



Subject:	Objections received outside the 28-day statutory period to an application for the Grant of a 7-Day Annual Outdoor Entertainments Licence
Date:	21 June 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider whether to accept a late objection to an application for the grant of a 7-Day Annual Outdoor Entertainments Licence for Topsy Bird.</p> <table><thead><tr><th>Area and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH</td><td>WK/2022/00374</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington UB3 5LF</td></tr></tbody></table>	Area and Location	Ref. No.	Applicant	Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/00374	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington UB3 5LF
Area and Location	Ref. No.	Applicant					
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1.2	The application was received on 28th April 2022. Subsequently, an objection was received outside the 28-day statutory period on 27th July 2022.
2.0	Recommendations
2.1	As the objection against the application was received outside the 28-day statutory period you are required to determine if you wish to exercise your discretion to consider it and, if so, give the objector and the applicant an opportunity of appearing before the Committee at a subsequent meeting.
3.0	Main report
3.1	The objection to the application stated that the applicant has failed to adhere to the conditions set out in a Settlement Agreement and Planning Approval which was agreed between the objector and Glendola Leisure when they applied for Planning Permission for the beer garden. The letter of objection, with personal data redacted, is provided in Appendix 1.
3.2	The Planning Approval for the beer garden is provided in Appendix 2.
3.3	No objections were received within the statutory time period.
3.4	Members are reminded that, at your meeting on 18 January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections: <ol style="list-style-type: none"> 1. Has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period; 2. Does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period; 3. How far outside the 28-day period were the representations received; 4. The proximity of the objectors to the premises; 5. The number of other representations received outside the 28-day period; 6. Whether there are any other material considerations which would warrant consideration of the objection.
3.5	The objector advised that they had not been made aware of the application for an Outdoor Entertainments licence by Glendola Leisure and were therefore unaware of the application until it was mentioned in a conversation with the applicant's solicitor. The objector noted that the Settlement Agreement states the following:-
3.6	Prior to submitting any entertainment licence application, to agree with the Objector acceptable sound levels in line with the recommendations contained with the Noise Impact Review (both parties acting reasonably in the context of the terms of this Agreement).
3.7	The objector also advised that it is extremely important that their objection is considered for the effective running of their Bus Control Room. The Control Room is metres away from the beer garden and is operational between the hours of 04.15 and 00.45. It is the main point of contact between their operational regulating staff and their drivers for the entire bus network. In the event of an incident, it is their communications centre with the emergency services and therefore is of critical importance.
3.8	The letter from the objector advising the reasons for the objection being received outside the 28-day statutory period is attached as Appendix 3.

3.9	Following the objection, both parties agreed to communicate to try and resolve the issues. However to date a resolution has not been agreed.
4.0	<p>Financial & Resource Implications</p> <p>None</p>
5.0	<p>Equality or Good Relations Implications/Rural Needs Assessment</p> <p>None</p>
6.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Redacted letter of objection received outside the 28 day statutory period. • Appendix 2 – Planning Approval for the Topsy Bird Beer Garden • Appendix 3 – Objector’s letter confirming the reason for the objection being received outside the 28-day statutory period.