

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



**Belfast  
City Council**

5th December, 2018

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 12th December, 2018 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. **Delegated Matters**

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Application for Variation of Licence - The Speak-Easy, QUB Student Union Bar (Pages 7 - 24)
- (c) Revocation of Street Trading Licence - Fountain Lane (Pages 25 - 30)
- (d) Application for the Provisional Grant of a 7-Day Annual Indoor Entertainments Licence for The Link (formerly Arnott's fruit warehouse)

3. **Non-Delegated Matters**

- (a) Notice of Motion - Sexual Harassment (Pages 31 - 32)





<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	12 <sup>th</sup> December, 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 or Summary of main Issues</b>
<b>1.1</b>	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>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main report</b>																																																												
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	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.																																																												
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Methodist College, Whitla Hall, 1 Malone Road, Belfast, BT9 6BY.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr John Robinson
Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13 3AG.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Wilson McArthur
National Club, 17-19 Queen Street, Belfast, BT1 6EA.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Jim Mulholland
NICSSA Sport and Leisure, The Pavilion Complex, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3TA	Grant	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Kieran Devlin
Park Avenue Hotel, 158 Holywood Road, Belfast, BT4 1PB.	Renewal	Sun - Sat: 11.30 - 01.00	Mrs Amanda Patrick, Park Avenue Hotel Ltd
Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY.	Renewal	Sun: 12.30 - 23.00 Mon - Sat: 11.30 - 23.00	Mr Robert Davis, Wine Inns Ltd
Plastik, Mays Meadow, Laganbank Road, Belfast, BT1 3PH.	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 02.00 Fri - Sat: 11.30 - 03.00	Mr Laurence Howard, Trinity Leisure Belfast Ltd
Royal Bar, 237 Shankill Road, Belfast, BT13 1FR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr James Hanna, Bar None NI Ltd
Shoe Factory, 12-14 Union Street, Belfast, BT1 2JF.	Renewal	Sun - Sat: 12.00 - 01.00	Ms Anthea Wilson, Anthology N.I. Ltd
St Malachy's College, College Hall, 36 Antrim Road, Belfast, BT15 2AE.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Lois Stewart
St Marks Church, 2 Sydenham Avenue, Belfast, BT4 3FG.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Ms Laura Hillis
Stranmillis College Bar- Scholars, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Mon - Sat: 11.30 - 23.00	Ms Christine Nesbitt, Stranmillis University College
Stranmillis College Drama Theatre, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Christine Nesbitt, Stranmillis University College
The Fort Bar, 25-27 Springfield Road, Belfast, BT12 7AB.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Christopher McCartan, McCartan & Sons
The Lonely Poet Bar and Grill, King's Square, King's Road, Belfast, BT5 7EA.	Renewal & Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Gary McCalmat, Clinker Pubs Ltd

Premises and Location	Type of Application	Hours Licensed	Applicant
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal (Outdoor)	Mon: 22.00 - 01.00 Thur - Sat: 22.00 - 01.00	Mr James Sinton, Beannchor Ltd
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal (Indoor)	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr James Sinton, Beannchor Ltd
The Stadium Bar, 346-348 Shankill Road, Belfast, BT13 3AB.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Steven Harrison
The Thirsty Goat Bar & 21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00	Mr Henry Downey, Eagle-Glen Ltd
Titanic Exhibition Centre, 1 Olympic Way, Queens Road, Belfast, BT3 9DT.	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Ms Judith Owens, Titanic Belfast Ltd
Ulster Reform Club, 4 Royal Avenue, Belfast, BT1 1DA.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Alexander William Graham

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

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

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Suffolk, Andersonstown, Turf Lodge, Ladybrook, Finaghy and Falls	Mobile	Ice cream, confectionery, non-alcoholic beverages	Mon - Fri: 14.00 – 20.30	Mr Kevin McShane
Blackstaff Square	Stationary	Confectionery, cold food, non- alcoholic beverages	Mon - Fri: 07.00 – 19.00	Mr Derrick Gilmore

**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
Royal Avenue, Lower Garfield Street, Rosemary Street, Berry Street, Donegall Place, Fountain Lane, Castle Lane	Belfast Restore and Rejuvenate Programme	16/11/18 from 18.00 to 20.00 18/11/18  23/11/18 from 18.00 to 20.00 25/11/18  30/11/18 from 18.00 to 20.00 2/12/18 07/12/18 from 18.00 to	Belfast City Council

			20.00 09/12/18  14/12/18 from 18.00 to 20.00 16/12/18  21/12/18 from 18.00 to 20.00 23/12/18  28/12/18 from 18.00 to 20.00 30/12/18  04/01/19 from 18.00 to 20.00 07/01/19	
	Donegall Street, Little Donegall Street, Library Street, North Street, High Street, Waring Street, Dunbar Street, Talbot Street, Academy Street, York Street, Union Street, Royal Avenue, Corn Market, Ann Street, Donegall Place, Rosemary Street, Chichester Street, Arthur Street, Castle Lane	Santa Dash for Cash 5Km Run	02/12/18 08.00 - 12noon	Ms Therese Maguire
	Inner lane restriction on Falls Road and Andersonstown Road	Na Ceathrún Gaeltachta 10Km	25/11/18 05.00 – 11.00	Mr Máirtín Mac Gabhann
	Ormeau Embankment, Ormeau Road inner lane closure country bound from Ormeau Bridge to Ormeau Park Gate entrance.	Seeley Cup 10Km Run	01/12/18 14.00 – 15.30	Mr John Allen

**3.5 Financial & Resource Implications**

None

**3.6 Equality or Good Relations Implications/Rural Needs Assessment**

There are no issues associated with this report.

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<b>Subject:</b>	<b>Application for the Variation of a 7-Day Annual Entertainments Licence for The Speak-Easy, QUB Students Union Bar</b>
<b>Date:</b>	12th December, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Acting Assistant Building Control Manager, 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 or Summary of main Issues</b>						
<b>1.1</b>	<p>To consider an application for the variation of the 7-Day Annual Indoor Entertainments Licence for The Speak-Easy, QUB Student Union Bar based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>The Speak-Easy QUB Student Union Bar 92-96 Lisburn Road Belfast</td> <td>WK/201800026</td> <td>Ms Wendy Galbraith Registrar/Chief Operating Officer Queens University Belfast</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Speak-Easy QUB Student Union Bar 92-96 Lisburn Road Belfast	WK/201800026	Ms Wendy Galbraith Registrar/Chief Operating Officer Queens University Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
The Speak-Easy QUB Student Union Bar 92-96 Lisburn Road Belfast	WK/201800026	Ms Wendy Galbraith Registrar/Chief Operating Officer Queens University Belfast					
<b>1.2</b>	A copy of the application form is attached as Appendix 1.						

<b>2.0</b>	<b>Recommendations</b>
<p><b>2.1</b></p> <p><b>2.2</b></p> <p><b>2.3</b></p>	<p>Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence, or</li> <li>2. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence with special conditions, or</li> <li>3. Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence.</li> </ol> <p>If the application is refused, or Special Conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council’s decision within 21 days of notification of that decision to the County Court.</p> <p>Should the Committee decide to refuse the variation application, and the applicant decides to Appeal, the licence will continue with its present conditions until the Appeal is determined.</p>
<b>3.0</b>	<b>Main report</b>
<p><b>3.1</b></p> <p><b>3.2</b></p> <p><b>3.3</b></p> <p><b>3.4</b></p> <p><b>3.5</b></p> <p><b>3.6</b></p>	<p><b><u>Key Issues</u></b></p> <p><b><u>Nature of the variation application</u></b></p> <p>The days and hours during which the premises are currently Licensed to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.00 am to 1.00 am the following morning,</li> </ul> <p>The nature of the variation is to extend the hours during which entertainment may be provided from 1.00 am to 2.00 am on Thursday, Friday and Saturday.</p> <p>In addition, the applicant has specified 6 occasions during the year for which approval is sought to provide entertainment to 2.00 am should the occurrences fall on either a Sunday, Monday, Tuesday or Wednesday night. The occasions specified by the applicant include Boxing Night, New Year’s Eve, St. Patrick’s night, Easter Monday, May Day and Halloween.</p> <p>The applicant has provided a rationale to support their application for the extension in hours, this being: -</p> <ul style="list-style-type: none"> <li>• Their students (local and international) have an expectation that entertainment is available until 2.00am.</li> <li>• Not being able to trade to 2.00am will put them at a disadvantage.</li> <li>• QUBSU had a 3.00am Licence for many years and understand the associated responsibility.</li> </ul> <p>A copy of the applicant’s submission is included on the application form in Appendix 1.</p> <p>Details of the request to amend the initial application to that as outlined in 3.2 and 3.3 is attached in Appendix 2.</p>

3.7	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
3.8	However, because the applicant has applied for a variation to extend the hours of entertainment past 1.00 am, the application is being presented to you for consideration.
3.9	<p>The areas currently Licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor, with a maximum capacity of 410 persons.</li> <li>• First Floor, with a maximum capacity of 220 persons.</li> <li>• Second Floor, with a maximum capacity of 10 persons.</li> </ul>
3.10	The premise operates as a Public House with entertainment currently provided in the form of DJ's and live band performances.
3.11	A location map is attached as Appendix 3.
<b><u>Representations</u></b>	
3.12	Notice of the application has been advertised and no written representations have been lodged.
<b><u>PSNI</u></b>	
3.13	The PSNI have confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 4.
<b><u>Health, Safety and Welfare Issues</u></b>	
3.14	Two During Performance Inspection have been undertaken by Officers from the Service since the licence was granted on 1 <sup>st</sup> September 2018 and all technical requirements and associated operational and management procedures have been checked and are satisfactory.
<b><u>NIFRS</u></b>	
3.15	The Northern Ireland Fire Rescue Service have confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 4.
<b><u>Noise Issues</u></b>	
3.16	Four noise complaints have been received by the Service since the premises has been operating. Details of complaints have been conveyed to representatives of the premises on each occasion when the Service has been notified of a disturbance. A detailed response has been provided to the Service on behalf of the applicant following investigations into the noise complaints received. The response has been provided in Appendix 5.
<b><u>Financial &amp; Resource Implications</u></b>	
3.17	Officers carry out during performance inspections on premises providing entertainment, this is catered for within existing budgets.

3.18	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Copy of the Application Form and Variation</li> <li>• Appendix 2 – Rationale for variation from the applicant</li> <li>• Appendix 3 – Location Map</li> <li>• Appendix 4 – PSNI response</li> <li>• Appendix 5 – Update from applicant in respect of noise complaints</li> </ul>

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

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# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
of Northern Ireland map  
with the permission of  
the Director & Chief Executive.  
© CROWN COPYRIGHT 2003



Drawn By: ABU  
Date: 03/12/2018

The Speak Easy  
QUB Student Union Bar  
92-96 Lisburn Road

Scale: 1:1250

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<b>Subject:</b>	<b>To Consider the Revocation of a Stationary Street Trading Licence – Mr Joseph Kerr</b>
<b>Date:</b>	12th December, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext 3375

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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 or Summary of main Issues</b>
<b>1.1</b>	To consider the revocation of the Stationary Street Trading Licence for the site in Fountain Lane which was deferred at your meeting of 20 November 2018.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented and, after considering Mr Kerr's representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Confirm your decision of 16 May 2018 and revoke the Street Trading Licence, or</li> <li>2. Reverse your decision of 16 May 2018 and decide not to revoke the Street Trading Licence.</li> </ol>
<b>2.2</b>	

<p>2.3</p> <p>2.4</p>	<p>If Committee decides not to revoke the Licence, Members are asked to consider making it a requirement upon renewal that Mr Kerr must pay his renewal application fee of £150 and the Licence fee of £1,250 in full for the year before the licence is granted. A total of £1,400, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually. That is in addition to paying off the debt on this Licence.</p> <p>If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged the Licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal.</p> <p>The Council will take action to recover any outstanding debt.</p>
<p>3.0</p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <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><b><u>Key Issues</u></b></p> <p>Committee is reminded that, at your meeting on 16 May 2018, you agreed that you were minded to revoke two Street Trading Licences held by Mr Joseph Kerr and that he be invited to make representation to the Committee regarding that decision.</p> <p><b><u>Fountain Street</u></b></p> <p>At your meeting on 17 October 2018, you affirmed the decision of 16 May 2018 to revoke the Licence for Fountain Street (20ft from its junction with Wellington Place).</p> <p>Committee decided to revoke the Licence for Fountain Street as it was the less utilised of Mr Kerr's two sites.</p> <p>Mr Kerr was advised that, at any time within twenty-one days from the date on which notice of the decision was given by the Council, he could appeal the decision through the Magistrates' Court. Mr Kerr has lodged an appeal with the Magistrate's Court Office in relation to Fountain Street, the provisional date for the hearing is 8<sup>th</sup> January 2019, the Council is still waiting on papers regarding the basis of the appeal.</p> <p><b><u>Fountain Lane</u></b></p> <p>The remaining Licence is for Fountain Lane; 45ft from its junction with Donegall Place.</p> <p>This Licence expires on 20 March 2019 and is for the sale of confectionery, toys, clothing accessories, Halloween accessories, gift-wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 08.00hrs to 22.00hrs.</p> <p>Committee is reminded that, at your meeting of 20 November, you agreed to defer consideration of the site in Fountain Lane to allow Officers to obtain further information with regard to Mr Kerr's proposed repayment plan. This was after the Licensee had sent the Council an email stating that he would pay £250 off the arrears on 28th of each month.</p> <p>Members had asked for clarity if the £250 was to service the debt or his Licence fee and debt. Mr Kerr has confirmed, via his wife, verbally, that the £250 is to service the debt and that he will start making Licence fee payments as well.</p> <p>At the time of writing this report, one payment for £354.16 has been received reducing the debt by £250 and paying the monthly licence fee for this site. The current debt is now £2,641.04. No formal payment plan has been agreed with the Council.</p>



<p><b>3.10</b></p> <p><b>3.11</b></p> <p><b>3.12</b></p> <p><b>3.13</b></p> <p><b>3.14</b></p>	<p><b><u>Legislative background</u></b></p> <p>The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.</p> <p>The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.</p> <p>Attached as Appendix 1 is a copy of the minute from your meeting of 16 May 2018.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>If the Licence is revoked, there will be a loss in annual Licence Fees of £1250.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p>Appendix 1 – Minute and report from Licensing Committee 16 May 2018.</p>

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# Licensing Committee

Wednesday, 16th May, 2018

## MONTHLY MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Deputy Chairperson) (in the Chair);  
the High Sheriff (Councillor Howard);  
Alderman L. Patterson; and  
Councillors Boyle, Campbell, Clarke, Canavan, Craig,  
Dudgeon, Groves, Hussey, Hutchinson, McConville and  
Milne.

In attendance: Mr. S. Hewitt, Building Control Manager;  
Mrs. L. McGovern, Solicitor; and  
Mr. H. Downey, Democratic Services Officer.

### Apologies

Apologies for inability to attend were reported from the Deputy Lord Mayor (Councillor Copeland) and Councillors Collins, Heading and McReynolds.

### Minutes

The minutes of the meeting of 18th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st May, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

No declarations of interest were reported.

## **THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)**

### Licences issued under Delegated Authority

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

### Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street

The Building Control Manager informed the Committee that Mr. Joseph Kerr had, for several years, held a Stationary Street Trading Licence for each of the above-mentioned sites.

He reported that, during that time, he had failed consistently to pay his annual licence fee and reminded the Committee that it had, in the past, agreed that it was

minded to revoke both licences. The Committee had subsequently agreed only to rescind its decision upon being advised that the outstanding fees had been paid in full. He drew the Members' attention to the fact that Mr. Kerr had again failed to pay his licence fees and that, despite efforts by officers to contact him, he owed currently £1,577.54 in total. In addition, inspections had revealed that he was trading only sporadically and that he seldom utilised both sites.

The Building Control Manager pointed out that the Street Trading Act (Northern Ireland) 2001 stipulated that the Council could, in certain circumstances, revoke a licence at any time after it had been granted. Such circumstances would include, as in this case, the non-payment, without reasonable explanation, of fees and charges and a failure to avail to a reasonable extent of a licence. He explained that, should the Committee be minded to revoke Mr. Kerr's Licence, the aforementioned Act required that he be provided with advance notification to that effect and be invited to either make written representation to the Committee or to attend a future meeting in person.

After discussion, the Committee agreed that it was minded to revoke the Stationary Street Trading Licences held by Mr. Joseph Kerr in respect of the designated sites at Fountain Lane and Fountain Street and agreed that he be invited to make representation to the Committee regarding that decision.

The Committee agreed also that a report be submitted to a future meeting providing information on those street traders who had failed to pay their licence fees and on those who were not utilising their licences on a regular basis.

Chairperson

## LICENSING COMMITTEE



**Belfast**  
City Council

<b>Subject:</b>	<b>Application for the Provisional Grant of a 7-Day Annual Indoor Entertainments Licence for Arnott's Fruit Warehouse</b>
<b>Date:</b>	12th December, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, ext. 2570

<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 or Summary of main Issues</b>						
1.1	<p>To consider an application for the provisional grant of a 7-Day Annual Indoor Entertainments Licence for the former Arnott's fruit warehouse building, now known as The Link, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind and theatrical performances.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Arnott's Fruit Warehouse 16-20 Dunbar Link Belfast, BT1 2LH</td> <td>WK/201801726</td> <td>Mr Alan Simms Limelight Belfast Limited 17 Clarendon Road Belfast, BT1 3BG</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Arnott's Fruit Warehouse 16-20 Dunbar Link Belfast, BT1 2LH	WK/201801726	Mr Alan Simms Limelight Belfast Limited 17 Clarendon Road Belfast, BT1 3BG
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Arnott's Fruit Warehouse 16-20 Dunbar Link Belfast, BT1 2LH	WK/201801726	Mr Alan Simms Limelight Belfast Limited 17 Clarendon Road Belfast, BT1 3BG					
1.2	A copy of the application form is attached as Appendix 1.						

1.3	A location map is attached as Appendix 2.
<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 application and to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence, or</li> <li>2. Approve the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence with Special Conditions, or</li> <li>3. Refuse the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence.</li> </ol>
2.2	If the application is refused, or Special Conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
2.3	If you are of a mind to refuse the application or attach Special Conditions to the licence within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to an opportunity of appearing before and of being heard by the Committee.
<b>3.0</b>	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p><u>Provisional grant of a licence</u></p> <p>There is provision within the Local Government (Miscellaneous Provisions) (NI) Order (the Order) to make application for the grant of an entertainments licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered.</p> <p>If the Council is satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the Council, be such that it would grant the licence, the Council may grant the licence subject to a Condition that it shall be of no effect until confirmed by the Council.</p> <p>This is described as the provisional grant of a licence.</p> <p>The Order stipulates that the Council must confirm any licence granted provisionally when it is satisfied that the premises have been completed in accordance with the plans deposited with the application or in accordance with those plans as modified with the approval of the council.</p> <p>Should Members be of mind to grant the licence provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p>

Extended hours of entertainment

3.6 Members are reminded that the normal process for dealing with an Entertainments Licence application which is not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.

3.7 The applicant has applied to provide entertainment beyond the latest hour to which licences are normally granted. As such, the application is being presented before Committee for your consideration.

3.8 The applicant has applied to provide entertainment on the following days and hours:

- Monday to Sunday: 12.00 pm to 3.00 am the following morning.

3.9 The applicant has provided a rationale to support their application for the extended hours of entertainment which, in summary, includes:-

- The desire to provide entertainment in line with the operation of other city centre licensed premises, which offer similar entertainment.
- There is an expectation amongst young people that certain events should end at 3.00am and that a 1.00am finish is not value for money. This is particularly true for customers travelling from other countries with more relaxed licensing laws.
- The additional hours will help them attract more international acts to the City.

3.10 A copy of the applicant's rationale for a 3.00 am Entertainment Licence is appended to this report as Appendix 3.

Venue details

3.11 The area where indoor entertainment is proposed to be provided is the:

- Ground floor area with a maximum capacity of 1500 persons.

3.12 The ground floor is a flexible space that will be used to provide a variety of events. Whilst the maximum numbers for the area will be approximately 1500 persons an occupancy will be agreed for each event by the Service after an assessment of individual event details and layout.

3.13 The applicant proposes to provide entertainment in the form of live bands, DJ's and theatre. During these occasions, they will operate a public bar facility via an Occasional Liquor Licence.

3.14 The applicant has provided additional information advising of the types of events they propose to hold in the premises, which include: -

- Live music performances
- Comedy
- Filming
- Award ceremonies
- Podcasts
- Fashion Shows
- Film Festivals

	<ul style="list-style-type: none"> <li>• Conferences</li> </ul>
3.15	Members are advised that not all these events will fall within the scope of entertainments licensing.
3.16	A copy of the applicant's submission is included on the application form attached in Appendix 4.
3.17	Layout plans of the venue are attached as Appendix 5.
	<b><u>Representations</u></b>
3.18	Notice of the application has been advertised and one written representation in support of the application has been lodged which is attached as Appendix 6.
3.19	At the time of writing this report no written representations have been received objecting to the application. However, as the 28-day statutory objection period does not expire until 11 <sup>th</sup> December 2018 Members will be advised at your meeting on 12 <sup>th</sup> December if any objections have been received.
	<b><u>PSNI</u></b>
3.20	The PSNI has been consulted and has confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 7.
	<b><u>Health, safety and welfare inspections</u></b>
3.21	This building was previously used by Arnott's for fruit and vegetable storage. The applicant has submitted a Building Regulations application for the change of use to an assembly building. It is envisaged that the building works to refurbish this space will commence in January 2019.
3.22	Before the Entertainments Licence can be confirmed as outlined in 3.4 the Building Regulations application must be approved, and all site works must be completed to the satisfaction of the Service in accordance with the Regulations. This will ensure compliance, amongst other matters, with all fire safety, structural and access requirements.
3.23	All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.
	<b><u>NIFRS</u></b>
3.24	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and we are awaiting their response. Officers will advise of the NIFRS response at the Committee meeting on 12th December 2018.
	<b><u>Noise Issues</u></b>
3.25	Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to persons in the neighbourhood, either due to noise breakout or from patron activity, has been requested from the applicant. The acoustic report has been submitted to the Environmental Protection Unit and consultations are ongoing to ensure all relevant steps are taken to address any noise issues.



<p>3.26</p> <p>3.27</p> <p>3.28</p> <p>3.29</p>	<p>If Members are of the mind to grant the provisional application for the Entertainments Licence delegated authority is sought, before confirming the licence, to attach any Terms and Conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.</p> <p><b><u>Applicant</u></b></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment this is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Application Form</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – Rational for a 3am Entertainment Licence</li> <li>• Appendix 4 – Applicant’s submission</li> <li>• Appendix 5 – Layout plans</li> <li>• Appendix 6 – Support Letter</li> <li>• Appendix 7 – PSNI response</li> </ul>

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

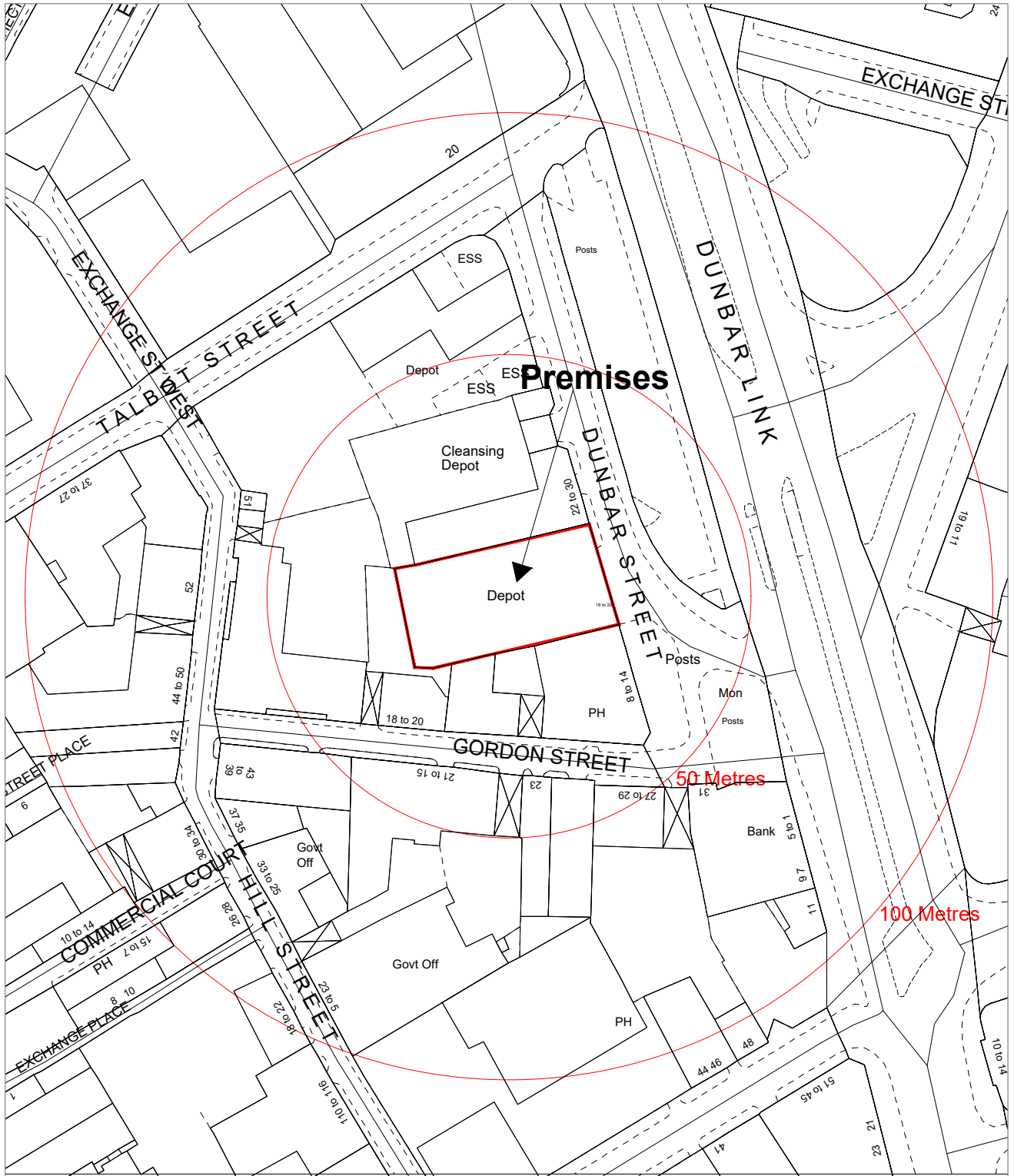
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# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
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DRAWN BY MT  
DATE 28/11/2018

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Arnotts Building  
16-20 Dunbar Street

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of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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<b>Subject:</b>	Notice of Motion – Sexual Harassment
<b>Date:</b>	12th December 2018
<b>Reporting Officer:</b>	Miss. C. Donnelly, Democratic Services Officer. Ext. 3494
<b>Contact Officer:</b>	Miss. C. Donnelly, Democratic Services Officer. Ext. 3494

<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 checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
	To consider a notice of motion in relation to Sexual Harassment which, in accordance with standing orders, was referred to the Licensing Committee by the Council at its meeting on 3rd December, 2018.
<b>2.0</b>	<b>Recommendations</b>
	The Committee is asked to consider the notice of motion and to take such action thereon as may be determined.

3.0	<b>Main report</b>
	<p><u>Key Issues</u></p> <p>In accordance with notice on the Council agenda, Councillor McReynolds proposed:</p> <p><b><i>“This Council is concerned at the number of women in Belfast that feel they have been the victim of sexual harassment.</i></b></p> <p><b><i>The Council understands the important role that our universities and entertainment and hospitality sector can play in tackling sexual harassment and endorses the Zero Tolerance campaign that has been adopted by Canterbury and Medway Councils. Accordingly, the Council will undertake to work with our universities, hospitality sector and the PSNI to roll out a similar scheme in Belfast.”</i></b></p> <p>The motion was seconded by Councillor Nicholl.</p> <p>In accordance with Standing Order 13(f), the motion was referred, without discussion, to the Licensing Committee.</p> <p><u>Financial &amp; Resource Implications</u></p> <p>None.</p> <p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
4.0	<b>Appendices – Documents Attached</b>
	None.