



Subject:	Applications for the Renewal of Entertainments Licences with Previous Convictions
Date:	19th October, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 2435

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 applications for Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	Taking into account the information presented, you are required to consider the applications and to:- <ol style="list-style-type: none">1. approve the applications, or2. should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
3.2	However, in light of the fact that an applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty
<p>Wolf and Whistle Formally (The Whitefort Inn)</p> <p>67-71 Andersonstown Road Belfast, BT11 9AH</p>	Mooney Inns Limited	Renewal	<p>October 2015</p> <p>One leaf of a final exit closed and screwed to door frame. Log Book for pre-event checks was not completed. Fire door wedged open. Fire door/wall providing inadequate fire protection. Fire Safety signage not being illuminated; and a designated means of escape was obstructed.</p>	<p>28th June 2016 £600 and £69 Court costs</p>
<p>Red Devil Bar</p> <p>194-198 Falls Road Belfast, BT12 6AG</p>	EMC Properties (NI) Limited	Renewal	<p>November 2012</p> <p>Locked roller shutter on a final exit and the log book for pre-event checks was unavailable for inspection.</p>	<p>11th February 2014 £500 and £69 Court costs</p>

3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.

Application History

3.4 Previous applications for the aforementioned premises were considered by the Committee as follows:

Wolf and Whistle

3.5 The applicant was convicted of offences under the Order at Belfast Magistrates Court on 28th June this year, after a during performance inspection found a series of breaches, namely, one leaf of a final exit had been closed and screwed to door frame; Log Book for pre-event checks was not completed; fire door wedged open; fire door/wall providing inadequate fire protection; fire safety signage not being illuminated; and a designated means of escape was obstructed.

	<p>This is the first time that the premises has been convicted for offences, as previous Entertainments Licences have been granted under the Council's Scheme of Delegation.</p> <p>Red Devil Bar</p>
3.6	<p>This application is before the Committee as EMC Properties (NI) Limited was convicted of an offence on 11th February 2014, after a during performance inspection found a locked roller shutter on a final exit and that the log book for recording pre-entertainment safety checks was unavailable for inspection. As a result, EMC Properties (NI) Limited was fined £500 and ordered to pay legal costs of £69 for the offence.</p>
3.7	<p>Members may recall that previous renewal applications were brought before the Licensing Committee on 17th September 2014 and 21st October 2015 and, after consideration, you agreed to grant the licences.</p>
	<p><u>Representations</u></p>
3.8	<p>Notice of the applications has been advertised and no written representations have been received.</p>
	<p><u>PSNI</u></p>
3.9	<p>The PSNI has confirmed that it has no objections to the applications.</p>
	<p><u>Health, Safety and Welfare Inspections</u></p>
3.10	<p>Following the offences, officers of the Service met with the licensees of each of the premises to review their management procedures and ensure that appropriate measures are in place to prevent a recurrence of the previous problems. Officers also discussed the arrangements in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.</p>
3.11	<p>Each of the premises have also been subject to further inspections by officers of the Service in conjunction with their application inspection and on each occasion we found that management procedures are being implemented effectively.</p>
3.12	<p>Copies of the application forms for each of the premises are attached.</p>
	<p><u>NIFRS</u></p>
3.13	<p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.</p>
	<p><u>Financial and Resource Implications</u></p>
3.14	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p>
	<p><u>Equality and Good Relations Implications</u></p>
3.15	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Documents Attached</p>
	<p>Application Forms</p>