



<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Entertainments Licence - Malone Rugby Football Club, 8 Gibson Park Avenue</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 for the grant of a Seven-day Annual Entertainments Licence for Malone Rugby Football Club, where the applicant has, within the past five years, been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order).</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>Malone Rugby Football Club 8 Gibson Park Avenue Belfast, BT6 9GL</td><td>WK/201500372</td><td>Mr Raymond Thomas Honorary Secretary Malone Rugby Football Club</td></tr></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Malone Rugby Football Club 8 Gibson Park Avenue Belfast, BT6 9GL	WK/201500372	Mr Raymond Thomas Honorary Secretary Malone Rugby Football Club
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Malone Rugby Football Club 8 Gibson Park Avenue Belfast, BT6 9GL	WK/201500372	Mr Raymond Thomas Honorary Secretary Malone Rugby Football Club					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
<b>2.0</b>	<b>Recommendations</b>						
2.1	Notwithstanding the opportunity to refuse the application 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	<p>Taking into account the information presented and any representations received you are required to consider the application in light of the previous legal proceedings and to:</p> <ol style="list-style-type: none"><li>1. approve the application for the grant of the 7-day Annual Entertainments Licence, or</li></ol>						

2.3	<p>2. approve the application for the grant of the 7-day Annual Entertainments Licence with special conditions, or</p> <p>3. refuse the application for the grant of the 7-day Annual Entertainments Licence.</p> <p>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.</p>
3.0	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <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> <p>However, in light of the fact that the applicant has been found guilty of committing an offence within five years of the application for the licence being submitted to the Council, you are required to consider the application.</p> <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> <p>Members are advised that the Club previously held an Entertainments Licence which expired on the 31<sup>st</sup> March, 2005.</p> <p>The application is being placed before the Committee because the applicant, Mr Raymond Thomas, was convicted of an offence under the Order at Belfast Magistrates Court on 5<sup>th</sup> April 2016 for providing entertainment on the premises on 22<sup>nd</sup> August 2015, without a valid Entertainments Licence being in place.</p> <p>As a result the applicant received a conditional discharge and was required to pay court costs of £69.</p> <p><b><u>Premises</u></b></p> <p>Currently the premise operates as a registered club with a function room on the ground floor and another function room on the first floor. The applicant has applied to provide entertainment in both rooms with a proposed combined occupancy of 420 people, as follows:</p> <ul style="list-style-type: none"> <li>• Ground Floor Function Room – 300 persons</li> <li>• 1<sup>st</sup> Floor Function Room 1 – 120 persons</li> </ul> <p>Officers are currently working with senior club officials in regard to agreeing the occupancy of these respective areas as part of standard technical discussions. Final figures will be resolved in due course but we do not expect that they will differ greatly from those we have listed.</p> <p>As the premises is a registered club the days and hours during which entertainment can be provided are:</p>
3.9	

- Monday to Saturday: 11.30 pm to 11.00 pm.
- Sunday: 12.30 pm to 10.00 pm.

3.10 However, Members may be aware that a registered club can apply to the PSNI for authorisation to extend the hours during which alcohol may be sold on up to 85 occasions in any period of 12 months. On those occasions the above hours may be extended:

- From Monday to Saturday (except Good Friday or Christmas Day), from 11:00pm to 1:00am on the following day;
- On Sunday (except Christmas Day or Easter Day), not being 31 December, from 10:00pm to 12 midnight; or
- On Sunday, being 31 December, from 10:00pm to 1:00am on the following day.

3.11 Where such authorisations are obtained, entertainment may be provided to the latest hour to which alcohol may be sold.

3.12 Layout plans of the premises are attached at Appendix 3.

### **Representations**

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

### **PSNI**

3.14 The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached as Appendix 4.

### **Health, Safety and Welfare Inspections**

3.15 As advised, the Service is continuing to work with the applicant in regards to the proposed occupancy for the premises. Members can be assured that an Entertainments Licence will not be issued until such time as all works and technical requirements are completed to the satisfaction of the Service.

3.16 Further monitoring inspections have also been carried out since the offence was detected and no entertainment was taking place on each occasion.

### **NIFRS**

3.17 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that it has no objections to the application.

### **Noise Issues**

3.18 The Environmental Protection Unit (EPU) has been consulted in relation to the applications and they have confirmed that no complaints have been received since May last year relating to noise break out from the premises or due to patron dispersal.

3.19 Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.

<p>3.20</p> <p>3.21</p> <p>3.22</p>	<p><b><u>Applicant</u></b></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Layout plans of the premises</p> <p>Appendix 4 – PSNI correspondence</p>