



<b>Subject:</b>	<b>Application for the Renewal of a Seven-day Annual Entertainments Licence - The Cuckoo, 149 Lisburn Road</b>
<b>Date:</b>	15 <sup>th</sup> April 2015
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

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

<b>1.0</b>	<b>Purpose of Report</b>						
1.1	<p>To consider an application from Mr Conall Wolsey for the renewal of a Seven-day Annual Entertainments Licence for The Cuckoo, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="0"><tr><td><b>Premises and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>The Cuckoo 149 Lisburn Road Belfast, BT9 7AJ</td><td>WK/201401273</td><td>Mr Conall Wolsey North Down Leisure Limited</td></tr></table> <p>This application is placed before the Committee as North Down Leisure Limited was convicted of an offence under the Order at Belfast Magistrates Court on 26<sup>th</sup> March 2013, after a during performance inspection found that one of the final exits was locked which would have prevented safe means of escape from the premises in the event of an emergency. The log book used to demonstrate that appropriate pre-event safety checks had been carried out was also not completed. As a result North Down Leisure Limited was fined a total of £400 and ordered to pay court costs of £69 for the offence.</p> <p>Members are reminded that the previous Council committee considered a renewal application for Cuckoo at its meeting on 18<sup>th</sup> September 2013 and agreed to renew the Entertainments Licence.</p>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Cuckoo 149 Lisburn Road Belfast, BT9 7AJ	WK/201401273	Mr Conall Wolsey North Down Leisure Limited
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The Cuckoo 149 Lisburn Road Belfast, BT9 7AJ	WK/201401273	Mr Conall Wolsey North Down Leisure Limited					
<b>2.0</b>	<b>Recommendation</b>						
2.1	<p>Taking into account the information presented, you are required to consider the application for the renewal of this licence and to:-</p> <ol style="list-style-type: none"><li>1. Approve the application for the renewal, or</li><li>2. Should you be of a mind to refuse the application, or approve the application with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.</li></ol>						

3.0	<b>Main report</b>
3.1	<p><u>Key Issues</u></p> <p>Members are advised that the normal process for dealing with Entertainments Licence renewals which are not the subject of objections, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation. However, in light of the fact that the applicant has been found guilty of committing an offence within 5 years of the application for the licence being submitted to the Council you are required to consider the application.</p>
3.2	<p>Under the terms of the Local Government Miscellaneous Provisions (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the applicant of an offence under the Order within the period of five years immediately preceding the date when the application was made.</p>
3.3	<p>This application is placed before the Committee as North Down Leisure Limited was convicted of an offence under the Order at Belfast Magistrates Court on the 26<sup>th</sup> March 2013, after a during performance inspection found that one of the final exits was locked which would have prevented safe means of escape from the premises in the event of an emergency. The log book used to demonstrate that appropriate pre-event safety checks had been carried out was also not completed. As a result North Down Leisure Limited was fined a total of £400 and ordered to pay court costs of £69 for the offence.</p>
3.4	<p>Arising from the offence Officers of the Service met with the management of the club to review their fire safety procedures and ensure that appropriate measures were in place for the safe evacuation from the club should an emergency situation occur.</p>
3.5	<p><b>Representations</b></p> <p>Public notices of the application were placed in the newspapers and no objections were received within the 28 day period.</p>
3.6	<p><b>PSNI</b></p> <p>The PSNI has been consulted and has confirmed that they have no objection to the application.</p>
3.7	<p><b>Health, safety and welfare inspections</b></p> <p>Since the prosecution a total of seven during performance inspections have been carried out on the premises.</p>
3.8	<p>One inspection revealed that one of their designated means of escapes had been submerged in water due to extreme weather conditions on that day. However, management personnel immediately took the area out of action and deployed additional staff to prevent access to patrons and direct them to another means of escape should an emergency situation have occurred.</p>
3.9	<p>Following the discovery of this problem an office meeting was held with the licensee to discuss remedial work to resolve it. As a result the licensee has now installed a sophisticated drainage and pump system and since this has been put in place there have been no further problems.</p>
3.10	<p>A further three inspections were conducted by the Service after this incident which confirmed that the conditions of the Entertainments Licence were being adhered to and the Officers were satisfied that all operational and management procedures were being implemented effectively.</p>

3.11	<b><u>Financial and Resource Implications</u></b> None
3.12	<b><u>Equality or Good Relations Implications</u></b> There are no equality or good relations issues associated with this report.
4.0	<b><u>Documents Attached</u></b>  None