



Subject:	Application for the Renewal of a Seven-day Annual Entertainments Licence - The House, 12 Stranmillis 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/Summary of main Issues						
1.1	To consider an application for the renewal of a Seven-day Annual Entertainments Licence for The House, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind where an objection has been received.						
1.2	Members are reminded that, at your meeting on 20th April, you agreed to consider the application at a future monthly meeting, to which the objector and the applicant would be invited to attend. <table border="0"><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>The House 12 Stranmillis Road Belfast, BT9 5AA</td><td>WK/201600301</td><td>Mr Timothy O'Kane DJTJ Enterprises Limited 12 Stranmillis Road Belfast, BT9 5AA.</td></tr></table>	Premises and Location	Ref. No.	Applicant	The House 12 Stranmillis Road Belfast, BT9 5AA	WK/201600301	Mr Timothy O'Kane DJTJ Enterprises Limited 12 Stranmillis Road Belfast, BT9 5AA.
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1.3	The renewal application was received from Mr Timothy O'Kane of DJTJ Enterprises Limited, on 25th February 2016. A copy of the application form is attached at Appendix 1.						
1.4	A location map is attached at Appendix 2.						
1.5	Members are reminded that one objection was received within the 28 day statutory period, which is attached at Appendix 3.						
2.0	Recommendations						
2.1	Taking into account the information presented and representations received in respect of the application you are required to make a decision to either: 1. approve the application for the renewal of the Seven-day Annual Entertainments Licence, or						

	<p>2. approve the application with special conditions, or</p> <p>3. refuse the application for the renewal of the Seven-day Annual Entertainments Licence.</p>
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
	<u>Key Issues</u>
3.1	The objection is from a resident of an adjacent residential property on Stranmillis Road and the nature of their objection relates to allegations that the noise emanating from the premises is disturbing their sleep and causing sleep deprivation.
3.2	Following receipt of the objection, the Service offered to facilitate a liaison meeting between all parties involved in an attempt to resolve the matter. However, the objector advised the Service that they did not wish to avail of this opportunity and instead wanted his objection to remain and be considered by the Committee.
3.3	The Service advised the objector to contact the Night Time Noise Team when he was being disturbed by noise emanating from the applicant's premises, to enable the Council to record the noise levels to substantiate the objection. The Service has also requested the Night Time Noise Team to prioritise any calls from the objector.
3.4	Officers have also offered the objector the opportunity to provide a suitable date and time for the Night Time Noise Team to carry out planned monitoring in his apartment to establish the noise nuisance. The objector has not yet availed of the offer of planned monitoring.
	<u>Previous Application and background</u>
3.5	The current applicant, Mr Timothy O'Kane of DJTJ Enterprises Limited, contacted the Service to advise us that he was taking over the running of the premises and that he was now the licensee. He also advised us that he was closing the premises for a number of weeks from 24th August 2015 until 9th October 2015 in order to carry out renovation and redecoration of the premises.
3.6	He further advised that he took over the management of the premises in September 2015 and entered into a 10 year lease for the premises on 2nd September 2015.
3.7	Mr O'Kane was advised that a transfer application must be submitted prior to operating the premises and as a result, an application was made on the 26th October 2015.
3.8	On 7th and 8th September 2015, the Environmental Protection Unit (EPU) received an emailed complaint and a telephone complaint from the objector, stating that he was aware that the premises were now under new management and that he was being disturbed by noise emanating from the premises and he requested that the licence be revoked.
3.9	EPU advised the objector to contact the Service regarding his objection and if he was disturbed by noise he should contact the Night Time Noise Team and it would visit to assess the noise level and speak to the responsible person in the premises, if warranted.

3.10	The applicant was advised of the complaint. He advised that due to the works which were being undertaken at the premises, the premises were not operating at that time. Officers visited the premises and were satisfied that they were not operating.
3.11	On 17th September 2015, the objector formally objected to the transfer of the Entertainments Licence.
	<u>Liaison Meeting</u>
3.12	Following receipt of this objection, the Service also offered to facilitate a liaison meeting between all parties involved in order to discuss the issues in an attempt to resolve the matter.
3.13	The liaison meeting took place in The House bar on 12th January, 2016 and the objector highlighted the noise issues and level of disturbance he was experiencing. These included noise arising from entertainment, an external gate being dragged closed at the end of the night, the main door of the premises being slammed shut at the end of the night, noise arising from patrons using the external smoking area, light emanating from an external light fitting into his bedroom and bins being placed to the front of the bar.
3.14	Subsequently, the applicant agreed to carry out remedial action to alleviate all of the objectors concerns and, as a result, the objector withdrew their objection against the transfer application and an Entertainments Licence was issued to the new owner.
3.15	Following your agreement to consider the application at your April Committee meeting and

in line with the Committee Protocol, we sent the applicant and the objector a Representation Form and requested each to provide their representation in advance of the meeting for consideration.

- 3.16** This was requested 3 weeks in advance of your meeting to ensure that there is appropriate time to share the information between all parties and to allow Officers to incorporate the points raised in the report for your consideration.

Objectors Representation

- 3.17** To date, the objector has not submitted his Representation Form as required by the Protocol.

- 3.18** Officers have also tried to contact the objector to confirm their attendance at your meeting but, at the time of writing this report, we have been unable to make contact and are therefore unaware if the objector or their representative will be attending.

Applicants Representation

- 3.19** The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached at Appendix 4. The applicant has highlighted the measures which they have undertaken to try and reduce the objector's specific issues, such as:

- the installation of two new speakers positioned away from the party wall between the bar and the objectors property. These have also been calibrated through a sound limiter.
- they no longer empty their bottle bins after 11.00 pm and
- they exit the premises as quietly as possible after closing time.

- 3.20** The applicant also confirms that they are fully aware that the premises is situated in a residential area and they will do everything they can to improve relations with the objector. They also offer assurances to the Committee that they will continue to fully comply with the terms and conditions of the Entertainments Licence.

- 3.21** As the objector did not submit a representation form, the applicant has advised that he did not wish to share his representation form with the objector.

- 3.22** The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.

History of the Premises and the Objector

- 3.23** The objector is known to the Service, as he has complained about noise from the premises in the past and also objected to a previous application when the premises were under the control and responsibility of former licensees.

- 3.24** Complaints were received, as follows:

- November, 2013
- September, 2013
- October, 2009
- August, 2009

- 3.25** The objector objected to previous transfer, renewal and variation applications in October

2007. The variation was to increase the maximum permitted occupancy of the premises. The nature of that objection related to the following:

- noise from entertainment being clearly audible in his bedroom and that it was causing sleep disturbance;
- noise from patrons outside the premises, particularly in summertime, being clearly audible in his bedroom and that it was causing sleep disturbance; and
- light emanating from an external light fitting into his bedroom.

3.26

A meeting was convened by the Service between all parties involved in order to discuss the issues in an attempt to resolve the matter. However, resolution could not be achieved and the applications were subsequently considered by the Licensing Committee at their meeting on 19th March 2008.

3.27

The objector was unable to attend the Committee meeting but after consideration the Committee agreed to grant the transfer and renewal applications and the variation to increase the maximum permitted occupancy.

Details of the Premises

3.28

The areas currently licensed to provide entertainment are the:

- Ground Floor Bar, with a maximum capacity of 134 persons.

3.29

The days and hours during which the premises are currently licensed to provide entertainment are:

- Monday to Saturday: 11.30 am to 1.00 am the following morning, and
- Sunday: 12.30 pm to 12.00 midnight

3.30

The following special conditions are attached to the licence:

- no entertainment shall be provided other than through the in-house sound system set to 85db (A) and access restricted and
- the main front door to be kept closed and manned whilst entertainment is taking place.

PSNI

3.31

The PSNI has been consulted and has no objection to the application. A copy of its correspondence is attached at Appendix 5.

Health, Safety and Welfare Issues

3.32

The issues raised by the objector were generally the same as previously outlined at the time the transfer application was made and the subsequent remedial works identified, including the installation of a new noise limiting device, have been completed.

3.33

A total of three during performance inspections have been carried out on the premises by Officers from the Service since the last renewal. The inspections revealed that the conditions of the Entertainments Licence were being adhered to with the exception of some issues such as a pre-event checklist not being completed properly at the time of one of the inspections.

3.34	Through the recent Entertainment Licensing renewal inspection we were satisfied that all operational and management procedures are being implemented effectively.
	<u>NIFRS</u>
3.35	The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and confirmed that it has no objection to the application.
	<u>Noise Issues</u>
3.36	The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of three noise complaints since the applicant took over the running of the premises.
3.37	The complaints are from the objector and relate to noise emanating from the premises.
3.38	EPU received from the objector an emailed complaint at 6.58 pm on 7th September 2015 and a telephone complaint at 8.00 pm on 8th September 2015 stating that he was aware that the premise was under new management and that he was being disturbed by noise from the premise and he asked for the licence to be revoked.
3.39	The other complaint was a telephone call from the objector at the time of disturbance.
3.40	At 10.41 pm on 18th April 2016, the objector contacted the Night Time Noise team regarding loud music. The Night Time Noise Team called to the premises at 11.47 pm and witnessed no noise in the objector's bedroom. The objector stated that the noise level had reduced.
3.41	The applicant was notified of these complaints but no further action was deemed necessary.
3.42	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.
	<u>Financial and Resource Implications</u>
3.43	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.
	<u>Equality or Good Relations Implications</u>
3.44	There are no equality or good relations issues associated with this report.

4.0	Documents Attached
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Email of objection</p>

	<p>Appendix 4 – Applicant’s representation form</p>
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	<p>Appendix 5 – PSNI response</p>
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