



Subject:	Application for the Grant of an Annual Outdoor Entertainments Licence - Kelly's Cellars, 30-32 Bank Street
Date:	19th October, 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	<p>To consider an application from Ms. Elizabeth Mulholland for the grant of a Seven-day Annual Outdoor Entertainments Licence for the Smoking Area at the front of Kelly's Cellars, Bank Street, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Kelly's Cellars 30-32 Bank Street Belfast, BT1 1HL</td><td>WK/201601332</td><td>Ms Elizabeth Mulholland Kelly's Cellars 30-32 Bank Street Belfast, BT1 1HL</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Kelly's Cellars 30-32 Bank Street Belfast, BT1 1HL	WK/201601332	Ms Elizabeth Mulholland Kelly's Cellars 30-32 Bank Street Belfast, BT1 1HL
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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.						
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 Seven-day Annual Outdoor Entertainments Licence, or						

<p>2.2</p>	<p>2. approve the application for the grant with special conditions, or</p> <p>3. refuse the application for the grant of a Seven-day Annual Outdoor Entertainments Licence.</p> <p>If an application is refused, or 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>
<p>3.0</p>	<p>Main report</p>
	<p><u>Key Issues</u></p> <p>3.1 The applicant currently holds a Seven-day Annual Indoor Entertainments Licence. The indoor area licensed to provide entertainment is the:</p> <ul style="list-style-type: none"> • Ground floor Bar, with a maximum capacity of 100 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 to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 am to 3.00 am the following morning. <p>3.3 The premise operates as a public bar with indoor entertainment being provided in the form of live bands.</p> <p>3.4 The applicant proposes to provide entertainment within the premises Smoking Area, which is located at the front entrance of the building on Bank Street, known as Bank Square.</p> <p>3.5 Members are advised that the number of persons to be accommodated in the new outdoor area is included in the overall maximum occupancy of the indoor area of 100 persons; they are not in addition to this occupancy.</p> <p>3.6 The proposed area is not covered by a Liquor Licence. However, the applicant can apply for an Occasional Liquor Licence when they propose to utilise the area. A layout plan of the proposed outdoor area is attached at Appendix 3.</p> <p>3.7 The days and hours during which entertainment is proposed to be provided in the new outdoor area is as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday: 7.00 pm to 1.00 am the following morning. <p><u>Lease Agreement</u></p> <p>3.8 As part of the application, officers convened a meeting with the applicant and a representative from the Department for Communities, formerly the Department for Social Development (DSD).</p> <p>3.9 Following that meeting, the applicant has an agreement in place with the Department for the use of the area.</p>

<p>3.10</p>	<p>Members will be aware that the area, known as Bank Square, currently has an Entertainments Licence and is the responsibility of the Department. The days and hours of that licence are standard and outdoor entertainment is permitted as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm.
<p>3.11</p>	<p>The Department will utilise its Entertainments Licence at various times of the year but the applicant will be responsible for co-ordinating their proposals with the Department and the Service to ensure that there is no clash of events or proposals.</p>
<p>3.12</p>	<p>The Department has confirmed that it has no objection to this application and would support the provision of light entertainment should it be granted. It also confirmed that its lease agreement to Kelly's Cellars requires that all statutory requirements must be adhered to.</p>
<p>3.13</p>	<p>A copy of the Licence Agreement and covering letter from the Department is attached at Appendix 4.</p>
<p>3.14</p>	<p>The applicant has advised that, if a licence is granted for the area, it is the intention to provide entertainment in the form of an amplified 1–2 piece band.</p>
	<p><u>Representations</u></p>
<p>3.15</p>	<p>Notice of the application has been advertised and no written representation has been lodged.</p>
	<p><u>PSNI</u></p>
<p>3.16</p>	<p>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 5.</p>
	<p><u>Health, Safety and Welfare Inspections</u></p>
<p>3.17</p>	<p>A total of four during performance inspections have been carried out on the premises by Officers from the Service regarding the provision of indoor entertainment in the past 12 months.</p>
<p>3.18</p>	<p>With the exception of one inspection which revealed some issues which we required the applicant to address, the other inspections have revealed that the conditions of the Entertainments Licence are being adhered to and Officers are satisfied that all operational and management procedures are being implemented effectively.</p>
<p>3.19</p>	<p>The inspection which revealed some issues consisted of a fire safety sign missing and a supervisor not being aware of the evacuation procedures. However, these matters were resolved following an office meeting with the Officers of the Service and the applicant soon after the inspection.</p>
<p>3.20</p>	<p>Through the Entertainment Licensing renewal inspection for the indoor Entertainments Licence and the assessment involved with this application, Officers have been further satisfied that all operational and management procedures are being implemented effectively.</p>
	<p><u>NIFRS</u></p>
<p>3.21</p>	<p>The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objections to the application.</p>

	<p><u>Noise Issues</u></p> <p>3.22 The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that no noise complaints have been received within the past 12 months or prior to that.</p> <p>3.23 An acoustic report outlining the measures to be taken when outdoor entertainment is being provided has been received and was assessed by EPU. The report outlines the measures to be put in place to minimise disturbance to neighbouring premises, either due to noise breakout or from patron activity.</p> <p>3.24 Following its assessment, EPU has confirmed that it is satisfied with the report and the measures proposed and as a result, has no concerns with the area being granted an Entertainments Licence.</p> <p>3.25 EPU further advised that planning permission has recently been granted for a hotel development at the adjacent vacant site and that should this development be built and depending on how well the hotel is insulated against noise break-in, entertainment noise from the premises may cause unreasonable disturbance to the adjacent business/residents. However, this will have to be coordinated and assessed when dealing with any subsequent applications.</p> <p>3.26 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><u>Applicant</u></p> <p>3.27 The applicant, and/or their representatives, will be available at your meeting to answer any queries which you may have in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>3.28 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>3.29 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 – Layout plans of the proposed outdoor area</p> <p>Appendix 4 – Confirmation of Lease Agreement from the Department for Communities</p> <p>Appendix 5 – PSNI comments</p>