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| Subject: | Application for Extended Hours – The Marcus Ward, 1 Bankmore Square |
| Date: | 21st September, 2016 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, ext. 2435 |
| Contact Officer: | Patrick Cunningham, Assistant Building Control Manager, ext. 6446 |

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| 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 | | | | | | |
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| 1.1 | <p>To consider an application from Mr Lawrence Bannon of Tobar Inns Limited for permission to provide entertainment to 3.00 am at The Marcus Ward.</p> <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH</td><td>WK/201601335</td><td>Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH</td></tr></tbody></table> | Premises and Location | Ref. No. | Applicant | The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH | WK/201601335 | Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH |
| Premises and Location | Ref. No. | Applicant | | | | | |
| The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH | WK/201601335 | Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH | | | | | |
| 1.2 | Mr Bannon is also the licensee for Villa, 2-16 Dunbar Street, Belfast, BT1 2LH. | | | | | | |
| 1.3 | A copy of the application form is attached at Appendix 1. | | | | | | |
| 1.4 | A location map is attached at Appendix 2. | | | | | | |
| 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 to provide entertainment to 3.00 am, or2. Approve the application to provide entertainment to 3.00 am with special conditions, or3. Refuse the application to provide entertainment to 3.00 am. | | | | | | |

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| <p>2.2</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 County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hour until any such appeal is determined.</p> |
| <p>3.0</p> | <p>Main Report</p> |
| <p>3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9</p> | <p><u>Key Issues</u></p> <p>Members are advised that this premises was previously known as Stiff Kitten and it held an Entertainments Licence until 31st March 2014 before ceasing trading. Previously entertainment was permitted on Monday to Saturday from 11.30 am to 3.00 am and on Sunday from 12.30 pm to 3.00 am.</p> <p>The areas where entertainment is provided are as follows:</p> <ul style="list-style-type: none"> • Public Bar, with a maximum capacity of 520 persons • Dance Club, with a maximum capacity of 360 persons <p>The applicant has applied to provide entertainment on the following days and hours:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 pm to 3.00 am the following morning. <p>Members are reminded that applications to provide entertainment later than 1.00 am are subject to consideration by Committee.</p> <p>The applicant has advised that the premise will operate as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands.</p> <p>Layout plans of the premises are attached at Appendix 3.</p> <p><u>Representations</u></p> <p>Public notice of the application was placed and an objection was received by email within the 28-day period from the property management company acting on behalf of the residents and shareholders of Park Avenue Apartments, Bankmore Street. The nature of the objection related to concerns when entertainment was provided in the venue, previously known as Stiff Kitten, such as:</p> <ol style="list-style-type: none"> 1. noise pollution, especially at closing time. 2. antisocial behaviour, especially at closing time 3. abusive and violent behaviour directed toward apartment residents and visitors 4. revellers urinating and vomiting at private entrance lobbies to apartments. <p>A copy of the email of objection is attached at Appendix 4.</p> <p>Following receipt of the objection, the Service offered to facilitate a liaison meeting between all parties involved in order to discuss the issues and attempt to resolve the matter. However, the residents and management company acting on their behalf did not avail of the offer for a meeting.</p> |

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| 3.10 | The applicant then requested the Service to forward correspondence to the management company and the residents to advise them of the measures which they would be willing to implement to alleviate their concerns. |
| 3.11 | In response to one of the resident's further concerns, regarding the smoking area and patron dispersal, the applicant has produced a management policy outlining how he intends to address these for the premises. The applicant has agreed also to have his acoustic consultant present on the first night that they open and, as and when required, to ensure the sound system and resultant noise levels are appropriate. |
| 3.12 | As a result of this correspondence, the objection has now been withdrawn and is attached at Appendix 5. |
| | <u>Licence</u> |
| 3.13 | The applicant has carried out refurbishment works to the premises which have been completed to the satisfaction of the Service. Following the resolution of the objectors concerns and withdrawal of the objection an Entertainments Licence was issued under the Council's Scheme of Delegation with the standard hours of operation, as follows: <ul style="list-style-type: none"> <li data-bbox="290 824 1168 869">• Monday to Sunday: 11.30 am to 1.00 am the following morning. |
| 3.14 | However, the applicant has applied to operate the premises under the hours of the previous Entertainments Licence to 3.00 am, hence the matter has been brought before Committee for consideration. |
| | <u>PSNI</u> |
| 3.15 | The PSNI has been consulted and has confirmed that it has no objection to the application to 3.00 am. A copy of its correspondence is attached at Appendix 6. |
| | <u>Health, Safety and Welfare Inspections</u> |
| 3.16 | Officers have held meetings with the applicant as part of the application process and to resolve the objector's initial concerns. A number of inspections and meetings have also been held as a result of the Building Regulations application for the refurbishment works. |
| 3.17 | Officers are satisfied that all operational and management procedures are in place. The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to the measures he has agreed to undertake. |
| | <u>NIFRS</u> |
| 3.18 | The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objections to the application. |
| | <u>Noise Issues</u> |
| 3.19 | The Environmental Protection Unit (EPU) has been consulted in relation to the application and has raised no concerns in relation to it. |
| 3.20 | 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. |

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| <p>3.21</p> <p>3.22</p> <p>3.23</p> | <p><u>Applicant / Licensee</u></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><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p> |
| <p>4.0</p> | <p>Documents Attached</p> |
| | <p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Layout plans</p> <p>Appendix 4 – Email of Objection</p> <p>Appendix 5 – Email withdrawing objection</p> <p>Appendix 6 – PSNI comments</p> |