



Subject:	Application for the Grant of a Seven-day Annual Entertainments Licence - Phoenix Bar, 179-181 Antrim Road
Date:	15th June, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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>To consider an application for the grant of a Seven-day Annual Entertainments Licence for the Phoenix Bar, 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><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Phoenix Bar 179-181 Antrim Road, Belfast, BT15 2EW.</td><td>WK/201401153</td><td>Mr Joseph Crangle C/O Phoenix Bar 179-181 Antrim Road, Belfast, BT15 2EW</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Phoenix Bar 179-181 Antrim Road, Belfast, BT15 2EW.	WK/201401153	Mr Joseph Crangle C/O Phoenix Bar 179-181 Antrim Road, Belfast, BT15 2EW
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1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						

2.0	Recommendations
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 five 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 application in light of the previous legal proceedings and to:

2.3	<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 of the Seven-day Annual Entertainments Licence with special conditions, or 3. Refuse the application for the grant of the Seven-day Annual Entertainments Licence. <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>
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3.0	Main report
3.1	<p><u>Key Issues</u></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>
3.2	<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>
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>
3.4	<p>Members are advised that the premises previously held an Entertainments Licence which expired on 31st March 2011.</p>
3.5	<p>The application is being placed before the Committee because the applicant, Mr. Joseph Crangle, was convicted of an offence under the Order at Belfast Magistrates Court on the 24th May 2016 for providing entertainment on the premises on 18th October 2015, without a valid Entertainments Licence being in place.</p>
3.6	<p>As a result the applicant received a conditional discharge and was required to pay court costs of £69.</p>
3.7	<p><u>Premises</u></p> <p>Currently, the premise operates as public bar on the ground floor with a function room on the first floor. The applicant has applied to provide entertainment for both areas with an occupancy, as follows:</p> <ul style="list-style-type: none"> • Ground Floor Public Bar – 80 persons • First Floor Lounge – 60 persons
3.8	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 1.00 am the following morning, and • Sunday: 12.30 pm to 12.00 midnight

3.9	Layout plans of the premises are attached at Appendix 3. <u>Representations</u>
3.10	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement. <u>PSNI</u>
3.11	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 4. <u>Health, Safety and Welfare Inspections</u>
3.12	The works required to the premises have been completed to the satisfaction of the Service, all certification required has been received and management procedures have been implemented.
3.13	A further fourteen monitoring inspections have also been carried out since the offence was detected and no entertainment was found to be taking place on each occasion. <u>NIFRS</u>
3.14	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections to the application. <u>Noise issues</u>
3.15	The Environmental Protection Unit (EPU) has been consulted in relation to the application and they have confirmed that no complaints have been received regarding noise disturbance or patron dispersal from the premise.
3.16	Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00pm. <u>Applicant</u>
3.17	The applicant and/or their representative will be available to discuss any matters relating to the application should they arise during your meeting. <u>Financial and Resource Implications</u>
3.18	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets. <u>Equality and Good Relations Implications</u>
3.19	There are no equality or good relations issues associated with this report.

4.0	Documents Attached
	<ul style="list-style-type: none"><li data-bbox="309 264 751 297">• Appendix 1 – Application form<li data-bbox="309 331 715 365">• Appendix 2 – Location map<li data-bbox="309 398 916 432">• Appendix 3 – Layout plans of the premises<li data-bbox="309 465 826 499">• Appendix 4 – PSNI correspondence