



Subject:	Application for the Grant of a Seven-day Annual Entertainments Licence - Beckett's Bar, 241 Stewartstown Road
Date:	17th February, 2016
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 checked="" type="checkbox"/>	No	<input type="checkbox"/>
Is the decision eligible for Call-in?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	Members will recall, from your meeting on 20 th January, that you considered a request from the applicant to address the Committee regarding your previous decision of 16 th December 2015 to defer consideration of this application until the outcome of pending legal proceedings and the applicant had had the opportunity to fully consider the Council's response to three subject access requests.
1.2	The Committee was informed that all subject access requests had subsequently been withdrawn. After agreeing to the applicant's request and hearing from Mr Eugene Hughes, husband of the applicant, you affirmed your decision of 16 th December to defer consideration of the application until the outcome of the pending legal proceedings.
1.3	At the time of your January meeting, the summonses had been issued and the matter was due to be heard on 9 th February 2016. However, the summonses were unable to be served on the applicant.
1.4	The summonses have since been served on the applicant and the case has now been listed for hearing on 16 th February at Lisburn Magistrates Court.
1.5	The applicant has advised that, due to the amount of trade they have lost, the cancellation of bookings and loss of potential earnings, it has placed a significant pressure upon the business to remain financially viable and in operation. They further advise that the granting of an Entertainments Licence is crucial to the continued operation of the business and without one would put a significant number of jobs at risk.
1.6	The applicant has respectfully requested that the Committee now consider their application, taking into account the outcome of the Court proceedings of 16 th February 2016.

1.7	<p>Members are reminded that the application for the grant of a Seven-day Annual Entertainments Licence for Beckett's Bar was received on 15th July 2015, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="0" data-bbox="347 322 1334 495"> <tr> <td data-bbox="347 322 676 495"> <p>Premises and Location Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</p> </td> <td data-bbox="772 322 986 389"> <p>Ref. No. WK/2015/00780</p> </td> <td data-bbox="1075 322 1334 495"> <p>Applicant Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.</p> </td> </tr> </table>	<p>Premises and Location Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</p>	<p>Ref. No. WK/2015/00780</p>	<p>Applicant Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.</p>
<p>Premises and Location Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</p>	<p>Ref. No. WK/2015/00780</p>	<p>Applicant Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.</p>		
1.8	A copy of the Application Form is attached at Appendix 2.			
1.9	A location map is attached at Appendix 3.			
2.0	Recommendations			
2.1	<p>Taking into account the information presented and any representations received you are required to consider the application in light of the legal proceedings. Officers will update you on the outcome of the court hearing listed for the 16th February at your meeting and should the matter be concluded, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application for the grant of the Seven-day Annual Entertainments Licence, or 2. Approve the application for the grant with special conditions, in addition to the standard conditions, or 3. Refuse the application for the grant of the Seven-day Annual Entertainments Licence. 			
2.2	If the 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 Recorders Court.			
3.0	Main report			
3.1	<p><u>Key Issues</u></p> <p>As this matter has been placed before the Committee on two previous occasions the main content and key issues of the report has not altered and is contained at Appendix 1. It is appreciated that the amount of information relating to this application is extremely large and complex however it is important that the Committee is fully advised of all information held by officers. Officers have advised the applicant that this is the basis for the volume of information in the previous reports but that it is for the Committee to determine whether information about the Hughes family and its corporate structures is relevant to its decision, and in particular the issues of fitness and credibility.</p>			
3.2	After the December Committee papers were received additional information was provided by the applicant in form of a number of emails and a second Court Judgement. Officers were not aware of this decision until after the Committee papers were published for December's Committee.			
3.3	A copy of the emails and Judgement was forwarded to members of the Committee by Democratic Services on 16 th December 2015. A further copy is attached at Appendix 10, together with a brief summary of their content.			

<p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p>	<p>As appears within those emails, the applicant has challenged the validity and relevance of some of the points documented within the Committee report and has alleged that Council Officers engineered the report and supporting information to castigate the character of her husband Eugene Hughes.</p> <p>The applicant also claimed that officers failed to inform the Committee that there was a second Judgement from The Right Honourable Justice Deeny which involved the same bank, KBC Bank Ireland PLC, and the same company, Omara Ltd. Carol Hughes further claimed that the Hughes Family position against the bank was clarified and they were exonerated by the Judgement (See Page 4 Paragraph 1). She has further claimed that the Hughes family were already taking legal action against this Bank in 2010 over misrepresentation and mis-selling and that the bank appointed an Administrator to frustrate this. No detail as to the outcome of that legal action has been provided.</p> <p>The initial Judgement which was contained within December's Committee papers relates to whether the bank consented to the sub-lease of premises and the transfer of the premise's liquor licence. The second Judgement relates to setting aside a statutory demand issued on foot of debts allegedly incurred by John & Eugene Hughes in the form of personal guarantees for loans. Members are also advised that the second Judgement was concerned with whether the debt allegedly owed was disputed on substantial grounds and was not an adjudication on the substantive issue of the debt itself.</p> <p>Members may also note the difference in format between the initial Judgement and the second one provided by the applicant. Officers believe it may be a transcription of a recording, although Members may wish to seek clarification in that regard.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Report of Licensing Committee of 16th December 2015. • Appendix 2 – Application form. • Appendix 3 – Location map. • Appendix 4 – Copy of our welcome letter to the premises as part of LGR • Appendix 5 – PACE letter sent to the applicant. • Appendix 6 – Response from applicant to PACE letter. • Appendix 7 – 2010 Entertainments Licence issued by Lisburn City Council. • Appendix 8 – Layout plans of the premise. • Appendix 9 – Copy Judgment regarding Omara Ltd and Fernmount Trading Ltd. • Appendix 10 – Email and attachments sent by Democratic Services on 16th December 2015 of emails and the Second Judgment. • Appendix 11 – Copy of the minutes from meeting of 18th April 2012. • Appendix 12 – PSNI correspondence. • Appendix 13 – NIFRS correspondences. • Appendix 14 – Copies of correspondences requesting to withdraw their Subject Access Requests. • Appendix 15 – Summary of the Office Meeting held on 19th November 2015. • Appendix 16 – Representation Form from the applicant.