

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



**Belfast  
City Council**

13th June, 2019

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 19th June, 2019 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
- (d) Schedule of Meetings 2019 (Pages 1 - 2)

**2. Delegated Matters**

- (a) Applications Approved Under Delegated Authority (Pages 3 - 8)
- (b) Application for the Provisional Grant of an Amusement Permit - Oasis Gaming Centre, Wellington Place (Pages 9 - 144)
- (c) Application for the variation of a 7-Day Annual Entertainments Licence - The Merchant Hotel (Pages 145 - 154)
- (d) Application for the variation of a 7-Day Annual Entertainments Licence - Botanic Inn (Pages 155 - 162)

- (e) Application for the Variation of a 7-Day Annual Entertainments Licence - McKenna's Bar (Pages 163 - 172)
- (f) Application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence - Seaview Stadium (Pages 173 - 188)
- (g) Application to provide outdoor musical entertainment beyond 11.00 pm - Woodvale Park (Pages 189 - 198)
- (h) Application to provide outdoor musical entertainment beyond 11.00 pm - Falls Park (Pages 199 - 210)
- (i) Designation of Street Trading Sites (Pages 211 - 218)



<b>Subject:</b>	Schedule of Meetings 2019
<b>Date:</b>	19th June, 2019
<b>Reporting Officer:</b>	Ms E. McGoldrick, Democratic Services Officer. Ext. 6037
<b>Contact Officer:</b>	Ms E. McGoldrick, Democratic Services Officer. Ext. 6037

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 advise the Committee of the dates and times of the meetings of the Licensing Committee for the remainder of the calendar year.
<b>2.0</b>	<b>Recommendations</b>
	The Committee is requested to approve the schedule of meetings for the Licensing Committee for August – December, 2019
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
<b>3.1</b>	The monthly meeting of the Licensing Committee is normally held at 5.00 p.m. on the second Wednesday of each month.
<b>3.2</b>	Due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings to later in the month.
<b>3.3</b>	Accordingly, the following dates have been identified for meetings of the Licensing Committee for the period from July to December, 2019. <ul style="list-style-type: none"> <li>• Wednesday, 14th August;</li> <li>• Wednesday, 18th September;</li> <li>• Wednesday, 16th October;</li> <li>• Wednesday, 13th November; and</li> </ul>

	<ul style="list-style-type: none"> <li>Wednesday, 11th December.</li> </ul> <p><b>(All meetings will commence at 5.00 p.m.)</b></p>
<b>3.4</b>	<p><u>Financial &amp; Resource Implications</u></p> <p>None associated with this report.</p>
<b>3.5</b>	<p><u>Equality or Good Relations Implications</u></p> <p>None associated with this report.</p>
<b>4.0</b>	<p><b>Appendices – Documents Attached</b></p> <p>None associated with this report.</p>



<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	19 <sup>th</sup> June 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☐

No

☒

<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 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.

3.0	Main report			
3.1	<u>Key Issues</u>			
	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.			
	Premises and Location	Type of Application	Hours Licensed	Applicant
	1st Shankill N Ireland Supporters Club, 352-356 Shankill Road, Belfast, BT13 3AD.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Philip Meneely
	Belfast Telegraph Printworks, 122-144 Royal Avenue, Belfast, BT1 1EB.	Renewal	Sun - Sat: 19.00 - 01.00	Mr Alan Simms, The Limelight Belfast Ltd
	Belvoir Park Golf Club, 73-75 Church Road, Newtownbreda, Belfast, BT8 7AN.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Ms Pauline Bailie
	Bloomfield Collegiate School, Astoria Gardens, Newtownards Road, Belfast, BT5 6HW.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Dr Darrin Alexander Barr
	Brook Activity Centre, 25 Summerhill Park, Belfast, BT17 0RD.	Renewal	Sun - Sat: 08.00 - 01.00	Mr Peter McMonagle Greenwich Leisure Ltd
	Castlereagh Glentoran Supporters Club, 8a Grand Parade, Belfast, BT5 5HH.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Gary Campbell
	Chelsea Wine Bar, 346 Lisburn Road, Belfast, BT9 6GH.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Robert Davis Wine Inns Ltd
	Clayton Hotel Belfast, 22-26 Ormeau Avenue, Belfast, BT2 8HR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Jonathan Topping
	Connswater Community Centre, Ballymacarrett Walkway, Belfast, BT4 1SX.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Amanda Irvine
	Drumglass Park, Lisburn Road, Belfast, BT9 6JF.	Grant (marquee)	Sun - Sat: 11.30 - 23.00	Mrs Rose Crozier Belfast City Council
	Eglantine Inn, 32-40 Malone Road, Belfast, BT9 5BQ.	Renewal	Sun: 12.30 - 00.00 Mon - Tue: 11.30 - 23.00 Wed - Sat: 11.30 - 01.00	Mr Robert Davis Wine Inns Ltd
	Harlem Cafe, 34-36 Bedford Street, Belfast, BT2 7FF.	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Faye McFarland
	Malone Lodge Hotel, 54-64 Eglantine Avenue, Belfast, BT9 6DY.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Brian Macklin Malone Lodge Hotel Ltd
Premises and Location	Type of	Hours Licensed	Applicant	

		<b>Application</b>		
	McGlones Bar, 131-133 Kingsway, Dunmurry, Belfast, BT17 9NS.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Joseph McGlone
	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
	Mountainview Social Club, 8 Enfield Street, Belfast, BT13 3DH.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr William McDonald
	North Queen Street Community Centre, 46A Victoria Parade, Belfast, BT15 2EN.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Catherine Taggart, Belfast City Council
	Portside Inn, 1 Dargan Road, Belfast, BT3 9JU.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Alan Simms
	Royal British Legion, Montgomery Road, Belfast, BT6 9JD.	Renewal	Sun - Sat: 12.00 - 00.00	Mr Paul Telford
	Saphyre Restaurant, 135 Lisburn Road, Belfast, BT9 7AG.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Kris Turnbull, Zephyr Estates Ltd
	Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Christopher Kearney, Loughview Leisure Group
	The Perch, 43 Franklin Street, Belfast, BT2 7GG.	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 12.00 - 01.00	Mr Paul Langsford, Abacus Inns Ltd
	The Suffolk Inn, 12 -14 Suffolk Road, Belfast, BT11 9PB.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 02.00	Mr Tony Clarke, The Suffolk Inn Ltd
	Woodvale Community Centre, 79a Disraeli Street, Belfast, BT13 3HT.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Catherine Taggart, Belfast City Council

### 3.2

Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

- All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,
- There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,
- There are no representations in respect of the application.

3.3

Premises and Location	Type of Application	Hours Licensed	Applicant
Phoenix Bar, 179 - 181 Antrim Road, Belfast, BT15 2EW.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Joseph Crangle
The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Janine Kane, JK Pubs Ltd

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

Premises and Location	Type of Application	Hours Licensed	Applicant
Funtime Amusements, 91 Castle Street, Belfast, BT1 1GJ.	Renewal	Sun: 13.00 - 23.00 Mon - Sat: 09.00 - 23.00	Mr Patrick Quinn, P & F Group Ltd
Oasis Gaming Centre, 14 Shaftesbury Square & 1-7 Donegall Road, Belfast, BT2 7DB.	Renewal	Sun: 11.00 - 03.00 Mon - Sat: 09.00 - 03.00	Mr Gerald Steinberg, Oasis Retail Service Ltd

3.4

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

Location	Type of Application	Commodity	Hours Licensed	Applicant
Inverary Avenue	Temporary	T-shirts, badges, flags and hats	22/04/19 08.00 – 14.00	Mr James Dunseath
Writer’s Square	Temporary	Non-alcoholic beverages, confectionery, hot food, t- shirts	04/05/2019 - 06/05/2019 10.00 - 18.00	Miss Georgia Simpson, Belfast Community Circus School
Sydenham, Belmont, Strandtown, Ballynafeigh, Ballymacarrett, Bloomfield, Ballyhackamore and Knocknagoney	Mobile	Ice cream, confectionery, non-alcoholic beverages	Mon - Sat 13.00 – 20.30	Mr Simon Allen

3.5

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



<b>3.6</b>	<b>Location</b>	<b>Type of Activity</b>	<b>Date and Hours permitted</b>	<b>Applicant</b>
	Belfast - Various	Belfast City Marathon 2019	05 May 2019 6.00 - 16.30	Mr Stephen Burns
	Old Coach Lane, Upper Malone Road to Edenderry towpath	Les Jones Memorial 10K	17 May 2019 7.30 - 19.45	Mr John Allen
	Maldron Street from Donegall Road to Lemberg Street	Sustrans – Feet First Families	17 May 2019 7.00 - 17.00	Ms Emma Keenan
<b>3.7</b>	<b><u>Financial &amp; Resource Implications</u></b>  None			
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>  There are no issues associated with this report.			

This page is intentionally left blank



<b>Subject:</b>	<b>Application for the Provisional Grant of an Amusement Permit for Oasis Gaming Centre, Wellington Place</b>
<b>Date:</b>	19 <sup>th</sup> June, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

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 Oasis Retail Services Limited, for the provisional grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table> <tr> <td><b>Premises and Location</b></td><td><b>Applicant</b></td></tr> <tr> <td>Oasis Gaming Centre 7 and area to the rear of 9 Wellington Place Belfast BT1 6GB</td><td>Oasis Retail Services Ltd. Oasis House, Mallusk Drive Newtownabbey</td></tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Oasis Gaming Centre 7 and area to the rear of 9 Wellington Place Belfast BT1 6GB	Oasis Retail Services Ltd. Oasis House, Mallusk Drive Newtownabbey
<b>Premises and Location</b>	<b>Applicant</b>				
Oasis Gaming Centre 7 and area to the rear of 9 Wellington Place Belfast BT1 6GB	Oasis Retail Services Ltd. Oasis House, Mallusk Drive Newtownabbey				
1.2	The Directors of Oasis Retail Services Limited are Mr Gerald Steinberg (Chairman) and Mr Martin Trimble (Managing Director).				
1.3	A location map is attached as 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 Provisional 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 his 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</li> </ul>				

	<p>Permit would be managed, or for whose benefit that business would be carried on,</p> <p>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</p> <p>d) Representation, if any, as a result of the public notices of advertisement.</p>
2.2	<p>You are then required to make a decision based on the following options set out under the Order. You must refuse the application unless satisfied that:</p> <p>a) The applicant is a fit person to hold an Amusement Permit; and</p> <p>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.</p>
2.3	<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> </ol>
2.4	<p>In the case of premises, that 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> <p>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.</p>
2.5	<p>Should you be of a mind to refuse the application for the provisional 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.</p>
2.6	<p>If, subsequent to hearing the applicant, you refuse the application for the Provisional 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.</p>
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	<p>Members are reminded that the Licensing Committee is responsible and has full delegated authority for determining all applications relating to the grant and provisional grant of Amusement Permits.</p>
3.2	<p>Members are advised that an application for the provisional grant of an amusement permit at</p>

	7 Wellington Place was refused by Council on the 1 <sup>st</sup> December 1999. Oasis Retail Services Limited appealed the Council decision which Deputy Judge Fitzpatrick overturned on 5 <sup>th</sup> October 2000 and the permit was issued. The permit has been renewed each year since then.
3.3	As there is no mechanism within the Order to cater for the extension to an existing premise, as is happening in this case, an application must be made for the provisional grant of an Amusement Permit for the ground floor of 7 and area to the rear of 9 Wellington Place.
3.4	The current Amusement Permit for 7 Wellington Place is due to expire on the 30 <sup>th</sup> June 2019.
	<b><u>Applicant</u></b>
3.5	The applicant has requested to operate the proposed premises 7 days per week on Monday to Saturday from 9:00 am to midnight and on Sunday from 11:30 am to midnight with the actual opening hours being based upon demand. The current opening hours for the existing permit for 7 Wellington Place, as indicated on their application form, are 00.01 am to midnight, Monday to Sunday. However, the applicant has confirmed that the requested hours are those the current premises operate.
3.6	The permit is for a total of 100 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	The applicant has confirmed there will be no increase in the number of machines as the current Amusement Permit is for a total of 100 gaming machines. The actual number of machines during an inspection at No. 7 on the 7 March 2019 was 77 machines.
3.8	The applicant has submitted a statement in support of the application that is included as Appendix 2.
3.9	Mr Trimble and/or his representatives will be available to discuss any matters relating to the grant of the permit at your meeting.
	<b><u>PSNI</u></b>
3.10	The PSNI has been consulted and confirmed that they have no objections to the application. A copy of their correspondence is attached as Appendix 3.
	<b><u>NIFRS</u></b>
3.11	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections to the application.
	<b><u>Health, Safety, Welfare and Technical requirements</u></b>
3.12	Officers from the Service have met with the applicant to discuss the application and status of the premise. The applicant has confirmed that a Building Regulations application will be made to the Service for the building work that will be required to create the new arcade layout.
	<b><u>Planning matters</u></b>
3.13	A planning application was made to the Planning Service on the 20 <sup>th</sup> December 2017 for demolition of a partition wall to amalgamate part of No. 9 Wellington Place into No.7 Wellington Place to extend the existing amusement/gaming centre use, conversion from retail

	use and the subdivision of No.9 Wellington Place to form a retail unit. This was granted on the 18 <sup>th</sup> April 2018.
3.14	A copy of the planning permission is attached as Appendix 4.
3.15	The Committee may be aware 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.
3.16	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><u>Amusement Permit Policy</u></b>
3.17	Members are advised that the Council's Amusement Permit Policy was ratified at Council on 1st 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.
3.18	The key interrelated Policy objectives are to: <ul 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> </ul>
3.19	The Policy consists of two components which are considered below:
	<u>1. Legal requirements under the 1985 Order</u>
3.20	Members must have regard to the legal requirements under the 1985 Order relating to: <p>(a) The character, reputation and financial standing of the applicant:</p>
3.21	References and additional supporting information for those associated with the application are attached as Appendix 4 to the report for consideration. <p>(b) The nature of the premises and activity proposed:</p>
3.22	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>(c) Opinions of the Police:</p>
3.23	PSNI comments have been sought and they have confirmed they have no objection to the application. Their response is attached as Appendix 5. <p>(d) Submissions from the general public:</p>
3.24	No objections have been received as a result of the public notices placed in three local newspapers.

3.25	<p><u>2. Assessment criteria for suitability of a location</u></p> <p>There are five criteria set out in the Policy that 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>
3.26	<p>Before considering each of these criterion it should be noted at the outset that this is a grant application because of a proposed extension to the existing arcade to incorporate the adjacent vacant unit.</p>
3.27	<p><b>(a) Retail vibrancy and viability of Belfast:</b></p> <p>The application seeks to extend an existing amusement arcade at 7 Wellington Place into the rear ground floor of the adjoining property at 9 Wellington Place. The existing retail unit at 9 Wellington Place has been vacant for some time. Its retail area will be reduced in size as a consequence of this application but the front part of the building will be retained for retail use. The front part of 9 Wellington Place does not form part of this application and will be unaffected by the proposal, it will be approximately a third of the floor area of the original retail unit.</p>
3.28	<p>The adjoining unit on the other side of the application site is in office use. The application would not therefore result in the break-up of a continuous shopping front.</p>
3.29	<p>The Strategic Planning Policy Statement ('SPPS') for Northern Ireland was published by DfI in September 2015. It is regional policy that the SPPS is a statement of DfI policy on important planning matters that should be addressed across Northern Ireland. It was agreed by the Northern Ireland Executive and to be in general conformity with the Regional Development Strategy 2035.</p>
3.30	<p>Sustainable development is at the heart of the SPPS. Whilst there are a variety of expressions of the term sustainable development one of the more widely accepted definitions is to be found under Resolution 42/187 of the United Nations Assembly which defines sustainable development as <i>'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'</i></p>
3.31	<p>In SPPS there is a town centre-first approach to the location of "main town centre uses", a term which includes leisure and entertainment uses. Amusement arcades or gaming centres are not specifically mentioned in the SPPS as being a leisure or entertainment use, though it is acknowledged that they could be regarded as leisure uses. The latter notwithstanding, an amusement arcade is still considered a sui generis use, i.e. of its own kind, that is subject to specific planning and licensing (permit) control.</p>
3.32	<p>The Council's Amusement Permit Policy resonates with the SPPS in that it recognises that town centres offer opportunities to accommodate leisure uses such as amusement arcades. However, unlike the generalised contents of the SPPS, the Amusement Permit Policy further qualifies that there is a presumption against locating them in the Retail Core of the City Centre in the desire to encourage retailing here.</p>
3.33	<p>The application premises are situated within the Belfast City Centre Retail Core, as defined in the Belfast Metropolitan Area Plan 2015 (dBMAP). Whilst it is the extension of an existing amusement arcade premises it must be considered a new application for the purpose of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985.</p>
3.34	<p>The Policy indicates that, outside of renewal applications, there is a presumption against granting permits for amusement arcades in the Retail Core unless they are related to a major,</p>

3.35	<p>retail led, mixed use development or an upper storey development. Viewed in this context it could be considered that the application runs contrary to the Council's Amusement Permit Policy.</p>
	<p>However, Committee must have regard to the fact that the unit has been vacant for a considerable time and that this proposal will retain the existing shopping frontage at 9 Wellington Place which is likely to have limited impact on the retail vibrancy of the Retail Core. The Planning Service attached significant weight to the retention of this frontage when approving the application.</p>
3.36	<p><b>(b) Cumulative build-up of amusement arcades in a particular location:</b></p>
	<p>In the desire to promote retailing in the City Centre the Council is keen to avoid a clustering of amusement arcades at a given location. The nearest amusement arcade to the application site on Wellington Place is Onassis Amusements at 17-19 Queen Street. This is located circa 200m walking distance away and on a different commercial frontage. The next nearest is Funtime Amusements at 91 Castle Street, which is located approximately 350m walking distance away. Due to the separation distances between amusement arcades in this area it is considered that the proposal does not contribute to cumulative build up.</p>
3.37	<p>However, this is contrary to a provision in the Council's Amusement Permit Policy where there is a restriction on allowing a ground floor extension or merger of an existing establishment into an adjoining unit. This provision is intended to prevent clustering in a particular location caused by the gradual accretion of amusement arcades, via extensions, along the length of a commercial frontage.</p>
3.38	<p>In that context, consideration must be given to the fact that the extension of the amusement arcade is partial and will not affect the front of the adjoining property (9 Wellington Place). The proposed extension to the rear of the adjoining unit will not therefore result in the loss of a retail façade along the Wellington Place commercial frontage.</p>
3.39	<p>In assessing cumulative build up the Committee is required to more broadly consider the issue of the proliferation of permits and the effect of the same on the character and amenity of area rather than simply whether there is more than one amusement arcade in a commercial frontage.</p>
3.40	<p>A map of nearby licensed premises and existing or proposed amusement arcades in the City Centre is attached to this report at Appendix 6.</p>
3.41	<p><b>(c) Impact on the image and profile of Belfast:</b></p>
	<p>The application premises have no neighbouring property which is a tourism asset, nor are they located at a Gateway location.</p>
3.42	<p><b>(d) Proximity to residential use:</b></p>
	<p>The application premises are located in the main commercial frontage of Wellington Place, where there are a mix of uses including restaurants and retail units. There are no residential properties immediately adjacent to the premises. The nearest residential property is the purpose built student accommodation on the corner of Wellington Place and Queen Street.</p>
	<p><b>(e) Proximity to schools, youth centres, and residential institutions for vulnerable</b></p>



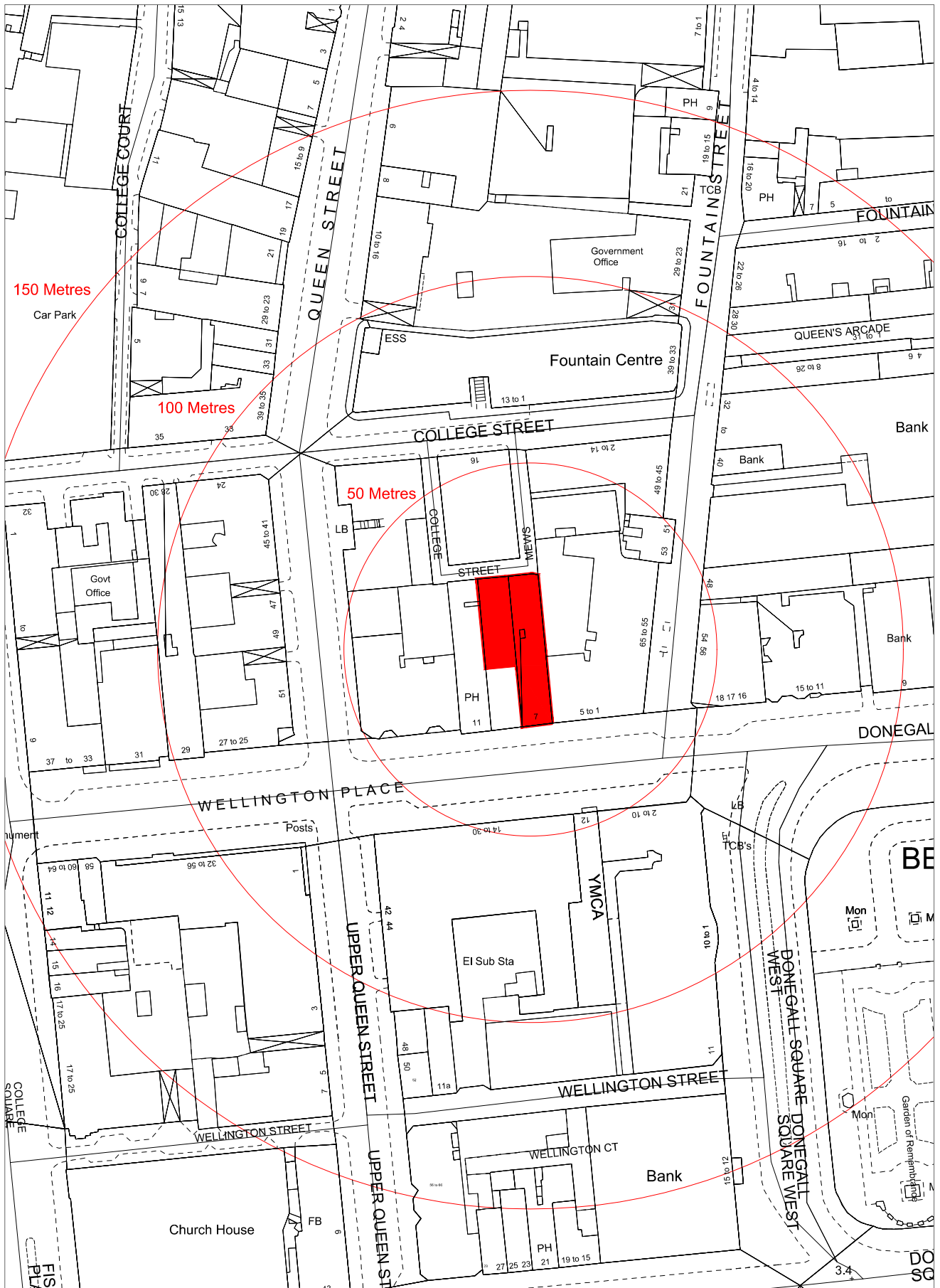
	<b>people:</b>
3.43	There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.
	<b><u>Conclusion</u></b>
3.44	Whilst the application premises may not strictly comply with all assessment criteria for the suitability of the location as laid down in the Council's Amusement Permit Policy, the Committee can depart from those criteria where it is considered appropriate to do so. Any non-compliance in this regard is finely balanced due to the fact that this is a partial extension into the rear of an adjoining unit at No.9 Wellington Place. This partial extension ensures that the front part of this adjoining unit will be retained for retail purposes within the Retail Core. This appreciably mitigates Council's concerns for loss of retail vibrancy and cumulative build-up of amusement arcades.
3.45	Planning Service was made aware of this when determining the planning application but determined that the application was acceptable in planning policy terms.
	<b><u>Financial &amp; Resource Implications</u></b>
3.46	There are no financial or resource implications associated with this report.
	<b><u>Equality or Good Relations Implications</u></b>
3.47	There are no equality or good relations issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location map</li> <li>• Appendix 2 – Oasis supporting statement</li> <li>• Appendix 3 – Copy of the planning permission</li> <li>• Appendix 4 – References and additional supporting information</li> <li>• Appendix 5 – PSNI comments</li> <li>• Appendix 6 – Map showing land uses and existing permits in City Centre area</li> </ul>

This page is intentionally left blank



# 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



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



<b>Subject:</b>	<b>Application for the variation of a 7-Day Annual Entertainments Licence for The Merchant Hotel</b>
<b>Date:</b>	19th June, 2019
<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 variation of the 7-Day Annual Indoor Entertainments Licence for the Merchant Hotel, based on the Council's Standard Conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table> <tr> <td><b>Premises and Locations</b></td><td><b>Applicant</b></td></tr> <tr> <td>The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ</td><td>Mr James Sinton The Merchant Hotel Ltd C/O 3 Hill Street Belfast BT1 2LA.</td></tr> </table>	<b>Premises and Locations</b>	<b>Applicant</b>	The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ	Mr James Sinton The Merchant Hotel Ltd C/O 3 Hill Street Belfast BT1 2LA.
<b>Premises and Locations</b>	<b>Applicant</b>				
The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ	Mr James Sinton The Merchant Hotel Ltd C/O 3 Hill Street Belfast BT1 2LA.				

1.2	The nature of the variation is to extend the hours during which entertainment may be provided to the USC first floor rear bar on Friday and Saturday nights from 1.00 am to 3.00 am the following morning.
1.3	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Place will grant the licence as provided for in the Council's Scheme of Delegation.
1.4	However, in light of the fact that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 am, the application is being presented to you for your consideration.
1.5	A location map is attached as Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and representations received 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>
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 Records Court.
2.3	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>
3.1	<p>The areas currently Licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>• The Merchant Hotel, with a maximum capacity of 300 persons.</li> <li>• The Cloth Ear, with a maximum capacity of 300 persons.</li> <li>• Ollies Nightclub, with a maximum capacity of 550 persons.</li> <li>• Ollies Garden Room, with a maximum capacity of 20 persons.</li> <li>• Bert's, with a maximum capacity of 240 persons.</li> <li>• Conference Room 1, with a maximum capacity of 100 persons.</li> <li>• Conference Room 2, with a maximum capacity of 60 persons.</li> <li>• Conference Room 3, with a maximum capacity of 60 persons.</li> <li>• Conference Room 1, 2 &amp; 3, with a maximum capacity of 220 persons.</li> <li>• 4<sup>th</sup> Floor, with a maximum capacity of 40 persons.</li> <li>• USC Ground Floor Front Bar, with a maximum capacity of 50 persons.</li> <li>• USC Ground Floor Rear Bar, with a maximum capacity of 144 persons.</li> <li>• USC First Floor Front Bar, with a maximum capacity of 30 persons.</li> <li>• USC First Floor Rear Bar, with a maximum capacity of 220 persons.</li> </ul>



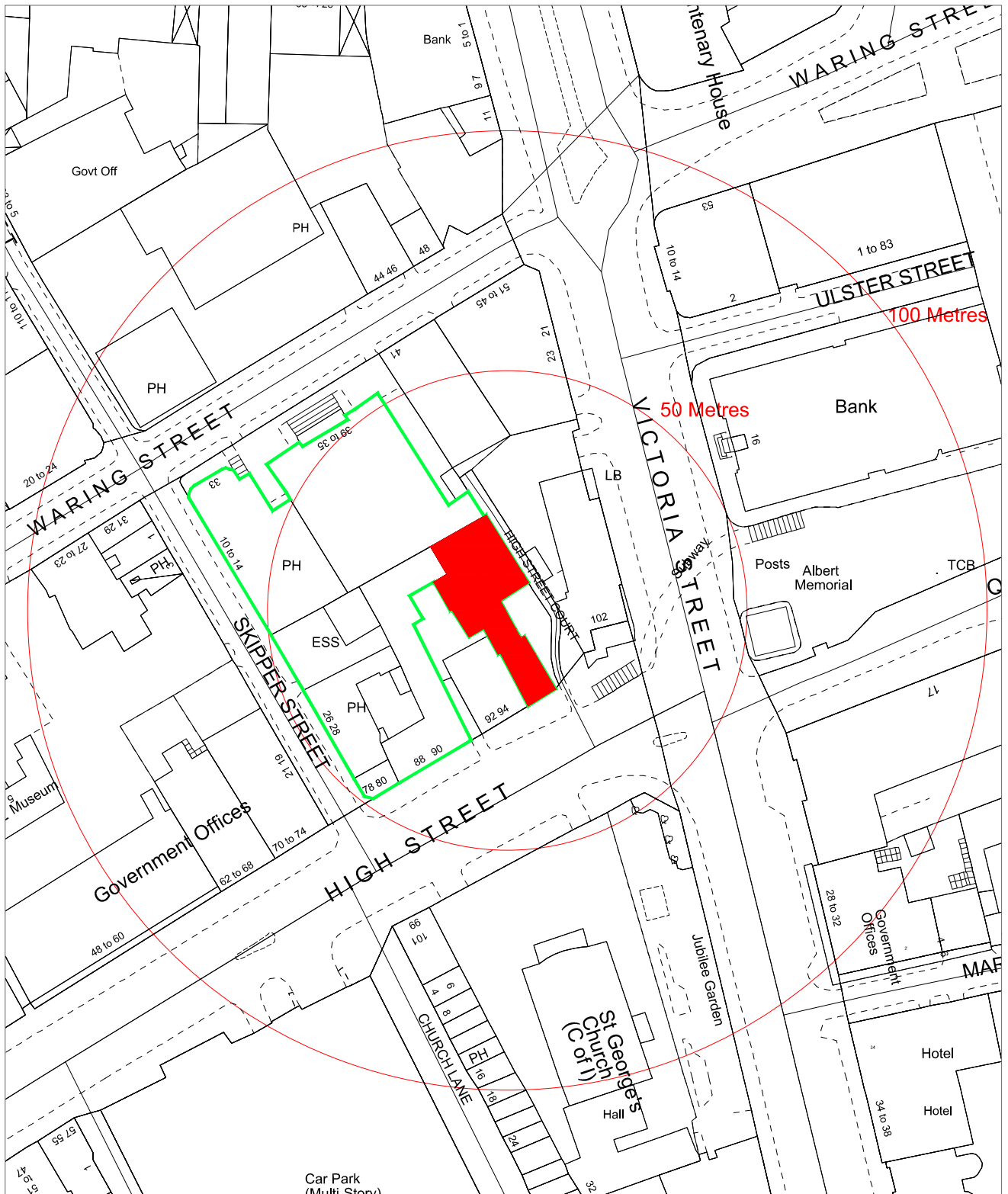
3.2	<p>The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>Monday to Saturday: 11.30 am to 1.00 am the following morning</li> <li>Sunday: 12.30pm to 12.00 midnight</li> </ul>
3.3	<p>The following Special Condition is attached to the current entertainments licence: - In addition to the above standard operating hours entertainment may be provided in Ollie's Nightclub to 3.00am seven days a week.</p>
3.4	<p>The applicant has applied to extend the hours of the USC first floor rear bar on Friday and Saturday nights to 3.00 am the following morning.</p>
3.5	<p>The premise operates as a hotel with various bars and a nightclub with entertainment being provided in the form of live bands and DJs.</p> <p><b><u>Reasons for the Variation</u></b></p>
3.6	<p>The applicant has stated the main reason they wish to extend the hours of entertainment is to allow for club nights on the first floor to fulfil customer demand for a late night music venue. A copy of the applicant's submission is appended to this report as Appendix 2.</p> <p><b><u>Representations</u></b></p>
3.7	<p>Notice of the application has been advertised and no written representation has been received.</p> <p><b><u>PSNI</u></b></p>
3.8	<p>The Police Service of Northern Ireland has been consulted and confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 3.</p> <p><b><u>NIFRS</u></b></p>
3.9	<p>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.</p> <p><b><u>Health, Safety and Welfare Inspections</u></b></p>
3.10	<p>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.</p>
3.11	<p>The premises have also been subject to inspections as part of the Entertainments Licence application renewal process and Officers of the Service are satisfied with all safety measures and management procedures.</p> <p><b><u>Noise issues</u></b></p>
3.12	<p>No noise complaints have been received in the last 12 months.</p>
3.13	<p>Given the nature of the entertainment at the venue an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to</p>

	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.
3.14	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.
3.15	<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>
3.16	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.17	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 - Applicant's Submission</li> <li>• Appendix 3 – Letter from Police Service of Northern Ireland</li> </ul>



# 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



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank





<b>Subject:</b>	<b>Application for the variation of a 7-Day Annual Entertainments Licence for the Botanic Inn</b>
<b>Date:</b>	19th June, 2019
<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"/>

<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 hours during which entertainment may be provided at the Botanic Inn, based on the Council's Standard Conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table> <tr> <td><b>Premises and Locations</b></td><td><b>Applicant</b></td></tr> <tr> <td>Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td><td>Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.</td></tr> </table>	<b>Premises and Locations</b>	<b>Applicant</b>	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.
<b>Premises and Locations</b>	<b>Applicant</b>				
Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.				
<b>1.2</b>	The original variation application for the Botanic Inn to extend the hours of entertainment to 3.00am on Monday to Saturday nights was received on 22 November 2016.				
<b>1.3</b>	Numerous objections were received against this application but, all objections have now been withdrawn, on the basis that the applicant has amended his application so as to replicate the extended hours of entertainment, that already apply on the first floor, on the ground floor. This would mean entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday on both floors. In addition, entertainment will be				

1.4	permitted to 2.00am should Christmas Eve, New Year's Eve, St. Patrick's night, Easter Monday, May Day or Halloween fall on a Sunday, Monday, Tuesday or Friday night.  A location map is attached as Appendix 1.
2.0	<b>Recommendations</b>
2.1	Taking into account the information presented and any representations made you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Approve the application for the variation of the Entertainments Licence; or</li> <li>2. Approve the application for the variation of the Entertainments Licence with Special Conditions, or</li> <li>3. Refuse the application for the variation of the 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 Records Court.
2.3	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.
3.0	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Members are reminded that, at your meetings on 19 April 2017 and 20 June 2018, you considered reports regarding representations received in respect of the application and agreed to hear from both the applicant and objectors at a future meeting.</p> <p><b><u>Representations</u></b></p> <p>Written representations objecting to the application were received from various parties including Paula Bradshaw MLA, PSNI, local residents' associations and individual local residents.</p> <p>A synopsis of the objections is outlined below:</p> <ul style="list-style-type: none"> <li>• These 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> <li>• Many streets in the surrounding area are of a residential 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 and noise disturbance from students making their way back to the Elms Village and other student housing in the area.</li> </ul> <p>However, due to ongoing discussion, facilitated by the Service, between the applicant and the various objectors all representations against this application have now been withdrawn.</p> <p><b><u>Details of the Premises and Variation Proposals</u></b></p>

<b>3.5</b>	<p>The areas currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>• Ground Floor Bar, with a maximum capacity of 550 persons.</li> <li>• 1<sup>st</sup> Floor Nightclub, with a maximum capacity of 500 persons.</li> </ul>
<b>3.6</b>	<p>The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning, and</li> <li>• Sunday: 12.30pm to 12.00 midnight</li> </ul>
<b>3.7</b>	<p>The following Special Condition is also attached to the current Entertainments Licence: -</p> <p>Entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday to the first floor areas only. In addition, entertainment will be permitted to 2.00am should Christmas Eve, New Year's Eve, St. Patrick's night, Easter Monday, May Day or Halloween fall on a Sunday, Monday, Tuesday or Friday night.</p>
<b>3.8</b>	<p>After discussion between the applicant and the objectors the applicant has amended the original variation application, which was to provide entertainment to 3.00am on Monday to Saturday nights, and now wishes to extend the hours of the ground floor bar to replicate those of the first floor as noted in the Special Condition at 3.7.</p>
<b>3.9</b>	<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>• They are a family business which has operated successfully at this location for some time as and we understand and strive to serve the communities that make up the location at which we operate as a business. We have always tried to serve the community in which we operate and are mindful of the needs of that community.</li> <li>• They engage with local stakeholders on a regular basis.</li> <li>• They are the nearest residential group to the Botanic Inn – The Wellington Park has 75 bedrooms and we will be very conscious of noise, nuisance or disturbance to these guests.</li> <li>• They carry out sound checks and limit the sound as recommended by a noise impact survey of the immediate area carried out by F.R.Marks.</li> <li>• They have written to all taxi firms asking that they respect the neighbourhood especially after 11.00pm.</li> <li>• They advise patrons when leaving the premises to respect the local area.</li> <li>• They provide a well-managed, safe environment for customers to socialise in thus negating the need for “house parties”</li> <li>• They strive to work with all their stakeholders and value our reputation as a safe venue to meet and socialise.</li> </ul>
<b>3.10</b>	<p>Members may wish to note that, at your meeting in August 2013 when the variation to provide entertainment to 2.00am in the nightclub on the first floor was being considered the applicant at that time, Mr Stephen Magorrian, advised Committee that, should the nightclub be permitted to provide entertainment until 2.00am, it would make the dispersal of patrons more manageable, as they would be leaving the ground and first floors at different times.</p>
<b>3.11</b>	<p>The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of live bands and DJs.</p>

<b>3.12</b>	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
<b>3.13</b>	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.  <b><u>PSNI</u></b>
<b>3.14</b>	The Police Service of Northern Ireland originally objected to the 3.00am extension as it was proposed for midweek and they would not have adequate resources to facilitate this. Due to changes to the extension of hours proposed by the applicant the PSNI have confirmed that they are no longer objecting to the application. A confirmation email from the PSNI is attached as Appendix 2.  <b><u>Health, Safety and Welfare Inspections</u></b>
<b>3.15</b>	Members are advised that Officers have carried out 3 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.  <b><u>Noise issues</u></b>
<b>3.16</b>	No noise complaints have been received by the Service in the last 12 months. 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.  <b><u>Applicant</u></b>
<b>3.17</b>	The applicant and/or their representatives will be available at your meeting should you choose to hear from them or have any queries in relation to the application.  <b><u>Financial and Resource Implications</u></b>
<b>3.18</b>	Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.  <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.19</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Letter from Police Service of Northern Ireland</li> </ul>

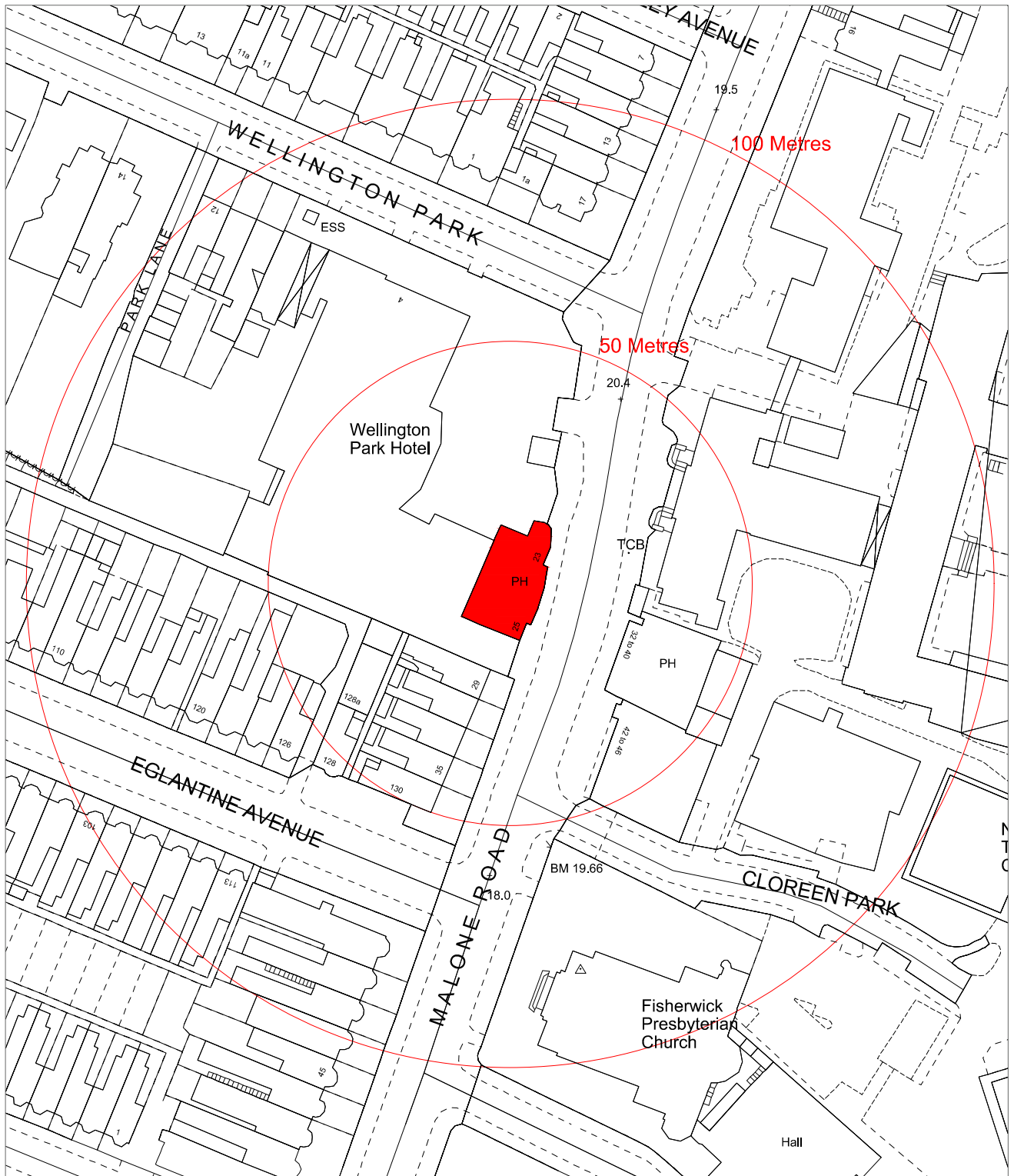


# Building Control Service

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



100 METRES  
50  
25  
0



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank





<b>Subject:</b>	<b>Application for the Variation of a 7-Day Annual Entertainments Licence for McKenna's Bar</b>
<b>Date:</b>	19th June, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

<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 renewal and variation of the 7-Day Annual Indoor Entertainments Licence for McKenna's Bar, based on the Council's Standard Conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table> <tr> <td><b>Premises and Location</b></td><td><b>Applicant</b></td></tr> <tr> <td>McKenna's Bar</td><td>Mr Brian McKenna</td></tr> <tr> <td>25-29 Garmoyle Street</td><td>25-29 Garmoyle Street</td></tr> <tr> <td>Belfast</td><td>Belfast</td></tr> <tr> <td>BT15 1DY</td><td>BT15 1 DY</td></tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	McKenna's Bar	Mr Brian McKenna	25-29 Garmoyle Street	25-29 Garmoyle Street	Belfast	Belfast	BT15 1DY	BT15 1 DY
<b>Premises and Location</b>	<b>Applicant</b>										
McKenna's Bar	Mr Brian McKenna										
25-29 Garmoyle Street	25-29 Garmoyle Street										
Belfast	Belfast										
BT15 1DY	BT15 1 DY										
<b>1.2</b>	The nature of the variation is to extend the hours during which entertainment may be provided on Friday and Saturday nights from 1.00 am to 3.00 am the following morning.										

<b>1.3</b>	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Building Control will grant the licence as provided for in the Council's Scheme of Delegation.
<b>1.4</b>	However, in light of the fact that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 am, the application is being presented to you for your consideration.
<b>1.5</b>	A renewal application is pending and will be issued under delegated authority when the variation application has been considered.
<b>1.6</b>	A location map is attached as Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented and representations 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>
<b>2.2</b>	If the application is refused, or Special Conditions are attached to the Licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
<b>2.3</b>	Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	<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 60 persons.</li> <li>• First Floor, with a maximum capacity of 60 persons.</li> </ul>
<b>3.2</b>	<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 Saturday: 11.30 am to 1.00 am the following morning, and</li> <li>• Sunday: 12.30 pm to 12.00 midnight</li> </ul>
<b>3.3</b>	The premises operates as a public house with entertainment currently provided in the form of DJ's and Karaoke performances.
<b>3.4</b>	<p>The days and hours during which the applicant proposes to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Thursday: 11.30 am to 1.00 am the following morning, and</li> <li>• Friday and Saturday: 11.30 am to 3.00 am the following morning,</li> </ul>

	<ul style="list-style-type: none"> <li>• Sunday: 12.30 pm to 12.00 midnight</li> </ul>
	<p><b><u>Reasons for the Variation</u></b></p>
3.5	<p>The applicant has stated the main reasons they wish to extend the hours of entertainment is to compete with other premises in the City providing late night private functions as they are:</p> <ul style="list-style-type: none"> <li>• Losing out on local custom, as people favour heading into town due to later opening hours.</li> <li>• Keen to offer an alternative for customers to city centre venues, keeping alive the Sailortown area.</li> </ul>
3.6	<p>A copy of the applicant's submission is appended to this report as Appendix 2.</p>
	<p><b><u>Representations</u></b></p>
3.7	<p>Notice of the application has been advertised and no written representations have been lodged.</p>
	<p><b><u>PSNI</u></b></p>
3.8	<p>The Police Service of Northern Ireland has been consulted in relation to the application and confirmed that they have no objections to the application. A copy of their response is attached as Appendix 3.</p>
	<p><b><u>NIFRS</u></b></p>
3.9	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections to the application.</p>
	<p><b><u>Health, Safety and Welfare Issues</u></b></p>
3.10	<p>A during performance inspection has been carried out on the premises by Officers from the Service since the last renewal. The premises has also been subject to inspections as part of the application renewal process.</p>
3.11	<p>The inspections revealed that the Conditions of the Entertainments Licence were being adhered to and operational and management procedures were being implemented effectively.</p>
	<p><b><u>Applicant</u></b></p>
3.12	<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>Noise Issues</u></b></p>
3.13	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received no noise complaints in the last 12 months.</p>
	<p><b><u>Financial &amp; Resource Implications</u></b></p>
3.14	<p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p>

<b>3.15</b>	<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>
<b>4.0</b>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Rationale submission from the applicant</li> <li>• Appendix 3 – PSNI response</li> </ul>

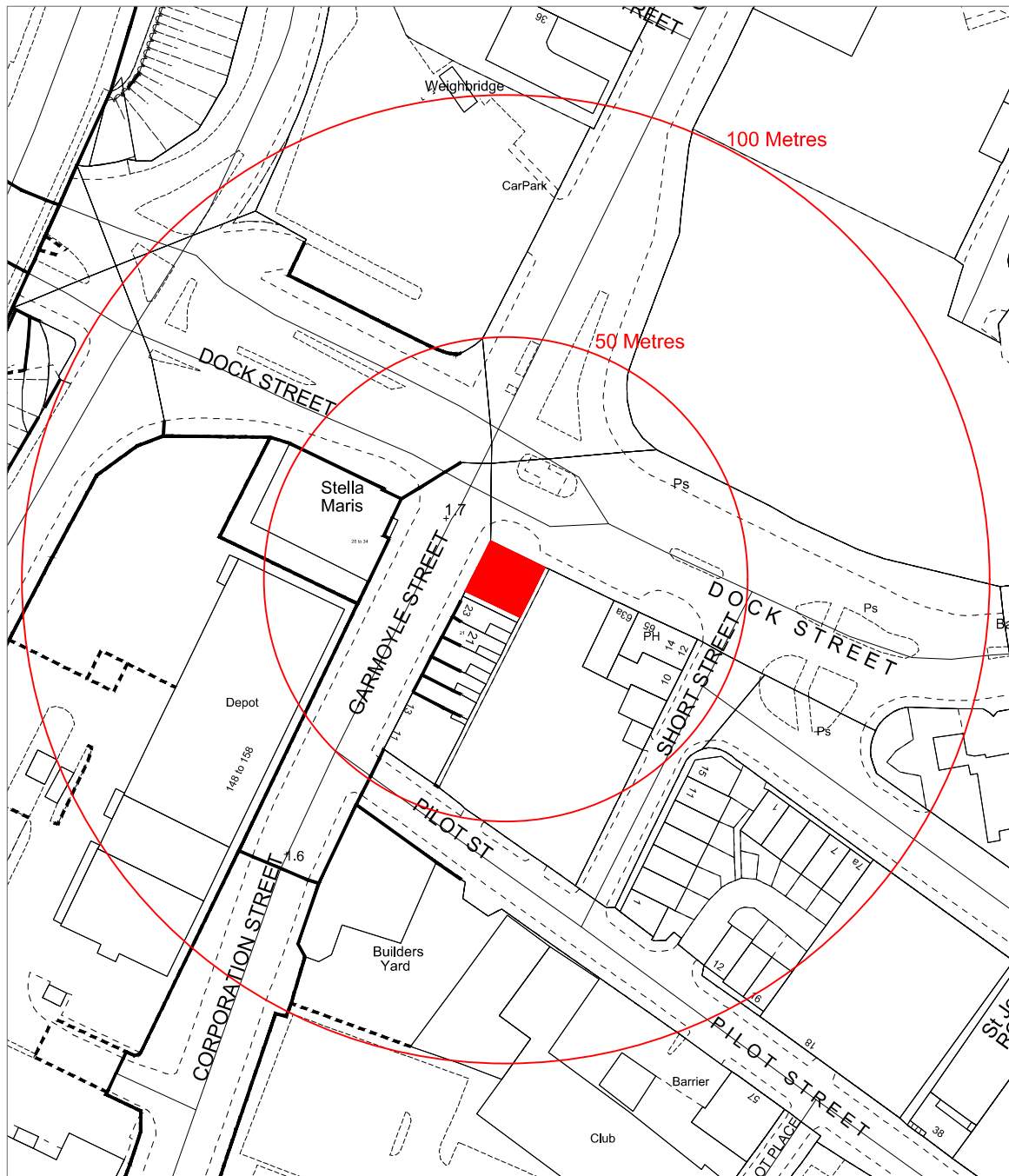


# Building Control Service

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



100 METRES  
50  
25  
0



DRAWN BY MT  
DATE 07/06/2019

McKennas Bar  
25-29 Garmoyle Street

SCALE 1:1250

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank



<b>Subject:</b>	<b>Application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence – Seaview Stadium</b>
<b>Date:</b>	19th June, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

<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>	To consider an application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence based on the Council's standard conditions to provide outdoor musical entertainment.												
<b>1.2</b>	<table> <tr> <td><b>Premises and Location</b></td><td><b>Applicant</b></td></tr> <tr> <td>Seaview Stadium</td><td>Thomas Whiteside</td></tr> <tr> <td>St Vincent's Street</td><td>Crusaders Sports and Social</td></tr> <tr> <td>Belfast, BT15 3QG</td><td>Development Trust</td></tr> <tr> <td></td><td>Seaview Stadium</td></tr> <tr> <td></td><td>Belfast, BT15 3QG</td></tr> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Seaview Stadium	Thomas Whiteside	St Vincent's Street	Crusaders Sports and Social	Belfast, BT15 3QG	Development Trust		Seaview Stadium		Belfast, BT15 3QG
<b>Premises and Location</b>	<b>Applicant</b>												
Seaview Stadium	Thomas Whiteside												
St Vincent's Street	Crusaders Sports and Social												
Belfast, BT15 3QG	Development Trust												
	Seaview Stadium												
	Belfast, BT15 3QG												

<b>1.3</b>	The application is in relation to the Seaview Stadium grounds for a variety of events, including a dance event, which took place on 1 <sup>st</sup> June 2019.
<b>1.4</b>	A copy of the application form is attached as Appendix 1.
<b>1.5</b>	A location map is attached as Appendix 2.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented and any representations made you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the grant of the Entertainments Licence, or</li> <li>2. Approve the application for the grant of the Entertainments Licence with special conditions, or</li> <li>3. Refuse the application for the grant of the Entertainments Licence.</li> </ol>
<b>2.2</b>	If the application is refused, or Special Conditions are attached to the Licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	Members are reminded that all applications for the Grant of Outdoor Entertainments Licences are brought before Committee for their consideration.
<b>3.2</b>	Members are advised that the application for this Licence was only received on 25 <sup>th</sup> April 2019 in respect of an event that was scheduled to take place on 1 June 2019. As there was no Licensing Committee meeting in May, due to the Local Government elections, there was no scope to place the application before Committee prior to the date of the event.
<b>3.3</b>	In the circumstances where a significant number of tickets had been sold, Chief Officers, in consultation with the Chair and Vice Chair of the Licensing Committee, agreed to grant approval for the 1-day event only and on condition that the application would then be brought to the June Licensing Committee for consideration.
<b>3.4</b>	The Licence was therefore issued for the event on 1 <sup>st</sup> June 2019 as, from a regulatory and enforcement perspective, this is preferable to an event proceeding unlicensed.
<b>3.5</b>	It should be noted that the last-minute nature of the application places significant pressure on Building Control staff to assess event safety documentation and ensure all technical requirements are in place for the safe operation of the events.
<b>3.6</b>	The Licence, if granted by Committee, will expire on 31 May 2020.
	<b><u>Representations</u></b>
<b>3.7</b>	Notice of the application has been advertised and no written representations have been lodged.

	<p><b><u>PSNI</u></b></p> <p>3.8 The Police Service of Northern Ireland has no objection to the application. A copy of the PSNI correspondence is attached as Appendix 3.</p> <p><b><u>NIFRS</u></b></p> <p>3.9 The Northern Ireland Fire Rescue Service have no objection to the application.</p> <p><b><u>Health, safety and welfare inspections</u></b></p> <p>3.10 Officers worked closely with the applicant and event organisers in the lead up to the event to ensure all documentation and technical requirements were in place.</p> <p>3.11 Additionally, officers were present at the event and were satisfied that all safety measures and management procedures were in place.</p> <p><b><u>Noise Issues</u></b></p> <p>3.12 The applicant undertook measures regarding the management of noise, and we have not received any noise complaints arising from the event on the 1<sup>st</sup> June 2019.</p> <p><b><u>Applicant</u></b></p> <p>3.13 The applicant and/or their representatives will be available at your meeting should you choose to hear from them or have any queries in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.14 Officers carry out pre event and during performance inspections on outdoor locations providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.15 There are no issues associated with this report.</p>
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Copy of the Application Form</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – Copy of PSNI correspondence</li> </ul>

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



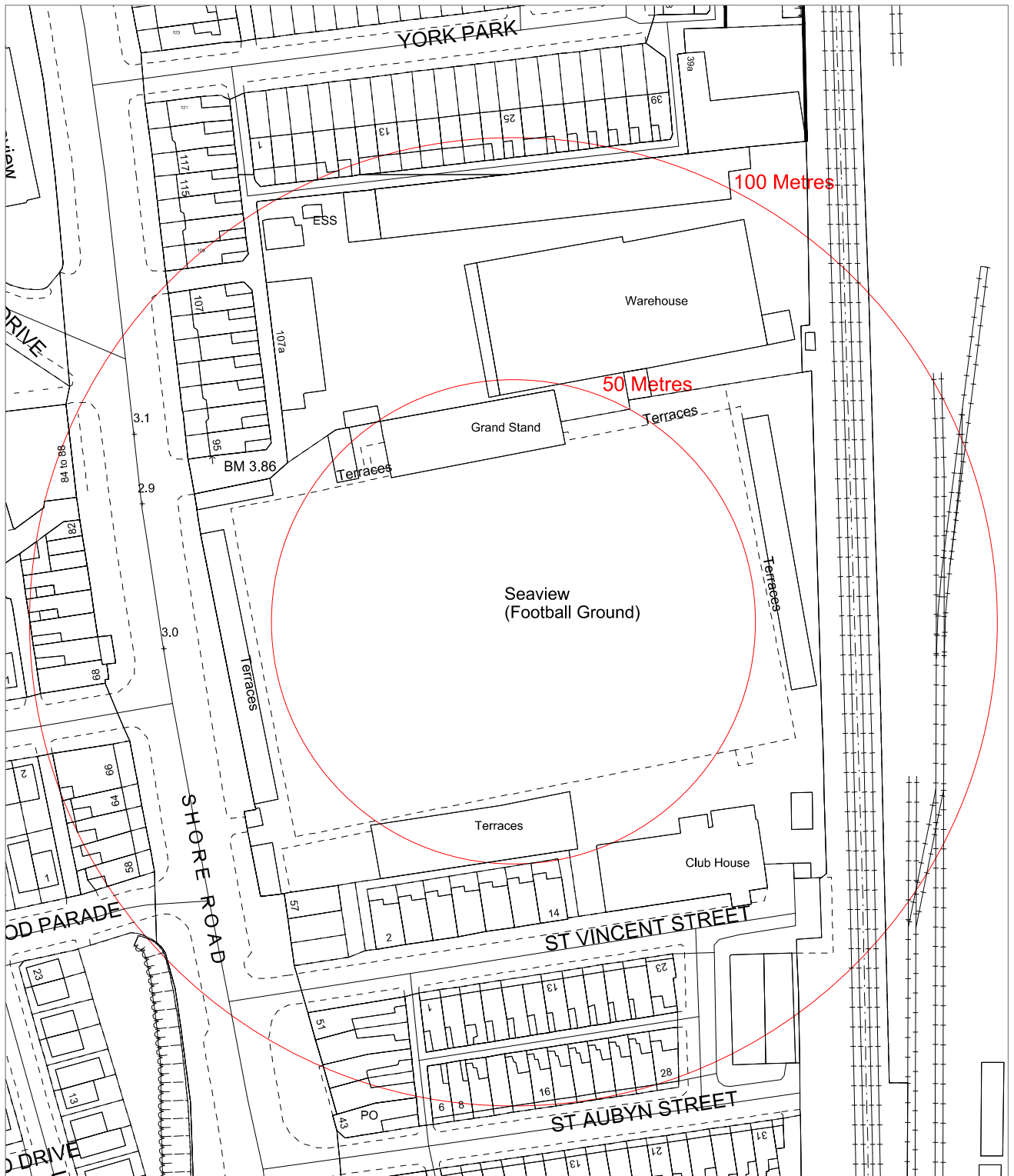


# Building Control Service

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



100 METRES  
50  
25  
0



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



<b>Subject:</b>	<b>Application to provide outdoor musical entertainment beyond 11.00 pm at Woodvale Park</b>
<b>Date:</b>	19 <sup>th</sup> June, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

<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	To consider a request from Twaddell and Woodvale Residents Association, to hold an outdoor musical event at Woodvale Park on the 9 <sup>th</sup> to 11 <sup>th</sup> July 2019 and to permit entertainment to run beyond 11.00 pm on the 9 <sup>th</sup> and 11 <sup>th</sup> July 2019.
<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 9<sup>th</sup> and 11<sup>th</sup> July 2019 should be permitted to take place beyond the standard hours of licence to 1.00 am or;</li> </ol>

	2. Refuse to extend the hours as requested.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-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.
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 am to 11.00 pm.
3.3	<p>In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</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. 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>
3.4	The Twaddell and Woodvale Residents' Association have been an active participant in the bonfire programme for a number of years. In 2007 they were involved in the design of the Bonfire Beacon as an alternative to the traditional 11th July bonfire and they have successfully run this event from 2008, attracting over 1000 people.
3.5	<p>The People and Communities Committee, at their meeting on 4 June 2019, granted authority to Twaddell and Woodvale Residents' Association to hold a three-day festival in Woodvale Park in July 2019. The use of the park for this event is subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services including:</p> <ul style="list-style-type: none"> <li>• The completion of an appropriate event management plan</li> <li>• Satisfying all statutory licensing responsibilities</li> <li>• Relevant consultation and agreement of satisfactory terms by the Director for City and Neighbourhood Services</li> </ul>
3.6	This will be subject to ratification by Council at their meeting of 1 July 2019.
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 are reminded that last year the Committee considered an extension beyond the standard hours of 11.00 pm to 1.00 am for this event at Woodvale Park and, after consideration, you agreed to grant the request to extend the hours.
3.10	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals including the Feile An Phobail, events in Lower Crescent Park and Cathedral Quarter Arts Festival.
	<b><u>Rationale for additional hours</u></b>
3.11	The organisers have not yet finalised the details for the event but they have confirmed that Woodvale Festival will provide a three-day programme of workshops, lectures, exhibitions, family activities and live concerts from 9th to 11th July. The live concerts are designed to bring mainstream artists to one of Belfast's most disadvantaged areas as well as provide proactive diversionary activities at a time of potential heightened tensions.
3.12	The organisers have requested that you consider permitting entertainment on Tuesday 9th and the last night of their programme of celebrations on the 11th July 2019 to run beyond 11.00 pm to a maximum of 1.00 am.
3.13	A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours beyond 11.00 pm is attached as Appendix 1.
3.14	A representative of the event organiser will be available at your meeting should you wish to seek further information about the event.
3.15	A Location Map is attached as Appendix 2.
	<b><u>PSNI</u></b>
3.16	The PSNI have been consulted regarding the event and their request to operate on the 9th and 11th July to 1.00 am and they have no objections to this proposal.
3.17	A copy of their correspondence is attached as Appendix 3.
	<b><u>Health, safety and welfare issues</u></b>
3.18	Officers have engaged with the organisers and Officers of the Parks Service on previous events and will work with them again this year to agree an Event Management Plan and the layout plan for the site. Through this work, we will determine an appropriate occupancy for the event and ensure other arrangements are in place to manage the event safely.
3.19	Officers from the Service have carried out inspections for previous events and have found that the organisers have adhered to the health, safety and welfare management requirements during that time.
	<b><u>Noise issues</u></b>
3.20	The Environmental Protection Unit (EPU) has been consulted in relation to the event and the request to operate to beyond 11.00 pm on two nights. They have confirmed that five

	complaints were received in relation to last year's event for the night of the 9 <sup>th</sup> July. Four complaints were in relation to excessive patron noise from the park and the other complaint was in relation to loud entertainment music emanating from the park at 22.00 hrs. No formal action was taken in respect of the noise complaints.
3.21	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.
3.22	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.
3.23	Members are reminded that the Clean Neighbourhood and Environment Act 2011 (amendments to Noise Act 1996) gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.
3.24	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.
3.25	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.
	<b><u>Financial and Resource Implications</u></b>
3.26	Officers will be required to carry out inspections at the event, but this is catered for within existing Service budgets.
	<b><u>Equality and Good Relations Implications</u></b>
3.27	There are no equality or good relations issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Rationale for requesting the extended hours</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – PSNI Correspondence</li> </ul>



Document is Restricted

This page is intentionally left blank

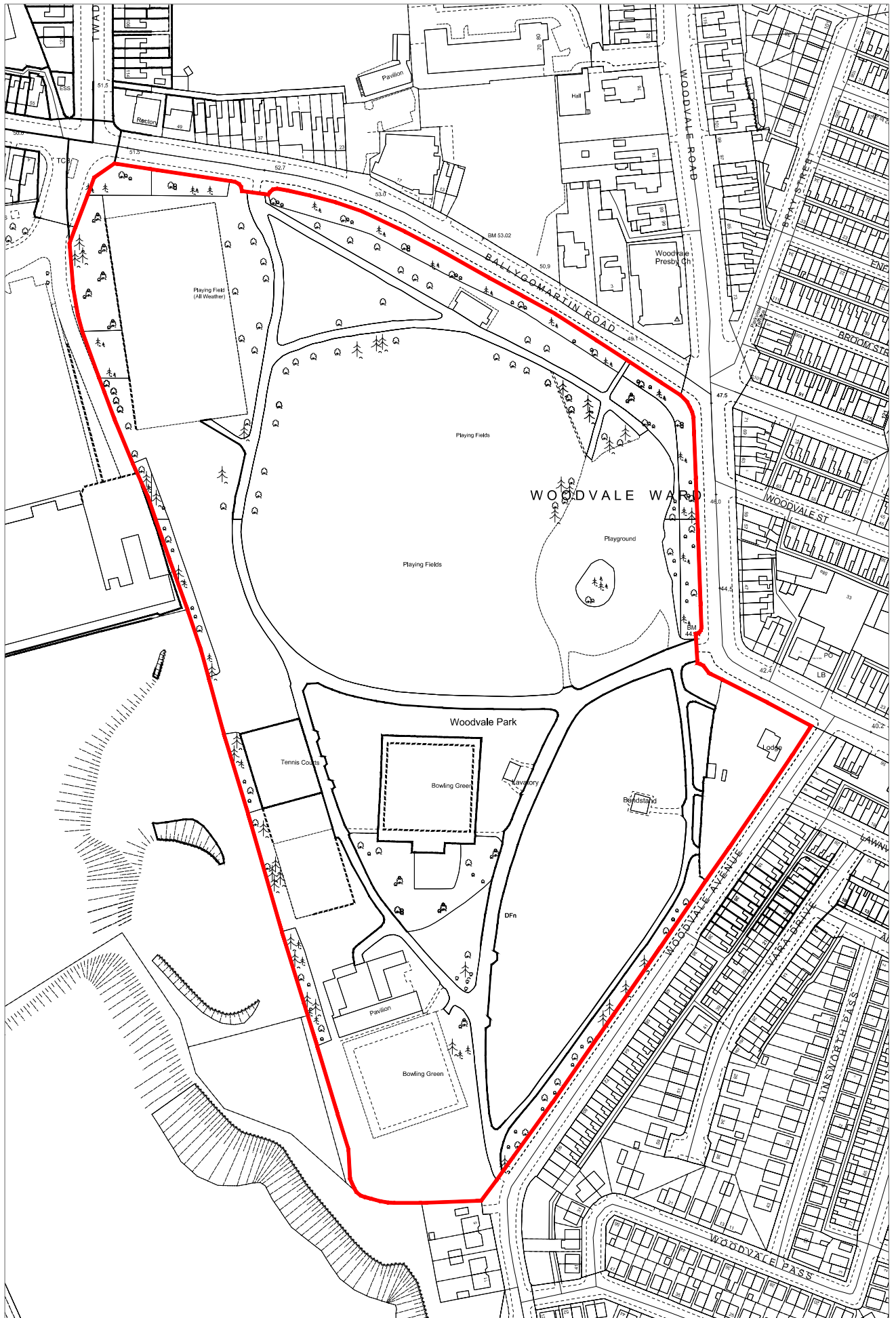


# Building Control Service

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



100 METRES



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



<b>Subject:</b>	<b>Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park</b>
<b>Date:</b>	19 <sup>th</sup> June, 2019
<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 or Summary of main Issues</b>
<b>1.1</b>	To consider a request from the organisers of Féile an Phobail to hold a 3-day music event within Falls Park, running from Thursday 8 August to Sunday 11 August 2018, and to permit the entertainment to run beyond 11.00 pm on all 3 occasions.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<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 all 3 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; 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>
<b>3.1</b>	Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-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.
<b>3.2</b>	The days and hours during which entertainment may be provided both outdoors and in a marquee, are Monday to Sunday from 11.30 am to 11.00 pm.
<b>3.3</b>	<p>In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul 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.</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>
<b>3.4</b>	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, Boyzone has been identified as the headline act to perform on 10th August. Musical performances are also scheduled for 8th, and 11th August.
<b>3.5</b>	<p>The People and Communities Committee, at their meeting on 4th June 2019, agreed the use of the park for this event subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services including:</p> <ul style="list-style-type: none"> <li>• The completion of an appropriate event management plan</li> <li>• Satisfying all statutory licensing responsibilities</li> <li>• Relevant consultation and agreement of satisfactory terms by the Director for City and Neighbourhood Services</li> </ul>
<b>3.6</b>	This will be subject to ratification by Council at their meeting of 1 July 2019.
<b>3.7</b>	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.
<b>3.8</b>	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.



<b>3.9</b>	Members may recall that last year you agreed to grant the organisers permission to operate all of their four nights of the event at the venue beyond the standard hours of 11.00 pm to 1.00 am.
<b>3.10</b>	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals including the Cathedral Quarter Arts Festival and events in Lower Crescent Park.
	<b><u>Rationale for additional hours</u></b>
<b>3.11</b>	The event has been run for a period in excess of 30 years as a community festival. The event has grown over the years from being held for 2-3 days to a full 10-11 day internationally acclaimed festival offering an eclectic mix of arts and cultural events, ranging from headline music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events. This year's festival will run from Thursday 1st to Sunday 11th August.
<b>3.12</b>	For 2018 the event organisers consolidated the entertainment events at Falls Park from 11 nights to 4 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park. The event organisers have sought to adopt a similar strategy for this year's festival.
<b>3.13</b>	The event organisers have also indicated that although the application is to provide 3 nights of entertainment to 1.00 am, it is envisaged that entertainment will only run to 1.00 am on Thursday 8th August. Entertainment on the 2 remaining evenings will finish before this time.
<b>3.14</b>	The ability to operate beyond the permitted hours to 1.00 am is a continuation of the organiser's strategy to mitigate against antisocial behavior in the greater Belfast area. The organisers have cited that last year's festival was successful in avoidance of such activity in areas of the city beyond the traditional catchment area of west Belfast.
<b>3.15</b>	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. A significant addition to this year's festival is a televised international boxing event which is to be hosted in Falls Parks. The outdoor boxing event is scheduled for Saturday 3 <sup>rd</sup> August. Members should be aware this activity falls outside the scope of the Outdoor Entertainments Licence.
<b>3.16</b>	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.
<b>3.17</b>	A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to 1.00 am is attached as Appendix 1.
<b>3.18</b>	A representative of the event organiser will be available at your meeting should you wish to seek further information about the event.
<b>3.19</b>	A Location Map is attached as Appendix 2.
	<b><u>PSNI</u></b>
<b>3.20</b>	The PSNI have been contacted by the Service in relation to the event. At the time of writing of this report the Service have not received a response to this request, we will update Committee at your meeting.

	<p><b><u>Health, safety and welfare issues</u></b></p>
3.21	Officers have engaged with the organisers and Officers of the Parks Service in relation to the festival. Officers have also participated in a multi-agency meeting held in respect of the outdoor musical entertainment but await receipt of the Event Management Plan.
3.22	Event organisers continue to engage with the Service as the proposals in relation to the events develop.
3.23	Officers from the Service have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.
	<p><b><u>Noise issues</u></b></p>
3.24	The event organiser has engaged with an independent acoustic consultant to develop a noise mitigation strategy. Once received by the Service this strategy will be provided to Environmental Protection Unit (EPU) for appraisal.
3.25	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.
3.26	A significant matter of concern for EPU is the proposal to provide entertainment after 11.00pm. 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.
3.27	Prior to last year's festival officers expressed concern regarding the potential for disturbance to residents in close proximity to the park. At the conclusion of the festival there were in excess of 20 noise complaints attributed to the events.
3.28	The complaints were brought to the attention of the event organisers and their acoustic consultant both at the time of the events and in discussions with the organisers in preparation for this year's festival. No formal action was undertaken in respect of the noise complaints.
3.29	When all reports and supporting information have been developed for the event they will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise mitigation strategy must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. The event organisers have been advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.
3.30	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><b><u>Financial and Resource Implications</u></b></p>
3.31	Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.

	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.32</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Rationale for requesting the extended hours</li> <li>• Appendix 2 – Location Map</li> </ul>

This page is intentionally left blank

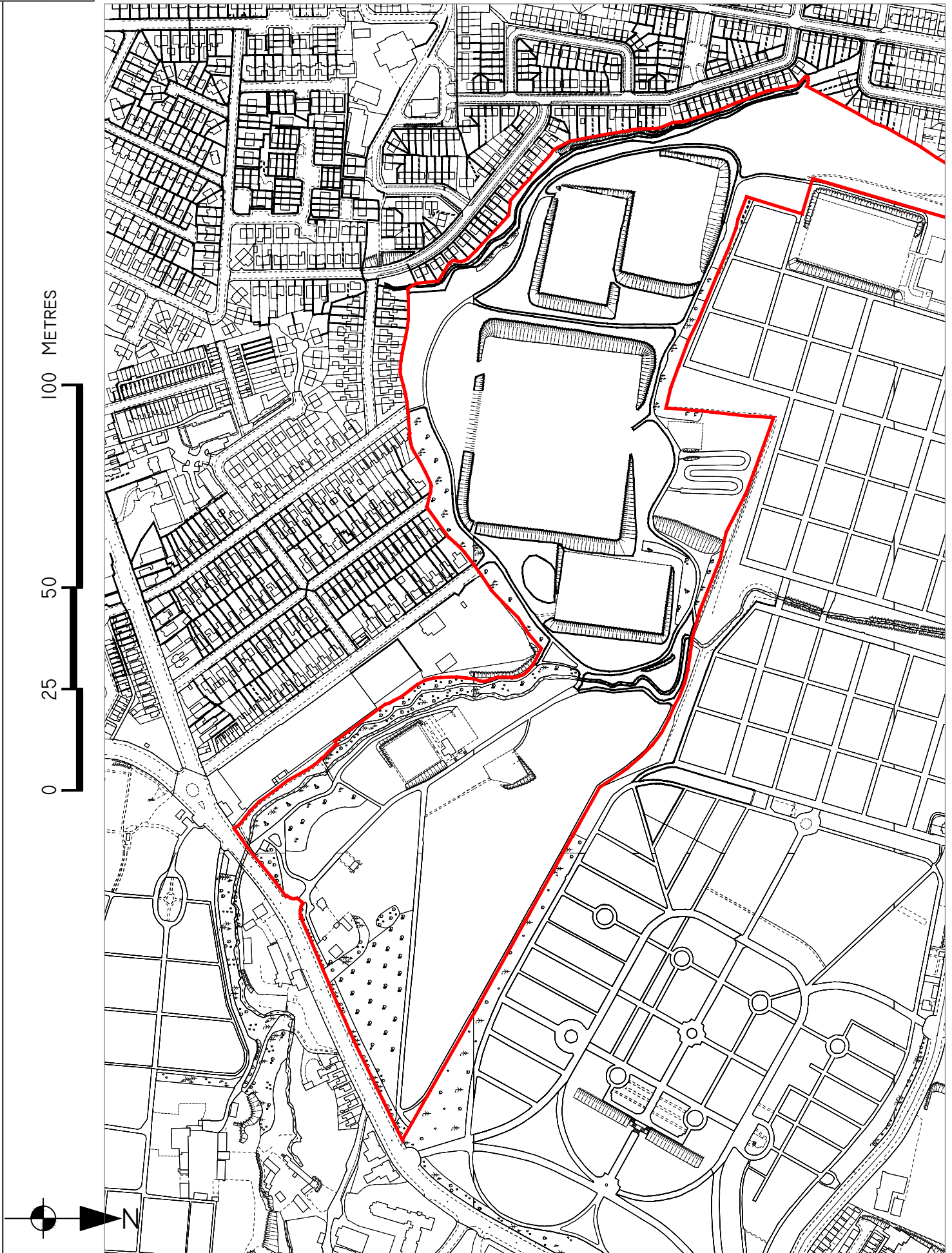
Document is Restricted

This page is intentionally left blank



# 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 MT  
DATE 07/06/2019

Page 93  
Falls Park

SCALE NTS

This page is intentionally left blank





<b>Subject:</b>	<b>Designation of Street Trading Sites</b>
<b>Date:</b>	19 <sup>th</sup> June 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

## Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☐

No

☒

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	An important feature of the licensing provisions in the Street Trading Act (NI) 2001 (the Act) is the power of a district council to Designate or to rescind the Designation of specific streets or parts of streets as being suitable for street trading.
<b>1.2</b>	The Act also allows a council to vary a previous Designating Resolution in relation to the commodities or services to be supplied in specific streets.
<b>1.3</b>	If a street or the commodity to be offered has not been Designated under the Act the Council cannot issue a Licence for street trading from a stationary position in that street.
<b>1.4</b>	The Council has received a request from Victoria Square Management to designate land at the entrance into Victoria Square from Ann Street for the sale of hot and cold food and non-alcoholic beverages or similar commodities.

<b>1.5</b>	Council has also received a request from Department for Communities, Belfast Regeneration Directorate as landowner of Queen's Quay asking that the 3 Designated sites on their land at Queen's Quay be rescinded (letter attached as Appendix 2).
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented for the creation of a new designated site and the rescinding of 3 designated sites Committee is asked to:</p> <ol style="list-style-type: none"> <li>1. Permit the publication of the statutory 28-day notice of the proposed resolution, and</li> <li>2. Authorise consultation with statutory bodies and other persons who may have an interest in the proposals.</li> </ol>
<b>3.0</b>	<b>Main report</b>
<b>3.1</b>	<p><b><u>Key Issues</u></b></p> <p>The Act sets down the procedures which must be followed in considering whether to designate a site or rescind a designation. The steps the Council must undertake are summarised as follows:</p> <ol style="list-style-type: none"> <li>a) Give public notice of the proposed resolution;</li> <li>b) Consult with the PSNI, Department for Infrastructure, licence holders (if any) and other persons it considers appropriate;</li> <li>c) Consider any representations relating to the proposed resolution which it has received;</li> <li>d) After the Council has considered those representations it may, if it thinks fit, pass the Designating Resolution;</li> <li>e) Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the Designating Resolution will come into effect.</li> </ol>
<b>3.2</b>	<p>A further report will be brought before the Committee, at a future meeting, detailing the outcome of the process of consultation. At this stage, Members will be able to determine whether to designate the site and whether it wishes to restrict the commodities to be sold, times of trading etc.</p> <p><b>Proposed Site</b></p>
<b>3.3</b>	Victoria Square Management have applied to the Council requesting that a site, measuring 14ft by 15ft, is designated on their land at the entrance into Victoria Square from Ann Street for the sale of hot and cold food and non-alcoholic beverages or similar commodities.
<b>3.4</b>	The intention is to use the site to have a coffee van type of operator trading in the area. A map of the proposed site is attached as Appendix 1.
<b>3.5</b>	<p>Committee may wish to note that the Act applies to land which is privately owned, if the public have access.</p> <p><b>Rescinding the Designation of sites</b></p>
<b>3.6</b>	The procedures that must be followed for rescinding a Designating Resolution are the same as those for making the Designation in the first place.

<b>3.7</b>	Department for Communities, Belfast Regeneration Directorate as landowner of Queen's Quay have written to the Council (letter attached as Appendix 2) and have asked that the 3 Designated sites on their land at Queen's Quay are rescinded.
<b>3.8</b>	<p>Since July 2016, when the sites were created, no Licences have been issued and the area is now being used for operational activities associated with the management of the river Lagan.</p> <p><b><u>Financial and Resource Implications</u></b></p>
<b>3.9</b>	<p>The cost of all notices is included in current revenue budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
<b>3.10</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Map for Victoria Square</li> <li>• Appendix 2 – Letter from Department for Communities</li> </ul>

This page is intentionally left blank

COPYRIGHT STATEMENT

Except as otherwise permitted under the Copyright Designs and Patents Act 1988 this map may only be reproduced, stored or transmitted in any form or by any means, with the permission of Land & Property Services.



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank