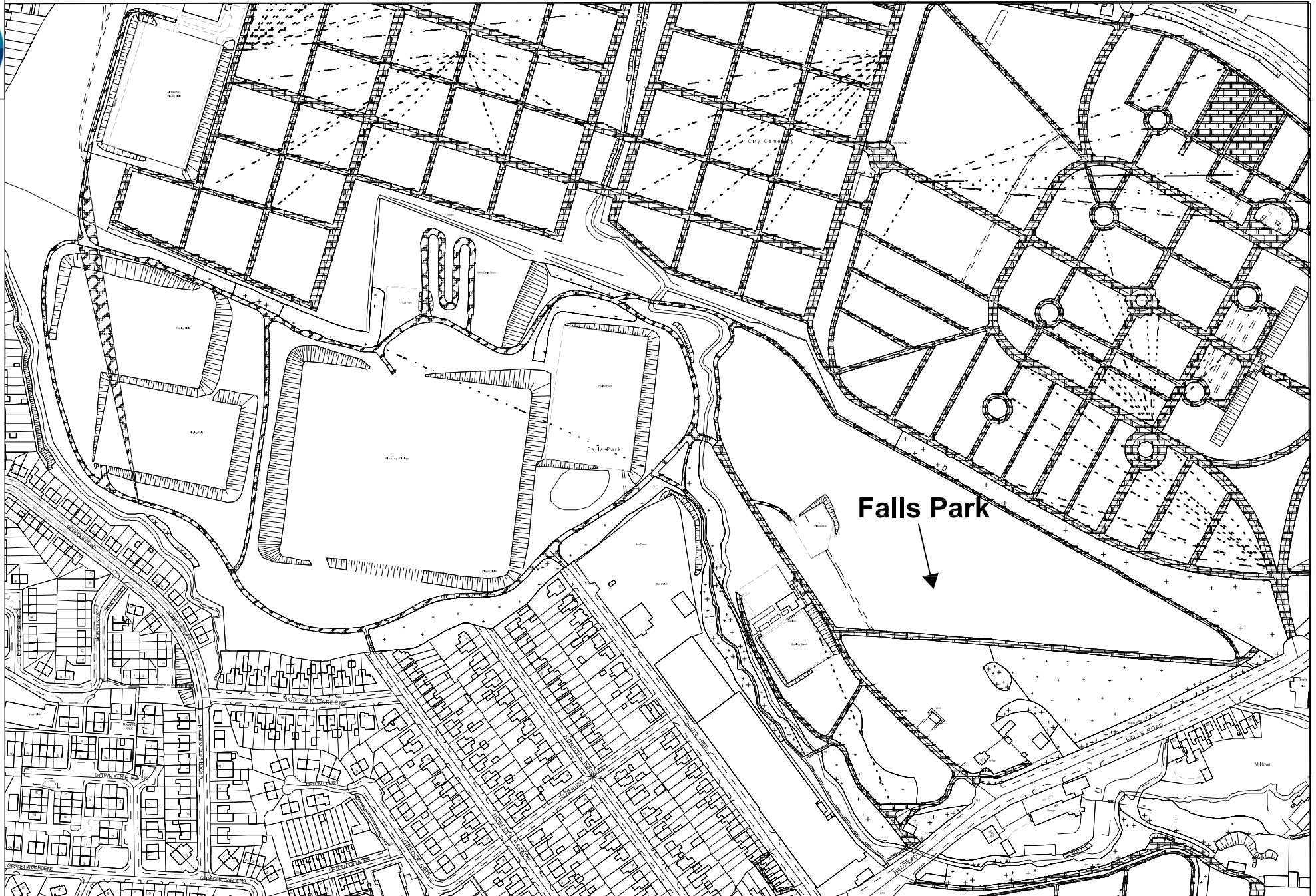
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Page 51



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Falls Park  
Falls Road

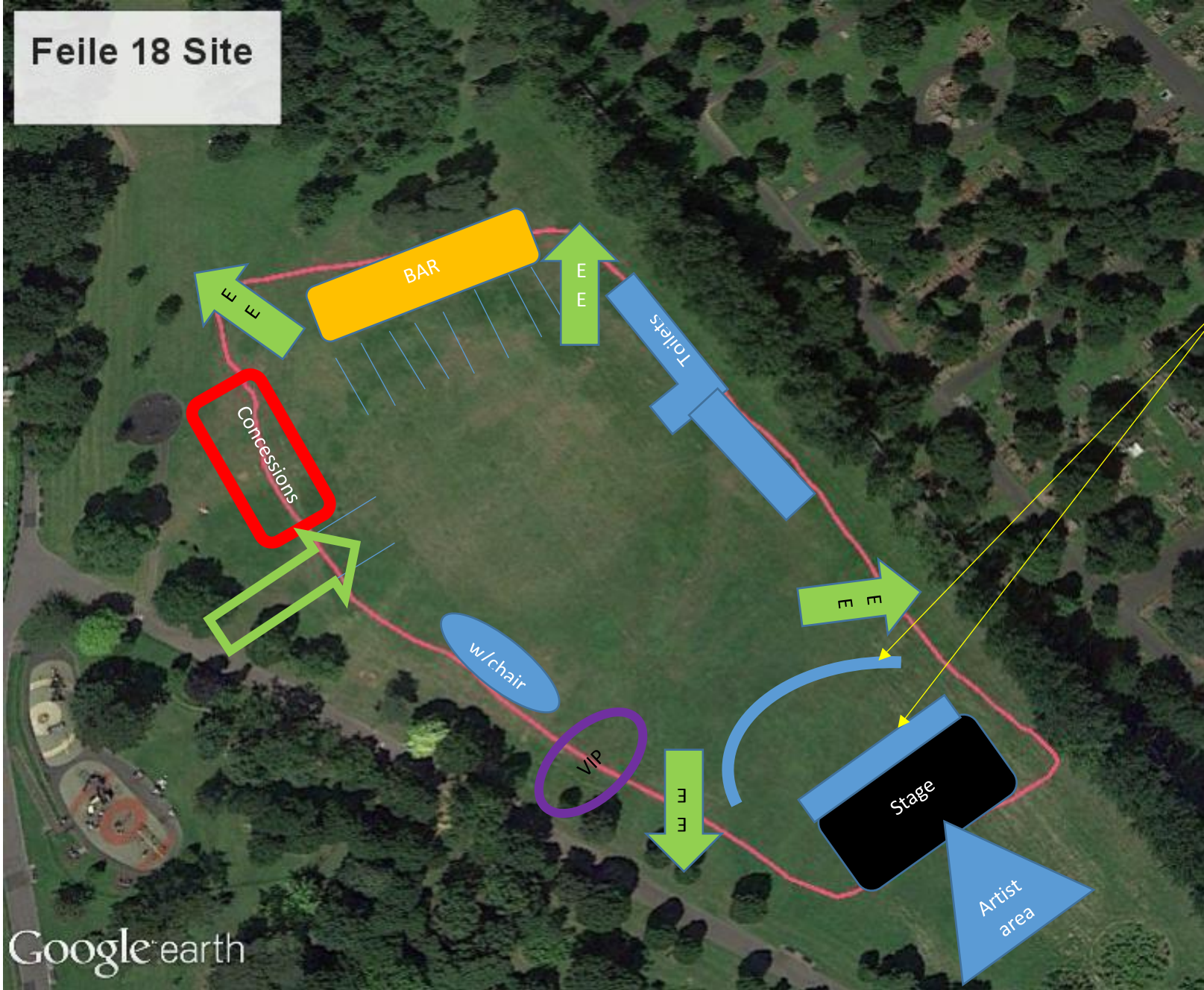
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Feile 18 Site



Mojo to create a golden circle (needed due to pressure of 10,000 crowd)



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<b>Subject:</b>	<b>Applications for the Renewal and Variation of Seven-Day Annual Indoor and Outdoor Entertainments Licences - Thompson's Garage, 3 Patterson's Place</b>
<b>Date:</b>	20th June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext 3375

<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 applications for the renewal and variation of both the Seven-Day Annual Indoor and Outdoor Entertainments Licence for Thompsons Garage, based on the Council's Standard Conditions.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; text-align: center;"><b>Premises and Location</b></td> <td style="width: 50%; text-align: center;"><b>Applicant</b></td> </tr> <tr> <td style="text-align: center;">Thompson's Garage 3 Patterson's Place Belfast BT1 4GW</td> <td style="text-align: center;">Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL</td> </tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Thompson's Garage 3 Patterson's Place Belfast BT1 4GW	Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL
<b>Premises and Location</b>	<b>Applicant</b>				
Thompson's Garage 3 Patterson's Place Belfast BT1 4GW	Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL				
1.2	The nature of the variation to the Indoor Entertainment Licence is to increase the occupancy of the indoor area from 430 persons to 480 persons.				

1.3	The nature of the variation to the Outdoor Entertainments Licence is to extend the hours of when entertainment may be provided from 11pm to 1am and increase the occupancy of the outdoor area from 185 persons to 200 persons.
1.4	A location map is attached at Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
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"> <li>1. approve the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences, or</li> <li>2. approve the applications for renewal with Special Conditions, or</li> <li>3. refuse the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences.</li> </ol>
2.3	Should you be of a mind to approve the application to renew the Licences you are then required to determine, subject to all technical requirements being met, either to: <ol style="list-style-type: none"> <li>1. approve the variation of the Licence to increase the occupancy capacity for the Indoor Entertainments Licence; and</li> <li>2. approve the variation of the Licence to increase the occupancy capacity and the extension of hours for the Outdoor Entertainments Licence; or</li> <li>3. agree the applications for the variation of the 7-Day Annual Indoor and Outdoor Entertainments Licence with Special Conditions, or</li> <li>4. refuse any or all of the variation applications.</li> </ol>
2.4	If the applications are refused, or Special Conditions are attached to the Licences 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 Recorders Court.
2.5	Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the existing 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>
	<b><u>Details of the Premises and Proposals</u></b>
3.1	The areas currently licensed to provide indoor entertainment are: <ul style="list-style-type: none"> <li>• Ground Floor Bar, with a maximum capacity of 240 persons.</li> <li>• Mezzanine Floor, with a maximum capacity of 190 persons.</li> </ul>

3.2	The days and hours during which the premises are currently licensed to provide indoor entertainment are:
	<ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 3.00 am the following morning</li> </ul>
3.3	The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.
3.4	A new roof has been constructed over the second floor to form a VIP bar with an external balcony. This area was previously an outdoor smoking area. This area was not included on the Entertainments Licence but there was a special condition attached to the Licence restricting the occupancy of the area to 50 persons.
3.5	The applicant has applied to vary the existing Indoor Entertainments Licence to include this new VIP bar with an addition occupancy of 50 persons.
3.6	Layout plans of the proposed 2 <sup>nd</sup> floor VIP area are attached at Appendix 2.
3.7	The area currently licensed to provide outdoor entertainment is:
	<ul style="list-style-type: none"> <li>• Outdoor Area, with a maximum capacity of 185 persons.</li> </ul>
3.8	The days and hours during which the premises are currently Licensed to provide outdoor entertainment are:
	<ul style="list-style-type: none"> <li>• Monday to Saturday 11.30 am to 11.00 pm, and</li> <li>• Sunday 12.30 pm to 11.00 pm.</li> </ul>
3.9	Entertainment is provided to the outdoor area in the form of solo performers, live bands or a DJ through the in-house speaker system.
3.10	The applicant has applied to extend the hours of the existing Outdoor Entertainments Licence from 11.00pm to 01.00am and to increase the occupancy from 185 to 200 persons.
3.11	Layout plans of the proposed outdoor area are attached as Appendix 3.
	<b><u>Previous convictions</u></b>
3.12	The application is being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985 at Belfast Magistrates' Court, on two occasions: 13 May 2014 and 24 May 2016.
	<b>First Conviction</b>
3.13	The first conviction, on 13 May 2014, arose following breaches of the Terms and Conditions of the Entertainments Licence in that they failed to manage the permitted occupancy and migration between licensed areas. They also failed to ensure that the permitted numbers for the Smoking Area were limited to 50 persons as the area was overcrowded.
3.14	As a result, Mr Stephen Boyd and Endless Music Limited were fined a total of £800 and ordered to pay court costs of £69.

**Second Conviction**

- 3.15 The second conviction, on 24th May 2016, arose following breaches of the Terms and Conditions of the Entertainments Licence in that the 2nd Floor of the premises was found to be in excess of the permitted occupancy.
- 3.16 As a result, Endless Music Limited was fined £750 and ordered to pay court costs of £66.
- 3.17 Following these offences, officers met with Mr Boyd and his representatives to review all their procedures to ensure that appropriate measures were in place to prevent a recurrence.
- 3.18 Members may recall that details of the first conviction was brought to your attention previously and both convictions were considered at your meetings in April, May and October, 2017 in relation to the application for the renewal of the Indoor Entertainments Licence and the grant of the Outdoor Entertainments Licence and, after consideration, you agreed to grant all licences.
- 3.19 The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.

**Representations**

- 3.20 Notice of the application has been advertised and no written representation has been lodged.

**PSNI**

- 3.21 The PSNI has been consulted and has confirmed that it has no objection to the applications. A copy of its correspondence is attached at Appendix 4.

**NIFRS**

- 3.22 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objection to the applications.

**Health, safety and welfare inspections**

- 3.23 The request for additional occupancies are minor in nature and can be accommodated without having any adverse effect on the means of escape from the premises in the event of an emergency.
- 3.24 Members are advised that Officers have carried out a total of two During Performance Inspections over the past 12 months. On each occasion, all technical matters were satisfactory, and the appropriate measures and management procedures were being implemented effectively.
- 3.25 The premises have also been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.

**Noise issues**

- 3.26 No noise complaints have been received in the last 12 months.

<p>3.27</p> <p>3.28</p> <p>3.29</p> <p>3.30</p>	<p>Given the nature of the outdoor entertainment at the venue an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU). At the time of writing this report, EPU comments were not available, therefore, we will advise of their comments at the Committee meeting.</p> <p>Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.</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 – Location map</p> <p>Appendix 2 – Plans of the Indoor Area</p> <p>Appendix 3 – Plans of the Outdoor Area</p> <p>Appendix 4 – PSNI Correspondence</p>

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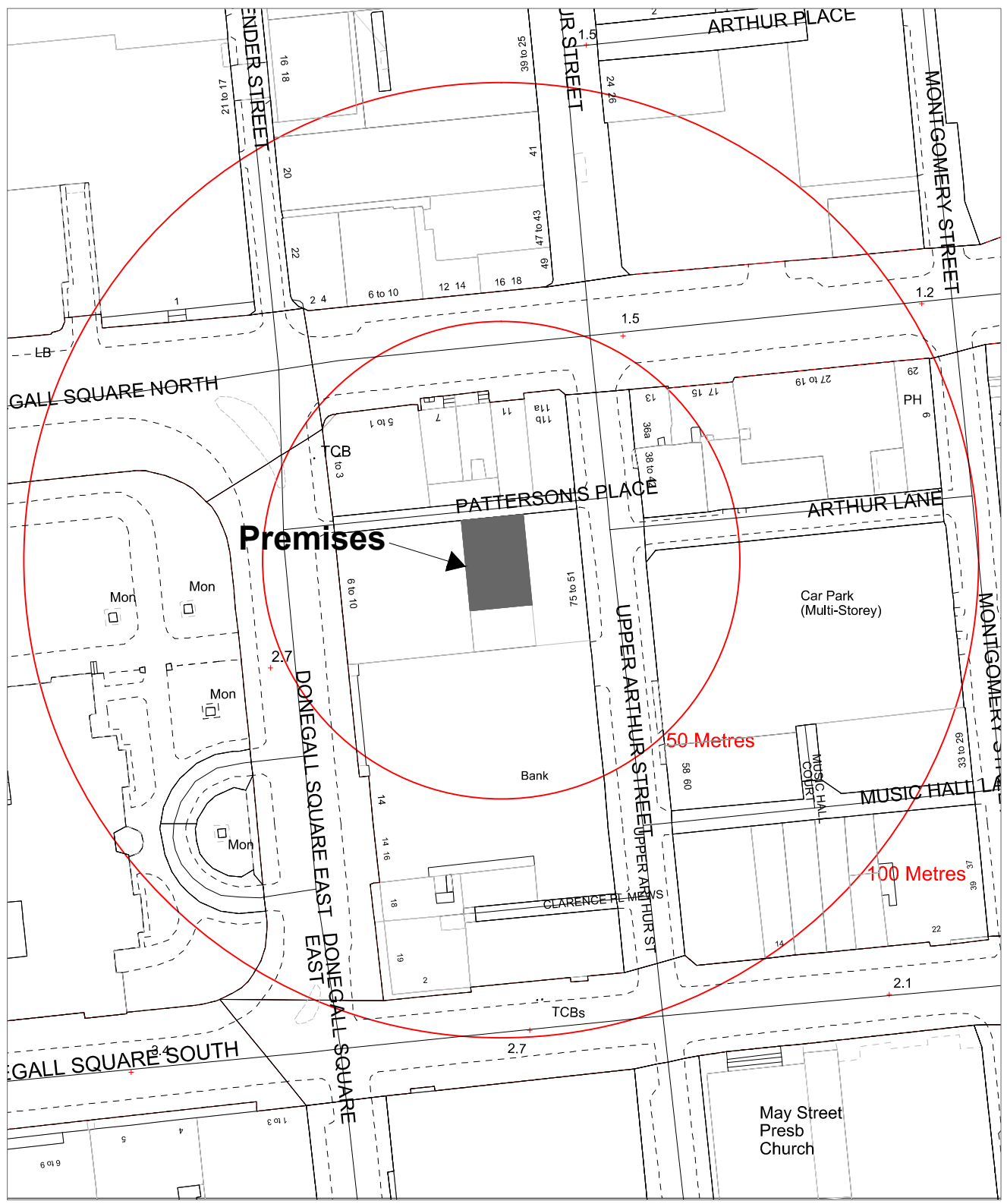




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## Appendix 1



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DATE 12/01/2016

Page 61  
Thompsons Garage  
3 Pattersons Place

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<b>Subject:</b>	<b>Application for the Grant of an Amusement Permit - Players, 22 Shaftesbury Square</b>
<b>Date:</b>	20 <sup>th</sup> June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>				
1.1	<p>To consider an application from Ms. Yuliya Rodgers of Play SS Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 50%;"><b>Premises and Location</b></td> <td style="width: 50%;"><b>Applicant</b></td> </tr> <tr> <td>Players Ground Floor 22 Shaftesbury Square BT2 7DB</td> <td>Ms. Yuliya Rodgers Play SS Limited</td> </tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Players Ground Floor 22 Shaftesbury Square BT2 7DB	Ms. Yuliya Rodgers Play SS Limited
<b>Premises and Location</b>	<b>Applicant</b>				
Players Ground Floor 22 Shaftesbury Square BT2 7DB	Ms. Yuliya Rodgers Play SS Limited				
1.2	A location map is attached at Appendix 1.				
<b>2.0</b>	<b>Recommendations</b>				
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> <li>a) the fitness of the applicant to hold a Permit having regard to their character, reputation and financial standing,</li> <li>b) the fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,</li> <li>c) representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and</li> <li>d) representation, if any, as a result of the public notices of advertisement.</li> </ul>				

2.2	The Committee is then required to make a decision, based on the following options set out under the Order.
2.3	<p>The Committee must refuse the application unless satisfied that:</p> <ol style="list-style-type: none"> <li>a) the applicant is a fit person to hold an Amusement Permit; and</li> <li>b) the applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</li> </ol>
2.4	<p>Thereafter, the Committee:</p> <ol style="list-style-type: none"> <li>1. may refuse the application after hearing any representations from third parties, or</li> <li>2. may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</li> <li>3. may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</li> </ol>
2.5	<p>In the case of premises which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> <li>• no persons under 18 are admitted to the premises; and</li> <li>• at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition</li> </ul>
2.6	Should you be of a mind to refuse the application for the grant of an Amusement Permit or grant the Permit subject to any discretionary Conditions you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.7	If, subsequent to hearing the applicant, you refuse the application for the grant of an Amusement Permit or decide to grant the application subject to discretionary Conditions the applicant may appeal that decision to the County Court.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case. Therefore, an application must be made for the grant of an Amusement Permit.
3.3	An application for the grant of an Amusement Permit for this premises was previously brought to the Licensing Committee for consideration on 19 August 2015 and the Committee granted the application.

3.4	Members are advised that a permit for this premises was first granted on the 1 <sup>st</sup> October 1996.
	<b>Applicant</b>
3.5	The applicant intends to operate the premises with the same number of machines and operating hours as was previous granted at the premises. The hours are 9.00 a.m. to 3.00 a.m., Monday to Sunday.
3.6	The application is for a total of 30 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.
3.7	Ms Yuliya Rodgers from Play SS Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.
	<b>Health, Safety, Welfare and Technical Requirements</b>
3.8	Officers of the Service have met with the applicant who has confirmed that no changes are being made to the arcade that would require a Building Regulations application.
	<b>Planning Matters</b>
3.9	A planning application was made to the Planning Service on 30 <sup>th</sup> March 1989 for a change of use from an off-licence to an Amusement Arcade on the ground floor and this was granted on 5 <sup>th</sup> June 1989.
3.10	A copy of the Planning Permission is attached at Appendix 2.
3.11	Members are advised that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.12	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
	<b>Amusement Permit Policy</b>
3.13	Members are reminded that an Amusement Permit Policy was ratified at Council on 1 May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.
3.14	<p>The key Policy objectives are to:-</p> <ol style="list-style-type: none"> <li>1. promote the retail vibrancy and regeneration of Belfast;</li> <li>2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;</li> <li>3. support and safeguard residential communities in Belfast;</li> <li>4. protect children and vulnerable persons from being harmed or exploited by gambling;</li> <li>5. respect the need to prevent gambling from being a source of crime and disorder.</li> </ol>
3.15	The Policy consists of two components which are considered below:

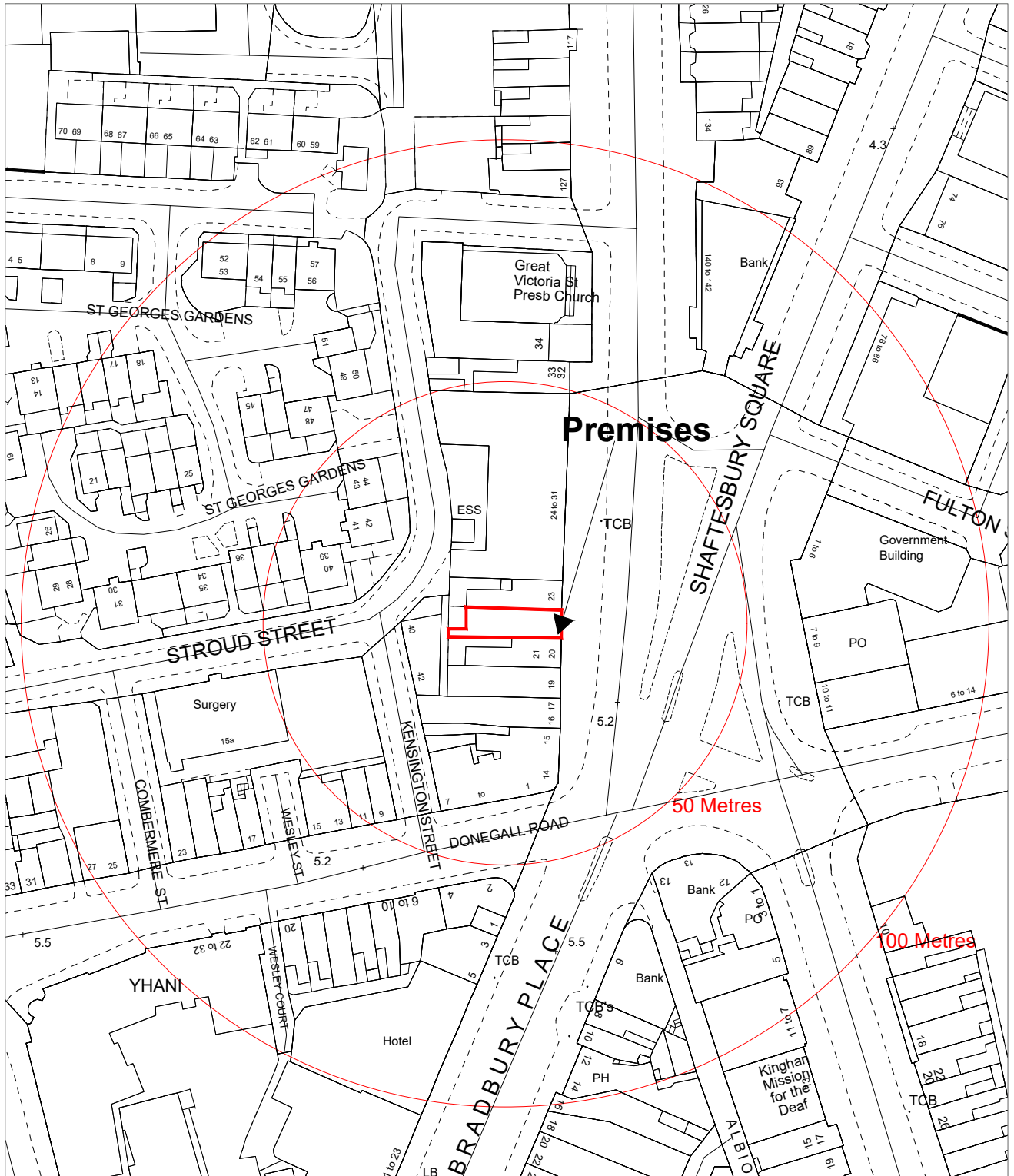
	<p><u>1. Legal requirements under the 1985 Order</u></p>
3.16	<p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) the character, reputation and financial standing of the applicant:</p>
3.17	<p>References and additional supporting information for those associated with the application are attached at Appendix 3.</p> <p>(b) the nature of the premises and activity proposed:</p>
3.18	<p>To ensure that the nature of the premises proposed is suitable for this location, Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.</p> <p>(c) Opinions of the Police Service</p>
3.19	<p>The PSNI has been consulted in relation to the application and has not offered any objection to the application. A copy of its correspondence is attached at Appendix 4.</p> <p>(d) Submissions from the general public:</p>
3.20	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p> <p><u>2. Assessment criteria for suitability of a location</u></p>
3.21	<p>There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below, as they relate to this application.</p> <p><b>(a) Retail vibrancy and viability of Belfast:</b></p>
3.22	<p>The application premises on the ground floor of No.22 Shaftesbury Square are located outside of the Retail Core of Belfast City Centre, but within the limit of the City Centre as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). Because these locations accommodate a mix of uses the principle of opening an amusement centre here is open to consideration, subject to the satisfaction of all other relevant criteria and considerations.</p>
3.23	<p>The premises are bordered on one side by the former NI Supporters' Club and on the other side by a vacant retail unit.</p> <p><b><i>Application complies with this criterion.</i></b></p> <p><b>(b) Cumulative build-up of amusement arcades in a particular location:</b></p>
3.24	<p>The Oasis amusement centre nearby means that there are two operators in this commercial frontage. Strictly speaking, therefore, it could be argued that this application runs contrary to the cumulative build up criterion of the Permit Policy, which seeks to limit the number of amusement centres to one per commercial frontage. This criterion strives to avoid a clustering of these uses in the interest of promoting the retail vibrancy and regeneration of Belfast, which is the first key objective of the Permit Policy.</p>
3.25	<p>However, there are countervailing considerations which also have to be taken into account, notably:</p>

	<ul style="list-style-type: none"> <li>• the premises currently operates as an amusement arcade and</li> <li>• there is a history of planning permissions on the site relating to its use as an amusement arcade.</li> </ul>
3.26	<p>On balance, therefore, given its prior established use as an amusement arcade, there are exceptional circumstances surrounding this permit application which weigh against refusing the application on cumulative build up grounds.</p> <p><b>(c) Impact on the image and profile of Belfast:</b></p>
3.27	<p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered to be tourism assets of the City.</p>
3.28	<p>However, the premises are located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. This is one of 11 Gateway locations at the edge of Belfast City Centre which, as noted in BMAP, presents the visitor with an initial impression that can influence their overall perception of the City. BMAP also considers these locations to be suitable for landmark development capable of raising the profile of Belfast.</p>
3.29	<p>Notwithstanding the above, appreciable weight needs to be attached to the important fact that the premises currently trade as an amusement arcade and has been there for a number of years.</p> <p><b>(d) Proximity to residential use:</b></p>
3.30	<p>(i) - predominantly residential in character</p> <p>The ground floor premises form part of a commercial block located within the City Centre. The commercial frontage consists largely of licensed uses, retail units, offices and vacant commercial units. It can therefore be described as an area of mixed use and is not predominantly residential in character.</p>
3.31	<p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>There is no residential property above the premises or to its side. The residential area known as St Georges’ Gardens is located to the rear of the application property but is separated from it by a road and is not therefore immediately adjacent to it.</p> <p><b><i>Application complies with this criterion.</i></b></p> <p><b>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</b></p>
3.32	<p>There are no schools or youth centres within 200m of the application premises. Hartington Court, off the Dublin Road, houses a ‘general needs’ population but it is not considered a residential institution for vulnerable people.</p> <p><b><i>Application complies with this criterion.</i></b></p>
3.33	<p><b>Conclusion</b></p> <p>In many respects, the fact that there has been an established amusement arcade here for over twenty years constitutes exceptional circumstances for the determination of the suitability of the location for a permit. Essentially this is more akin to a transfer of a permit, however there is no mechanism under this legislation for transfer so the application must fall under the granting criteria. Accordingly, despite finely balanced issues raised by two of the policy criteria, the suitability of this location for an amusement arcade still can be determined acceptable under the Council’s Amusement Permit Policy.</p>

3.34	<p><b><u>Financial and Resource Implications</u></b></p> <p>There are no financial or resource implications associated with this report.</p> <p><b><u>Equality or Good Relations Implications</u></b></p>
3.35	<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 – Location Map</p> <p>Appendix 2 – Copy of the Planning Permission</p> <p>Appendix 3 – References and additional supporting information</p> <p>Appendix 4 – PSNI Comments</p>



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<b>Subject:</b>	<b>Application for the Grant of an Amusement Permit - Players, Unit 5-6, 133-137 Lisburn Road</b>
<b>Date:</b>	20th June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

<b>Is this report restricted?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<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 or Summary of Main Issues</b>				
1.1	<p>To consider an application from Ms. Yuliya Rodgers, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 50%;"><b>Premises and Location</b></td> <td style="width: 50%;"><b>Applicant</b></td> </tr> <tr> <td>Players Unit 5-6 133-137 Lisburn Road BT9 7AG</td> <td>Ms. Yuliya Rodgers Play LR Limited</td> </tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Players Unit 5-6 133-137 Lisburn Road BT9 7AG	Ms. Yuliya Rodgers Play LR Limited
<b>Premises and Location</b>	<b>Applicant</b>				
Players Unit 5-6 133-137 Lisburn Road BT9 7AG	Ms. Yuliya Rodgers Play LR Limited				
1.2	A location map is attached at Appendix 1.				
<b>2.0</b>	<b>Recommendations</b>				
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> <li>a) the fitness of the applicant to hold a Permit having regard to their character, reputation and financial standing,</li> <li>b) the fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,</li> <li>c) representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and</li> <li>d) representation, if any, as a result of the public notices of advertisement.</li> </ul>				

2.2	The Committee is then required to make a decision based on the following options set out under the Order.
2.3	<p>The Committee must refuse the application unless satisfied that:</p> <ol style="list-style-type: none"> <li>a) the applicant is a fit person to hold an Amusement Permit; and</li> <li>b) the applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</li> </ol>
2.4	<p>Thereafter:-</p> <ol style="list-style-type: none"> <li>1. you may refuse the application after hearing any representations from third parties, or</li> <li>2. you may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</li> <li>3. you may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</li> </ol>
2.5	<p>In the case of premises, which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> <li>• no persons under 18 are admitted to the premises; and</li> <li>• at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition</li> </ul>
2.6	Should you be of a mind to refuse the application for the Grant of an Amusement Permit or grant the Permit subject to any discretionary conditions you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.7	If, subsequent to hearing the applicant, you refuse the application for the Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case. Therefore, an application must be made for the grant of an Amusement Permit.
3.3	An application for the grant of an Amusement Permit for Players was previously brought to the Licensing Committee for consideration on 19th August, 2015 and the Committee granted the application.



3.4	Members are advised that a permit was first granted for these premises on 1 <sup>st</sup> June, 2004.
	<b>Applicant</b>
3.5	The applicant intends to operate the premises with the same hours of 9.00 a.m. to 3.00 a.m., Monday to Sunday.
3.6	The permit is for a total of 64 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.
3.7	Ms. Yuliya Rodgers from Play LR Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.
	<b>Health, Safety, Welfare and Technical Requirements</b>
3.8	Officers of the Service have met with the applicant who has confirmed that no changes are being made to the arcade that would require a Building Regulations application.
	<b>Planning Matters</b>
3.9	A planning application was made to the Planning Service on 14 <sup>th</sup> June 2004 for a change of use from a Retail Unit to an Amusement Centre on the ground floor and this was granted on 15 <sup>th</sup> October 2004.
3.10	A copy of the planning permission is attached at Appendix 2.
3.11	Members are advised that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.12	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
	<b>Amusement Permit Policy</b>
3.13	Members are reminded that an Amusement Permit Policy was ratified at Council on 1 <sup>st</sup> May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.
3.14	<p>The key Policy objectives are to:-</p> <ol style="list-style-type: none"> <li>1. promote the retail vibrancy and regeneration of Belfast;</li> <li>2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;</li> <li>3. support and safeguard residential communities in Belfast;</li> <li>4. protect children and vulnerable persons from being harmed or exploited by gambling; and</li> <li>5. respect the need to prevent gambling from being a source of crime and disorder.</li> </ol>
3.15	The Policy consists of two components which are considered below:

	<p><u>1. Legal requirements under the 1985 Order</u></p>
3.16	<p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) the character, reputation and financial standing of the applicant:</p>
3.17	<p>References and additional supporting information for those associated with the application are attached at Appendix 3.</p> <p>(b) The nature of the premises and activity proposed:</p>
3.18	<p>To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.</p> <p>(c) Opinions of the Police Service:</p>
3.19	<p>The PSNI has been consulted in relation to the application and has not offered any objection to the application. A copy of its correspondence is attached at Appendix 4.</p> <p>(d) Submissions from the general public:</p>
3.20	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p> <p><u>2. Assessment criteria for suitability of a location</u></p>
3.21	<p>There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below, as they relate to this application.</p> <p><b>(a) Retail vibrancy and viability of Belfast:</b></p>
3.22	<p>The application premises on the ground floor of No.133 Lisburn Road are located in a commercial block along one of the main arterial routes into Belfast City Centre. Arterial routes are the major access roads and public transport corridors into the City Centre. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses. Because this commercial block comprises a mix of commercial uses at ground and first floor level the accommodation of an amusement centre here is therefore open to consideration.</p>
3.23	<p>In addition, the premises are bordered on one side by a sandwich bar and on the other by a restaurant. Accordingly, the amusement arcade does not break up an otherwise continuous shopping frontage.</p> <p><b><i>Application complies with this criterion.</i></b></p> <p><b>(b) Cumulative build-up of amusement arcades in a particular location:</b></p>
3.24	<p>This criterion strives to avoid a clustering of these uses in the interest of promoting the retail vibrancy and regeneration of Belfast, which is the first key objective of the Permit Policy. There are no other amusement centres on this commercial block so the amusement arcade does not contribute to a cumulative build-up.</p> <p><b><i>Application complies with this criterion.</i></b></p>

3.25	<p><b>(c) Impact on the image and profile of Belfast:</b></p> <p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered tourism assets of the City. Equally, the premises are not located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. Taking these considerations on board the amusement arcade would not adversely affect the image and profile of Belfast.</p> <p><b><i>Application complies with this criterion.</i></b></p>
3.26	<p><b>(d) Proximity to residential use:</b></p> <p>(i) - predominantly residential in character</p> <p>With mainly office use located above the premises and mainly eateries on the ground floor this entire block is predominantly commercial in character.</p>
3.27	<p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>There is no residential property above the premises or to its side. The nearest residential property to the application site, at No.56 Mount Prospect Park, is located to its rear and is not immediately adjacent to it.</p> <p><b><i>Application complies with this criterion.</i></b></p>
3.28	<p><b>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</b></p> <p>There are no schools, youth centres or residential institutions for vulnerable people within 200m of the application premises.</p> <p><b><i>Application complies with this criterion.</i></b></p>
3.29	<p><b>Conclusion</b></p> <p>This premises has operated as an amusement arcade for approximately 14 years and this is more akin to a transfer of a permit, however there is no mechanism under this legislation for transfer so the application must fall under the granting criteria. The location of the premises for an amusement centre however meets the criterion under the Council's Amusement Permit Policy.</p>
3.30	<p><b><u>Financial and Resource Implications</u></b></p> <p>There are no financial or resource implications associated with this report.</p>
3.31	<p><b><u>Equality or Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	<p><b>Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Copy of the Planning Permission</li> <li>• Appendix 3 – References and additional supporting information</li> <li>• Appendix 4 – PSNI Comments</li> </ul>

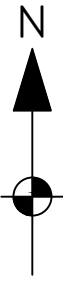
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# Building Control Service

Appendix 1

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
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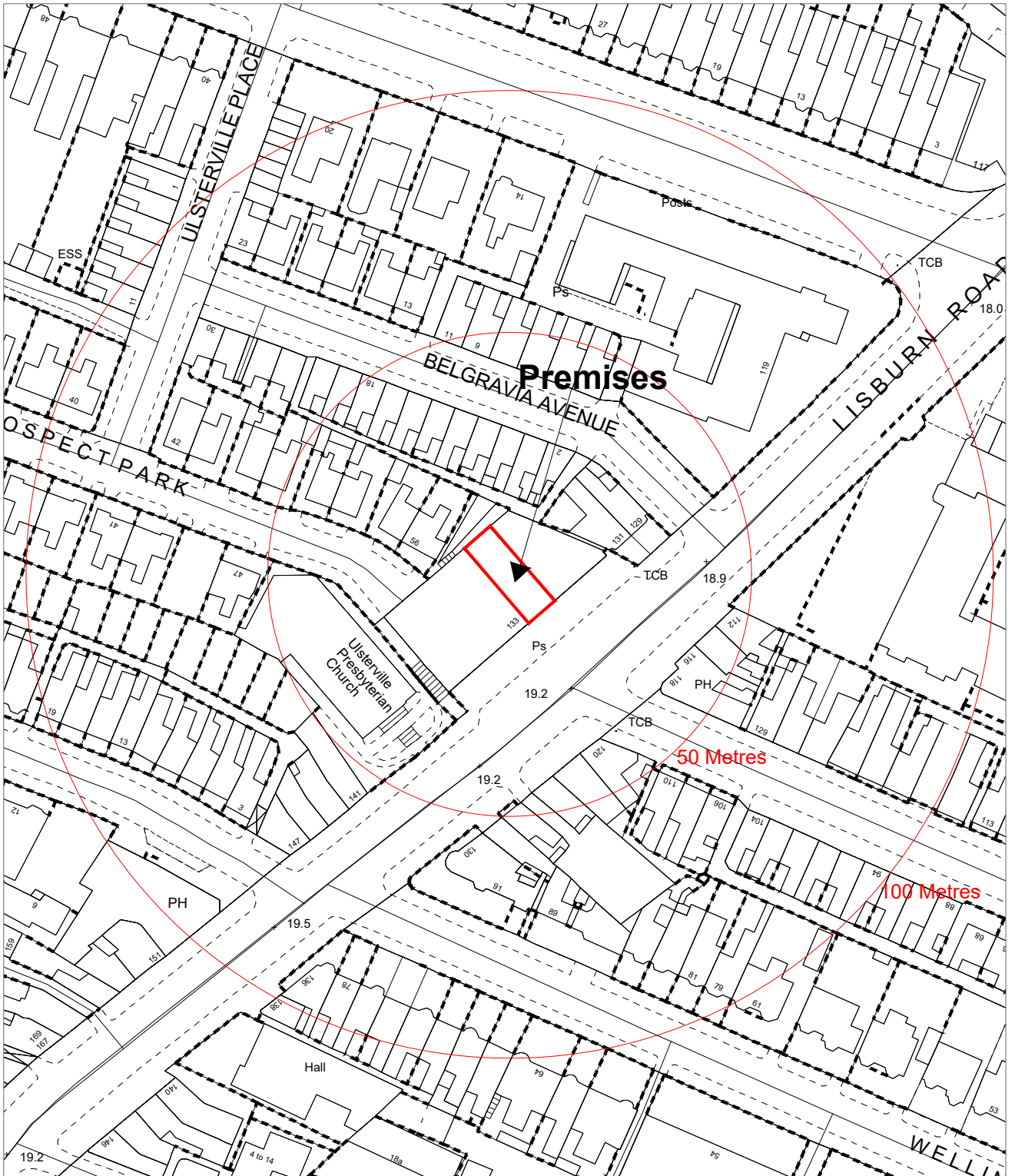


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