



<b>Subject:</b>	<b>Application for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10-14 Gresham Street</b>
<b>Date:</b>	17th August, 2016
<b>Reporting Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446
<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>						
<b>1.1</b>	To consider applications for the renewal of a Seven-day Annual Indoor Entertainments Licence and a Seven-day Annual Outdoor Entertainments Licence for the Hudson Bar, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind where objections have been received.						
<b>1.2</b>	Members are reminded that, at your meeting on 18th May, you agreed to consider representations from the objectors and the applicant in respect of these applications.  <table><thead><tr><th><b>Premises and Location</b></th><th><b>Ref. No.</b></th><th><b>Applicant</b></th></tr></thead><tbody><tr><td>The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN</td><td>WK/201600140 WK/201600143</td><td>Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT</td></tr></tbody></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN	WK/201600140 WK/201600143	Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN	WK/201600140 WK/201600143	Mr Michael Stewart MMJP Limited 8 Station Road Holywood, BT18 0BT					
<b>1.3</b>	The renewal applications were received from Mr Michael Stewart of MMJP Limited on 29th January 2016. A copy of the application forms are attached at Appendix 1.						
<b>1.4</b>	Members are reminded that two objections were received regarding the applications. Copies of the objections are attached as Appendix 2.						
<b>1.5</b>	A location map is attached at Appendix 3.						

<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented and representations received in respect of the applications you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. approve the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences, or</li> <li>2. approve the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences with special conditions, or</li> <li>3. refuse the applications for the renewal of the Seven-day Annual Indoor and Outdoor Entertainments Licences.</li> </ol>
<b>2.2</b>	<p>If the applications are 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.</p>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	<p>The objections are from local residents and the nature of their objections relate to the following:</p> <ul style="list-style-type: none"> <li>• music being played too loud;</li> <li>• patrons causing noise and nuisance from singing and shouting;</li> <li>• drunks from the bar standing on the road causing problems and bar management doing nothing to stop it; and</li> <li>• one objector being attacked by a drunk patron from the bar.</li> </ul>
<b>3.2</b>	<p>The objections were received following a number of previous complaints from the objectors regarding the same issues. As a result, officers convened meetings with the relevant parties involved, both jointly as a liaison meeting and separately.</p>
<b>3.3</b>	<p>The objectors have regularly been advised to contact the Night Time Noise Team when they are being disturbed so that readings can be taken to substantiate any allegation.</p>
	<b><u>Previous Applications</u></b>
<b>3.4</b>	<p>In the past, any renewal applications for the premises have been granted under the Council's Scheme of Delegation as no previous objections have been received.</p>
<b>3.5</b>	<p>Members may recall that the Committee previously considered and agreed to grant the application for an Outdoor Entertainments Licence at your meeting on 19th March, 2014.</p>
	<b><u>Liaison Meeting</u></b>
<b>3.6</b>	<p>Following receipt of the objections, the Service offered to facilitate a further liaison meeting between all parties involved to discuss the issues and to try and resolve them.</p>
<b>3.7</b>	<p>A liaison meeting took place in the premises on 18th March, 2016 between representatives of the applicant, the objector whose objection was received within the 28 day statutory period, representatives of the objector and Alderman Chris McGimpsey.</p>

3.8	At that meeting, the objector expressed their concerns and outlined the issues they had been experiencing with the premises. As previously noted, these are generally the same issues as the other objector and are mainly due to noise arising from entertainment at the premises and noise generated by patrons; both were directly related to the outdoor area. However the objector also advised that they had equally experienced difficulty with drunk patrons from the premises.
3.9	Following the meeting, representatives of the applicant agreed to carry out remedial works to resolve the objectors concerns and they confirmed that they would re-engage with their acoustic consultant and take their advice on measures they consider would be appropriate without having a negative impact on the business.
3.10	Works have been ongoing in this regard and it has been acknowledged by the objectors that significant improvements have been made. As a result of this progress, the objectors were considering withdrawing their objections but, due to recent complaints received by the Service, they have not done so.
3.11	Following the Committee meeting in May, in line with the Committee Protocol, we sent the applicant and the objectors Representation Forms and requested that these be provided to be presented to you for consideration.
3.12	These are requested 3 weeks in advance of your meeting to ensure there is appropriate time to share the information between all parties and to allow officers to clarify any points raised if necessary.
<b><u>Objectors' Representation</u></b>	
3.13	Each of the objectors has completed and submitted a Representation Form. These are attached at Appendix 4 and they have been provided to the applicant as required by the protocol.
3.14	<p>A general summary of the representations includes:</p> <ul style="list-style-type: none"> <li>• allegations from an objector they were attacked by a customer as they walked past the bar and no one came to their aid.</li> <li>• after hours drinking.</li> <li>• concerns regarding the number of drunk drivers leaving the bar at weekends.</li> <li>• noise levels arising from entertainment fluctuates, which gets worse after 1.00am.</li> <li>• the need to close their bedroom window as the crowd outside are very loud and people are using the car park to urinate.</li> <li>• noise pollution which has not ceased and caused their family to vacate their home.</li> <li>• their home is used by elderly and sick family members whose lives and health are significantly disrupted.</li> <li>• management breaking previous promises for benches to be taken away. Only one has been removed so far which doesn't make any difference as they are letting drunks sit on the window ledges.</li> <li>• further breaking of promises to reduce noise levels and stop taxis blowing their horns. People are also not leaving through the Royal Avenue exit.</li> <li>• crowds sitting out front blocking the footpath even though they have a beer garden.</li> <li>• doormen can be as loud as the people outside and they do nothing about the shouting or try to stop drunks getting into cars or those that walk across the road to urinate in the car park.</li> <li>• claims that on several occasions during the past 6 months they have contacted the Council's Night Time Noise Team who have called and taken readings, which were above the acceptable level.</li> <li>• one of the objectors also allege that they cannot invite friends and other relations into their home due to the noise pollution.</li> </ul>

<p><b>3.15</b></p> <p><b>3.16</b></p> <p><b>3.17</b></p> <p><b>3.18</b></p> <p><b>3.19</b></p> <p><b>3.20</b></p> <p><b>3.21</b></p> <p><b>3.22</b></p>	<p>The objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.</p> <p><b><u>Applicant's Representation</u></b></p> <p>The applicant has provided their Representation Form, as required by the protocol, and a copy is attached at Appendix 5. The applicant has highlighted the measures which have been undertaken to reduce the objector's issues, such as:</p> <ul style="list-style-type: none"> <li>• they have stopped emptying bottles and bins in the early hours.</li> <li>• they have re-engaged with their acoustic consultant to see if they can take extra measures without being detrimental to the business.</li> <li>• the applicant would also be willing to pay for sound proofing of their DJ/Entertainment area, leading to minimal levels of noise break out.</li> <li>• benches have been removed from the front elevation at all times when entertainment is being provided in the premises.</li> <li>• taking steps to discourage patrons from congregating at the front elevation and this is being implemented by their front of house door supervisors.</li> <li>• they have had no contact or complaints from PSNI regarding opening hours, late night drinking or any other issues.</li> </ul> <p>The applicant considers that they have made a positive contribution and impact to the Smithfield area and in particular, Gresham Street, not only in terms of job creation but also with current businesses and attracting new businesses to the area. The applicant also states that they are very aware they have residents in Smithfield and have taken measures in the past to address their concerns. They are also willing to further engage if there are other suggestions they may have.</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>Further to providing the respective parties with each other's Representation Form they have all confirmed that they do not wish to provide any counter representation.</p> <p><b><u>Details of the Premises</u></b></p> <p>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor, with a maximum capacity of 95 persons.</li> <li>• First Floor, with a maximum capacity of 95 persons.</li> <li>• Second Floor, with a maximum capacity of 105 persons.</li> <li>• Heel Bar, with a maximum capacity of 30 persons.</li> </ul> <p>The area currently licensed to provide outdoor entertainment is the:</p> <ul style="list-style-type: none"> <li>• Hudson Yard, with a maximum capacity of 220 persons.</li> </ul> <p>The following special conditions are attached to the Outdoor Entertainments Licence:</p> <ol style="list-style-type: none"> <li>1. Premises to be managed in accordance with the requirements set out within AB Consulting Services report dated 25th March, 2014</li> <li>2. During entertainment exit to Gresham Street to be manned at all times when roller shutter is in the closed position</li> <li>3. At all times, a key to roller shutter is to be retained by personnel manning the Gresham Street exit</li> </ol>
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4. The music noise level in the outdoor area must not exceed 95 dBA Leq up to 23.00
5. The music noise level in the outdoor area must not exceed 85 dBA Leq after 23.00
6. No live band performances are permitted in the outdoor area after 23.00
7. To be managed in conjunction with the Indoor Entertainments Licence

**3.23** The days and hours during which the premises are currently licensed to provide entertainment, under both licences are:

- Monday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 3.00 am

#### **PSNI**

**3.24** The PSNI has been consulted and has no objection to the application. A copy of its correspondence is attached at Appendix 6.

#### **Health, Safety and Welfare Issues**

**3.25** A total of six 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 Licence were being adhered to with the exception of one inspection, which uncovered a fault showing on the fire alarm panel. This was quickly resolved and the fault was repaired.

**3.26** Through the Entertainment Licensing renewal process and inspection, officers have been further satisfied that all operational and management procedures are being implemented effectively.

#### **NIFRS**

**3.27** 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.

#### **Noise Issues**

**3.28** The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of eleven noise complaints since the previous renewal.

**3.29** Each complaint was made by the objectors to the applications and these were investigated by the Night Time Noise Team. The complaints relate to noise emanating from the premises in the form of entertainment and patron noise.

**3.30** When responding to the complaints and calling to the area the Noise Team have witnessed music levels to be faint or inaudible and therefore warranted no further action. They have also on occasions witnessed that voices from patrons were the dominant source of noise but considered that both the music noise and audible voices would not have caused disturbance due to the distance between the complainants address and the premises.

**3.31** Officers have previously been denied access by one of the complainants. However, they have nonetheless responded to the complaints and these are followed up accordingly. Officers have also witnessed representatives from the premises monitoring noise levels.

<p><b>3.32</b></p> <p><b>3.33</b></p> <p><b>3.34</b></p> <p><b>3.35</b></p>	<p>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> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality or 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 Forms</p> <p>Appendix 2 – Objection Letters</p> <p>Appendix 3 – Location Map</p> <p>Appendix 4 – Objectors’ Representation Form</p> <p>Appendix 5 – Applicant’s Representation Form</p> <p>Appendix 6 – PSNI response</p>