



<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Villa, 2-16 Dunbar Street</b>
<b>Date:</b>	20th April, 2016
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

<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/Summary of main Issues</b>						
1.1	<p>To consider an application from Mr Lawrence Bannon for the grant of a Seven-day Annual Outdoor Entertainments Licence for the Smoking Area at the front of Villa Nightclub, based upon the Council's standard conditions to provide outdoor musical entertainment.</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>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></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Villa 2-16 Dunbar Street Belfast, BT1 2LH	WK/201402386	Mr. Lawrence Bannon Newgate Inns Limited 2-16 Dunbar Street Belfast, BT1 2LH
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Villa 2-16 Dunbar Street Belfast, BT1 2LH	WK/201402386	Mr. Lawrence Bannon Newgate Inns Limited 2-16 Dunbar Street Belfast, BT1 2LH					
1.2	Members are reminded that, at the Committee meeting on 17 <sup>th</sup> June 2015, you agreed to defer consideration of this application to enable clarification to be sought in relation to possible planning matters.						
1.3	This was subsequent to the application being previously deferred at an earlier meeting on 18 <sup>th</sup> March 2015, 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 use of the proposed area outside the premises and to allow for the submission to the Council's Environmental Protection Unit of further acoustic information.						
1.4	Members are advised that the applicant has now been granted a Certificate of Lawfulness of Existing Use or Development by the Planning Service.						
1.5	The Planning Service is satisfied that sufficient evidence has been submitted to show that the land constitutes Lawful Development and has been used for the purposes of an						

	outside smoking/seating area for more than five years up to and including the date of the application therefore the time limit for taking enforcement action has expired. A copy of the Certificate of Lawfulness granted by the Planning Service is attached at Appendix 1.
1.6	A copy of the application form is attached at Appendix 2.
1.7	A location map is attached at Appendix 3.

<b>2.0</b>	<b>Recommendations</b>
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"> <li>1. approve the application for the grant of a Seven-day Annual Outdoor Entertainments Licence, or</li> <li>2. approve the application for the grant with special conditions, or</li> <li>3. refuse the application for the grant of the licence.</li> </ol>
2.2	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.

<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	<p>The applicant currently holds a Seven-day Annual indoor Entertainments Licence. The indoor areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground floor Bar, with a maximum capacity of 325 persons</li> <li>• 1st floor Bar, with a maximum capacity of 200 persons</li> <li>• 1st Floor VIP Bar, with a maximum capacity of 50 persons.</li> </ul>
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.
3.3	<p>The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 3.00 am the following morning, and</li> <li>• Sunday: 12.30am to 3.00 am the following morning.</li> </ul>
3.4	The premise operates as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands.
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.

3.6	<p>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 plans of the proposed outdoor area is attached at Appendix 4.</p>
3.7	<p>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"><li>Monday to Sunday: 7.00 pm to 1.00 am the following morning.</li></ul>
	<p><b><u>Lease Agreement</u></b></p>
3.8	<p>Members will recall that the area in question is owned by the DSD and as a result, it has a lease agreement in place with the applicant for use of the area; this was renewed on 28<sup>th</sup> March 2016.</p>
3.9	<p>The DSD has also confirmed that it is content to allow any musical entertainment to be provided from the outside area, on condition that it complies with the noise levels imposed by the Council. The noise levels will be incorporated to the new lease agreement.</p>
3.10	<p>A copy of the lease agreement and consent from the DSD for any musical entertainment to be provided in the area is attached at Appendix 5.</p>
3.11	<p>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.</p>
	<p><b><u>Representations</u></b></p>
3.12	<p>Public notices of the application were placed and no written representations were lodged.</p>
	<p><b><u>PSNI</u></b></p>
3.13	<p>The PSNI has been consulted and has confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 6.</p>
	<p><b><u>Health, Safety and Welfare Inspections</u></b></p>
3.14	<p>A total of four 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.</p>
3.15	<p>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.</p>
	<p><b><u>Noise Issues</u></b></p>
3.16	<p>Members may recall from your meeting on the 17<sup>th</sup> June 2015 that the applicant provided an acoustic report which was assessed by the Environmental Protection Unit (EPU). The Unit are satisfied with the report but due to the application being deferred to enable clarification to be sought in relation to possible planning matters; the Unit still need to validate the level proposed by their consultant of 80Db(A) 1m from the loudspeaker to ensure that it does not give rise to unreasonable disturbance at the nearest residential premises.</p>

3.17	Officers will arrange for noise measurement tests to be carried out in due course but Members can be assured that an Entertainments Licence will not be issued until the levels have been verified and agreed with Officers.
3.18	Regardless of the outcome, EPU has recommended that, in the event that an Entertainments Licence being granted, the Committee consider the inclusion of a condition requiring the applicant 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.
3.19	Members are advised that the applicant has agreed to this condition being added to any Entertainments Licence being granted.
<b><u>Applicant / Licensee</u></b>	
3.20	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 Limited.
3.21	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.
3.22	Mr Bannon has also confirmed that both he and Newgate Inns Limited will make joint financial decisions including staff appointments and dismissals.
3.23	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.
3.24	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.
3.25	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.
<b><u>Financial and Resource Implications</u></b>	
3.26	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.
<b><u>Equality or Good Relations Implications</u></b>	
3.27	There are no equality or good relations issues associated with this report.

<b>4.0</b>	<b>Documents Attached</b>
	<p data-bbox="354 255 1286 291">Appendix 1 – Certificate of Lawfulness granted by the Planning Service</p> <p data-bbox="354 322 759 358">Appendix 2 – Application form</p> <p data-bbox="354 389 724 425">Appendix 3 – Location map</p> <p data-bbox="354 456 1094 492">Appendix 4 – Layout plans of the proposed outdoor area</p> <p data-bbox="354 524 1334 591">Appendix 5 – Lease Agreement and consent from the DSD for any musical entertainment to be provided in the area</p> <p data-bbox="354 622 753 658">Appendix 6 – PSNI comments</p>