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| Subject: | Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - The Spaniard, 3 Skipper Street |
| Date: | 20th January, 2016 |
| Reporting Officer: | Trevor Martin, Head of Building Control, ext. 2450 |
| Contact Officer: | Patrick Cunningham, Assistant Building Control Manager, ext. 6446 |

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| 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"/> |

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| 1.0 | Purpose of Report/Summary of main Issues | | | | | | |
| 1.1 | <p>To consider applications for the renewal and variation of a Seven-day Annual Entertainments Licence for The Spaniard, where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>The Spaniard 3 Skipper Street Belfast, BT1 2DZ</td><td>WK/20150173</td><td>Ms Janine Kane JK Pubs Limited</td></tr></table> | Premises and Location | Ref. No. | Applicant | The Spaniard 3 Skipper Street Belfast, BT1 2DZ | WK/20150173 | Ms Janine Kane JK Pubs Limited |
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| The Spaniard 3 Skipper Street Belfast, BT1 2DZ | WK/20150173 | Ms Janine Kane JK Pubs Limited | | | | | |
| 1.2 | Copies of the application forms are attached at Appendix 1. | | | | | | |
| 1.3 | Whilst the renewal application is before you because of the previous conviction of providing entertainments in an unlicensed area, the purpose of the variation application relates to the addition of that area so that all areas of the premises are now included on the Entertainments Licence. Officers have assessed the ground floor area in question and are satisfied that it meets the required standard to be licensed. | | | | | | |
| 1.4 | A location map is attached as Appendix 2. | | | | | | |

| 2.0 | Recommendations | | | | | | | | | | |
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| 2.1 | <p>Taking into account the information presented and representations made in respect of the applications you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application for the renewal of the Seven-day Annual licence, or 2. Approve the application for the renewal with special conditions, or 3. Refuse the application for the renewal of the Seven-day Annual licence. | | | | | | | | | | |
| 2.2 | <p>Should you be of a mind to approve the application to renew the licence, you are then required to determine, either to:</p> <ol style="list-style-type: none"> 1. agree to the variation of the licence to include the ground floor area or; 2. refuse to add the ground floor area onto the licence. | | | | | | | | | | |
| 2.3 | <p>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.</p> | | | | | | | | | | |
| 2.4 | <p>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.</p> | | | | | | | | | | |
| 3.0 | Main report | | | | | | | | | | |
| | <u>Key Issues</u> | | | | | | | | | | |
| 3.1 | <p>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.</p> | | | | | | | | | | |
| 3.2 | <p>However, in light of the fact that the applicant has been found guilty of an offence within five years of the application for the licence being submitted to the Council, you are required to consider the application.</p> | | | | | | | | | | |
| 3.3 | <p>Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.</p> | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Applicant</th> <th>Application Type</th> <th>Offence Details</th> <th>Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td>The Spaniard 3 Skipper Street Belfast BT1 2DZ</td> <td>JK Pubs Limited</td> <td>Renewal and Variation</td> <td>18th December 2014 Entertainment taking place in an area not covered by the Entertainments Licence.</td> <td>11th August 2015 £150 and £69 Court costs.</td> </tr> </tbody> </table> | Premises and Location | Applicant | Application Type | Offence Details | Date of Conviction & Penalty | The Spaniard 3 Skipper Street Belfast BT1 2DZ | JK Pubs Limited | Renewal and Variation | 18th December 2014 Entertainment taking place in an area not covered by the Entertainments Licence. | 11th August 2015 £150 and £69 Court costs. |
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Applications Previously Considered

3.4 Previous renewal applications for the premises have been considered and dealt with by the Licensing Committee through the Council's Scheme of Delegation as no previous problems have existed.

Representations

3.5 Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisement.

PSNI

3.6 The PSNI has been consulted and has confirmed that they have no objections to the applications. A copy of its correspondence is attached at Appendix 3

Health, Safety and Welfare Inspections

3.7 Following the offence, officers of the Service met with the applicant to review their management procedures and ensure that appropriate measures are in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.

3.8 The premises has also been subject to further inspections by officers of the Service and on each occasion agreed that management procedures were being implemented effectively.

Noise issues

3.9 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.

3.10 Members are reminded that the Clean Neighbourhood And Environment Act (NI) 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 p m.

Licensee / Applicant

3.11 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.

Financial and Resource Implications

3.12 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.

Equality and Good Relations Implications

3.13 There are no equality or good relations issues associated with this report.

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| 4.0 | Documents Attached |
| | Appendix 1 – Application Forms Appendix 2 – Location Map Appendix 3 – PSNI correspondence |