



Subject:	Application for the Grant of a Fourteen-day Occasional Outdoor Entertainments Licence - Aether & Echo, 1-3 Lower Garfield Street
Date:	15th June, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assist 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/Summary of main Issues						
1.1	<p>To consider an application from Mr Brian McGeown of IM BIBE Limited, for the grant of a Fourteen-day Occasional Outdoor Entertainments Licence for Aether & Echo, Lower Garfield Street, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table border="0"><thead><tr><th>Area and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Aether & Echo 1-3 Lower Garfield Street Belfast BT1 1FP</td><td>WK/201600574</td><td>Mr Brian McGeown IM BIBE Limited Aether & Echo 1-3 Lower Garfield Street Belfast, BT1 1FP</td></tr></tbody></table>	Area and Location	Ref. No.	Applicant	Aether & Echo 1-3 Lower Garfield Street Belfast BT1 1FP	WK/201600574	Mr Brian McGeown IM BIBE Limited Aether & Echo 1-3 Lower Garfield Street Belfast, BT1 1FP
Area and Location	Ref. No.	Applicant					
Aether & Echo 1-3 Lower Garfield Street Belfast BT1 1FP	WK/201600574	Mr Brian McGeown IM BIBE Limited Aether & Echo 1-3 Lower Garfield Street Belfast, BT1 1FP					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.						
2.0	Recommendations						
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">1. Approve the application for the grant of a 14-Day Occasional Outdoor Entertainments Licence, or						

	<p>2. Approve the application for the grant with special conditions, or</p> <p>3. Refuse the application for the grant of the 14-Day Occasional Outdoor Entertainments Licence.</p> <p>2.2 If Members are minded to grant the application, it will be conditional upon any outstanding technical matters, such as those relating to noise management, being completed to the satisfaction of the Council.</p> <p>2.3 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.</p>
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3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 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"> • Ground floor Bar and Lounge, with a maximum capacity of 150 persons • 1st floor Bar, with a maximum capacity of 220 persons • APOC, with a maximum capacity of 40 persons. <p>3.2 The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Monday, Thursday, Friday and Saturday: 11.30 am to 3.00 am the following morning, • Tuesday and Wednesday: 11.30 am to 1.00 am the following morning, and • Sunday: 12.30 am to 12.00 am the following morning. <p>3.3 The premise operates as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands. The applicant proposes to provide further outdoor entertainment events on Lower Garfield Street, in front of the premises.</p> <p>3.4 The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm. <p>3.5 In addition, the following special conditions are usually attached to Outdoor Licences:</p> <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals; 2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council; 3. any requests to provide entertainment later than 11.00pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event; and

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| | <p>4. should an application to provide entertainment beyond 11.00pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Place, in consultation with the Town Solicitor, to reduce the</p> |
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finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.

Previous Considerations and Background

- 3.6** Members may recall that, on three previous occasions, the Committee considered applications for Temporary Street Trading Licences from the applicant at the same location.
- 3.7** The last application considered by the Committee was at your meeting on 21st October 2015 for a Temporary Street Trading Licence to enable Mr McGeown to apply to the Petty Sessions Court for an Occasional Liquor Licence. The licence facilitated the operation of a bar facility outside their premises for an outdoor musical event.
- 3.8** The Council's Bye-Laws regarding the consumption of intoxicating liquor in designated places do not have effect where intoxicating liquor is consumed for which an Occasional Liquor Licence has been granted.
- 3.9** Lower Garfield Street is regarded as a no through vehicular route with Aether & Echo being the prime business on this short street. The land is the responsibility of Transport NI and thus regarded as public land.
- 3.10** Under Schedule 1, Article 3 of the Local Government (Miscellaneous Provisions) (NI) Order 1985, an Outdoor Entertainments Licence is required if any public musical entertainment is held wholly or mainly in the open air and at a place on private land.
- 3.11** Following consideration of the aforementioned applications, Committee further requested that a report be submitted to a future meeting outlining the criteria for determining if an Entertainments Licence was required for an event taking place on public land.
- 3.12** As a result a report was presented to the Committee on 12th November 2015. After consideration, the Committee agreed that, with effect from 1st January 2016, where an outdoor musical event is proposed on land in respect of which Transport NI has, pursuant to Article 72 of the Roads (Northern Ireland) Order 1993, issued a Consent, the organiser must apply for an Outdoor Entertainments Licence.
- 3.13** Therefore, as part of their long term plans for their business and the area going forward, this application has been received and is placed before you for your consideration. A copy of the minutes from the Committee meeting on 12th November 2015 is attached at Appendix 3.
- 3.14** The applicant has also applied for a 14-Day Occasional Marquee Entertainments Licence, which will be issued under the Council's Scheme of Delegation. However, if the Outdoor Entertainments Licence is granted the applicant intends to use the space for a range of events and utilise both licences.

Consent

- 3.15** As the street in question is the responsibility of Transport NI, the Service has met with their representatives and the applicant to coordinate the issue of the Consent to enable the Entertainments Licence application to be considered.

<p>3.16</p>	<p>Transport NI is satisfied to grant Consent for both the Occasional Outdoor and Marquee Entertainments Licences at the venue and arising from this draft terms and conditions, which have been agreed with the applicant, are outlined below which Members may wish to consider including on the Entertainments Licence if you are minded to grant it:</p> <ol style="list-style-type: none"> 1. the Outdoor area must be managed in conjunction with the premises Indoor Entertainments Licence and the agreed maximum numbers of those respective areas must be controlled to ensure they do not exceed those stipulated on the Entertainments Licences; 2. a minimum 2m wide general public access route must be maintained at one side of the site at all times; 3. all event documentation, such as the Event Management Plan, Site Layout Plan and Health & Safety documentation must be provided no less than 2 months prior to the event taking place. The submission of the documentation will be subject to assessment and will require the facilitation of pre-event meetings; 4. a Noise Level must be established and agreed with the Council prior to any event taking place. This level will be subject to continued review and may be adjusted depending upon complaints received by the council, the individual event set up and nature of entertainment taking place; and 5. as part of evidence of early consultation, the licensee must put in place appropriate neighbourhood notification in the form of a letter. The letter must be submitted no less than 3 weeks prior to the event for approval and distributed to areas in a timeframe agreed at the discretion of the Building Control Service.
<p>3.17</p>	<p>Representatives from Transport NI will be available at your meeting to answer any queries you may have in relation to the application.</p>
	<p><u>Representations</u></p>
<p>3.18</p>	<p>Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p>
	<p><u>PSNI</u></p>
<p>3.19</p>	<p>The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application. The Police Service will also be consulted in advance of any proposed event to consider any traffic management and wider operational policing issues. A copy of its response is attached at Appendix 4.</p>
	<p><u>NIFRS</u></p>
<p>3.20</p>	<p>The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application. It will also be invited to meetings and provided with the relevant documentation in advance of any planned event.</p>
	<p><u>Health, Safety and Welfare</u></p>
<p>3.21</p>	<p>The Service has previously administered Temporary Street Trading Licences at the venue and, as a result, we have a working knowledge of the venue and the surrounding area and infrastructure.</p>

3.22	<p>Officers will engage with organisers and other interested parties to ensure that the appropriate documentation is developed and that all safety and technical requirements are met in advance of each specific event taking place, should you decide to grant the licence.</p> <p><u>Noise</u></p>
3.23	<p>The Environmental Protection Unit (EPU) has been informed of the applications and will comment on each individual event when information relevant to it has been provided, such as the appropriate noise management plan.</p>
3.24	<p>Members should note that no complaints have been received regarding noise disturbance or patron dispersal from the premises, or from the three outdoor events which have already taken place.</p> <p><u>Applicant</u></p>
3.25	<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><u>Financial and Resource Implications</u></p>
3.26	<p>Officers will be required to carry out inspections for each outdoor event and attend any planning meetings which are catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p>
3.27	<p>There are no equality or good relations issues associated with this report.</p>

4.0	Documents Attached
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Minutes of the meeting of 12th November 2015</p> <p>Appendix 4 – PSNI comments</p>