



Subject:	Application for the Renewal and Variation of an Entertainments Licence for St Paul's GAC
Date:	19th August, 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>Applications have been received from Dr Paul Donnelly for the renewal and variation of a Seven-day Annual Entertainments Licence for St Paul's GAC, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="1"><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>St Pauls GAC 98c Shaws Road, Belfast, BT11 9QR</td><td>WK/2014/0755</td><td>Dr Paul Donnelly</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	St Pauls GAC 98c Shaws Road, Belfast, BT11 9QR	WK/2014/0755	Dr Paul Donnelly
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St Pauls GAC 98c Shaws Road, Belfast, BT11 9QR	WK/2014/0755	Dr Paul Donnelly					
1.2	Copies of the application forms are appended to this report as Appendix 1.						
1.3	A location map is appended to this report as Appendix 2.						
1.4	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 proceeding the date when the application was made.						
1.5	One of the reasons the application is placed before the Committee is that a club representative, Mr Billy McLarnon, was convicted of an offence under the Order at Belfast Magistrates Court on the 11 th November 2011 after a during performance inspection found that the ground floor of the premises was overcrowded.						
1.6	As a result Mr McLarnon was fined a total of £500 and ordered to pay court costs of £69 for the offence.						

1.7	Following 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 safe evacuation from the club should an emergency situation occur.
1.8	Since being conviction in 2011, two previous renewal applications have subsequently been considered by the Licensing Committee; namely on the 15 th August 2012 and the 18 th September 2013 and, after consideration, the Committee agreed to renew the Entertainments Licence on each occasion.
	<u>Recent findings</u>
1.9	<p>However on the 28th March 2015, a during performance inspection was carried out by an Officer of the Service and it was observed that further offences took place, as follows:</p> <ul style="list-style-type: none"> • The Log Book and pre-event checks had not been completed before the night's entertainment, as required under the terms and conditions of the Entertainments Licence. • A games machine was obstructing a set of double doors leading from the ground floor area. • The main entrance door was not being manned; and • Entertainment was being provided on the first floor, which is not covered by the Entertainments Licence.
1.10	As part of the investigation into the matter and to give the applicant an opportunity to provide an explanation in relation to the offences, we sent the applicant a letter in accordance with the Codes of Practice issued pursuant to the Police & Criminal Evidence (NI) Order 1989 (PACE). A copy of our letter is appended to this report as Appendix 3.
1.11	The Club Secretary, Dr Paul Donnelly has since responded to the letter with an explanation for each offence. With regards to entertainment being provided on the first floor, which is an area not covered by the Entertainments Licence, he has advised that, as a new member of the Committee, he was unaware the first floor was not covered for entertainment. A copy of his letter is attached as Appendix 4.
1.12	The matter will be referred to Legal Services to initiate legal proceedings against the licensee.
1.13	Following these offences and awaiting the outcome of the legal proceedings against the club, Officers of the Service have already held a formal meeting with the management along with Dr Donnelly to review all of their procedures and ensure that appropriate measures were quickly put in place to prevent a recurrence of the offences uncovered. The meeting was also used to ensure that all matters relating to health, safety and welfare and general fire safety were maintained.
1.14	Officers are now satisfied that the premises and management have overcome their problems and through the discussions they have been helpful and cooperative; recognising their failings and as a result, have accepted responsibility for the offences.
	<u>Variation</u>
1.15	Following the uncovering of entertainment taking place on the first floor of the premises, they have since made an application to vary the Entertainments Licence to include this area on the licence.
1.16	As a result the club has also respectfully requested that the Council consider granting the variation to their Entertainments Licence to cover the first floor area, prior to the outcome

	of any legal proceedings and both applications are presented before you for your consideration.
2.0	Recommendations
2.1	Notwithstanding the opportunity to refuse the applications on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.2	Taking into account the information presented and any representations received you are required to consider the applications in light of the new pending legal proceedings and to: <ol style="list-style-type: none"> 1. Approve the application for the renewal of the 7-day Annual licence, or 2. Approve the application for the renewal with special conditions, or 3. Refuse the application for the renewal of the 7-day Annual licence.
2.3	Should you be of a mind to approve the application you are then required to determine, subject to all technical requirements being met, either: <ol style="list-style-type: none"> 1. Agree to the variation of the licence and that entertainment be permitted to take place on the first floor of the premise or; 2. Refuse the variation for the first floor as requested.
2.4	If the applications are refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
2.5	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.
2.6	If the renewal and variation applications are granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.
2.7	If you are of a mind to refuse the applications or attach special conditions to the licence within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to an opportunity of appearing before and of being heard by the Committee.
2.8	The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.
3.0	Main report
	<u>Key Issues</u>
3.1	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 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 applications.
3.2	The area currently licensed to provide entertainment is the:

	<p>Ground floor public bar with a maximum capacity of 250 persons.</p>
3.3	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <p>Monday to Saturday: 11.30am to 11.00pm, and Sunday: 12.30pm to 10.00pm</p>
3.4	<p><u>Reasons for the Variation</u> The nature of the variation is to provide entertainment on the first floor of the premise. The occupancy of the area has still to be finalised but will be no more than 60 persons due to the exits available. However, this matter will be resolved in due course as part of the technical discussions.</p>
3.5	<p><u>Representations</u> Public notices of the applications were placed in the newspapers and no objections were received within the 28 day objection period.</p>
3.6	<p><u>PSNI</u> The PSNI has been consulted and has confirmed that they have no objection to the applications.</p>
3.7	<p><u>Health, safety and welfare inspections</u> Council Officers have since visited the premises following the offences witnessed on the 28th March 2015 and have found no further issues.</p>
3.8	<p>The inspection revealed that the conditions of the Entertainments Licence were being adhered to and Officers were satisfied that all operational and management procedures were now being implemented effectively.</p>
3.9	<p>A total of four during performance inspections have been carried out previously on the premises by Officers from the Service regarding the provision of indoor entertainment in the past 12 months.</p>
3.10	<p><u>Noise issues</u> The Environmental Protection Unit (EPU) has been consulted in relation to the applications and they have confirmed that no complaints have been received over the last 12 months relating to noise break out from the premises or due to patron dispersal.</p>
3.11	<p><u>Licensee / Applicant</u> The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the applications.</p>
3.12	<p><u>Financial and Resource Implications</u> Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p>
3.13	<p><u>Equality and Good Relations Implications</u> There are no equality or good relations issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Application form • Appendix 2 – Location map

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| | <ul style="list-style-type: none">• Appendix 3 – PACE letter• Appendix 4 – Response letter from licensee |
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