



Subject:	Application for the Grant of a 7-day Annual Outdoor Entertainments Licence for Villa
Date:	17 th June, 2015
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

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"/>

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application from Mr Lawrence Bannon for the grant of a 7-Day Annual Outdoor Entertainments Licence for the smoking area at the front of Villa Nightclub based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Villa 2-16 Dunbar Street Belfast, BT1 2LH</td><td>WK/201402386</td><td>Mr Lawrence Bannon Newgate Inns Limited 2-16 Dunbar Street Belfast, BT1 2LH</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Villa 2-16 Dunbar Street Belfast, BT1 2LH	WK/201402386	Mr Lawrence Bannon Newgate Inns Limited 2-16 Dunbar Street Belfast, BT1 2LH
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1.2	<p>Members are advised that, at a meeting of the Licensing Committee on 18th March 2015, you agreed to defer consideration of this application to enable further information to be obtained regarding the conditions of the lease agreement between the applicant and the owner of the land, the Department for Social Development (DSD), for the use of the proposed area outside Villa and to allow for the submission to the Council's Environmental Protection Unit of further acoustic information.</p>						
1.3	<p>A copy of the Application Form is attached as Appendix 1.</p>						
1.4	<p>A location map is attached as Appendix 2.</p>						

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none">1. Approve the application for the grant of a 7-day Annual Outdoor Entertainments Licence, or

2.2	<p>2. Approve the application for the grant with special conditions, or</p> <p>3. Refuse the application for the grant of the licence.</p> <p>If an 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. In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided until any such appeal is determined.</p>
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3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>The applicant currently holds a 7-Day Annual indoor Entertainments Licence. The indoor areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> • Ground floor Bar, with a maximum capacity of 325 persons • 1st floor Bar, with a maximum capacity of 200 persons • 1st VIP Bar, with a maximum capacity of 50 persons. <p>3.2 Members are advised that the number of persons to be accommodated in the new outdoor area is included in the overall maximum occupancy of the indoor area of 575 persons; they are not in addition to this occupancy.</p> <p>3.3 The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30am to 3.00am the following morning, and • Sunday: 12.30am to 3.00am the following morning. <p>3.4 The premise operates as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands.</p> <p>3.5 The applicant proposes to provide entertainment within the nightclub's Smoking Area, which is located at the front of the building on Dunbar Street.</p> <p>3.6 The proposed area is not covered by a Liquor Licence, therefore the applicant will have measures in place to prevent alcohol being taken into the area and consumed. A layout plan of the proposed outdoor area is attached as Appendix 3.</p> <p>3.7 The days and hours during which entertainment is proposed to be provided in the new outdoor area is as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday: 7.00pm to 1.00am the following morning. <p><u>Lease agreement</u></p> <p>3.8 The applicant has an agreement in place with the DSD for the use of area; however, this original lease agreement expired on 27th March 2015. The applicant's solicitor has confirmed receipt of the engrossments for the renewal of the lease from the Departmental Solicitor's office and the lease will be finalised following the outcome of the Licensing Committee.</p> <p>3.9 The type of entertainment permitted to be provided in the external area was debated at the meeting of the Licensing Committee on the 18th March 2015 and it was agreed that this</p>

	needed to be clarified between the applicant and the DSD at a future meeting.
3.10	The DSD have now confirmed that they are content to allow any musical entertainment in the outside area providing it complies with the noise levels being imposed by the Council, and will attach this as part of the new lease agreement.
3.11	A copy of this confirmation from the DSD is attached as Appendix 4.
3.12	The Applicant has advised that, if a licence is granted for the area, it is the intention to provide entertainment in the form of an amplified 1–2 piece band.
	<u>Representations</u>
3.13	Public notices of the application have been placed and no written representation has been lodged as a result of the notices.
	<u>PSNI</u>
3.14	The PSNI has been consulted and has confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 5.
	<u>Health, safety and welfare inspections</u>
3.15	A total of six during performance inspections have been carried out on the premises by Officers from the Service regarding the provision of indoor entertainment in the past 12 months.
3.16	The inspections revealed that the conditions of the Entertainments Licence were being adhered to and Officers were satisfied that all operational and management procedures were being implemented effectively.
	<u>Noise Issues</u>
3.17	A total of eight complaints have been received within the past 12 months. The complaints relate to noise emanating from the premise and noise arising from patron dispersal. One verbal warning and one warning notice was issued to the applicant during this time. The licensee was notified of the other complaints but no further action was deemed necessary.
3.18	Following the Licensing Committee meeting on 18 th March 2015 a revised acoustic report was provided by the applicant and has now been assessed by the Environmental Protection Unit (EPU).
3.19	The Unit are satisfied with the report subject to the results of the sound testing in the report being verified by Council Officers to ensure that the proposed level of 80dB(A) 1m from the loudspeaker is a suitable level.
3.20	EPU has recommended that, in the event that an Entertainments Licence is granted, the Committee consider the inclusion of a condition requiring the licensee to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level and to keep a regular check on volume levels at the noise sensitive facades, in particular after 23.00hrs, when outdoor entertainment is being provided.
3.21	An Officer from the EPU will be in attendance at your meeting to answer any queries you may have regarding noise.
3.22	A report detailing the noise complaints is attached as Appendix 6.
	<u>Licensee / Applicant</u>

3.23	The current licensee for the premises is Mr Lawrence Bannon and he has confirmed that Villa is a joint venture between himself and Newgate Inns Ltd.
3.24	Whilst he is still the owner of the property he has leased the premises to Newgate Inns Limited for a period of 10 years to help with the business going forward and to provide some financial assistance. Whilst it is a joint venture he will be the Operations Director, responsible for the 'day to day' running and management of the business including entertainment licensing and all compliance matters.
3.25	Mr Bannon has also confirmed that both he and Newgate Inns Limited will make joint financial decisions including staff appointments and dismissals.
3.26	The directors of Newgate Inns Limited are Ms Andrea Bannon, Ms Lauren Morton and Ms Alana Fox, who will all be working in the club. Ms Lauren Morton is the daughter of Mr Daniel Morton and Ms Andrea Bannon is the daughter of Mr Bannon.
3.27	The Service has also been advised that Mr Ryan Morton's only role will be promoting the club and that both Mr Daniel Morton and Mr Ryan Morton will play no part in the management of the club.
3.28	Mr Bannon will be present at your meeting in order to address the Committee and answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.29	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.
	<u>Equality or Good Relations Implications</u>
3.30	There are no equality or good relations issues associated with this report.

4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Application form • Appendix 2 – Location map • Appendix 3 – Layout plans of the proposed outdoor area • Appendix 4 – Confirmation of Lease Agreement from DSD • Appendix 5 – PSNI comments • Appendix 6 – Details of noise complaints received