



<b>Subject:</b>	<b>Applications for the Grant/Renewal of Entertainments Licences with Previous Convictions</b>
<b>Date:</b>	14th December, 2016
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<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 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.
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	Taking into account the information presented, the Committee is requested to consider the applications and to:-  <ol style="list-style-type: none"><li>1. approve the applications, or</li><li>2. 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.</li></ol>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	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.
<b>3.2</b>	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
<b>Ardoyne Working Men's Club</b> 9b Kerrera Street Belfast BT14 7FL	Brendan Mailey (Secretary)	Renewal	<b>18<sup>th</sup> December 2014</b> Entertainment being provided without a valid Entertainments Licence being in place	<b>28<sup>th</sup> July 2015</b> £200 and £66 Court costs.
<b>The Cuckoo</b> 149 Lisburn Road Belfast BT9 7AJ	North Down Leisure Ltd	Renewal	<b>24<sup>th</sup> August 2012</b> Locked exit door and log book not completed	<b>26<sup>th</sup> March 2013</b> £400 and £69 Court costs.
<b>Failte Restaurant</b> 147 Falls Road Belfast BT12 6AF	Tony Clarke	Grant	<b>4<sup>th</sup> July 2015</b> <b>Caulfield's Bar</b> Final exit locked shut and an obstructed means of escape	<b>8<sup>th</sup> March 2016</b> <b>Caulfield's Bar</b> £200 and £69 Court costs.

**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**

**Ardoyne Working Men's Club**

**3.4** This is the second time the renewal application has been brought before the Committee for consideration. Members may recall that the previous renewal application was considered by the Licensing Committee on the 12<sup>th</sup> November, 2015 and the Committee agreed to renew the Entertainments Licence.

**The Cuckoo**

**3.5** This is the fourth time that the application is being considered by the Committee. Members may recall that previous renewal applications for the premises were also brought before the Licensing Committee on the 12<sup>th</sup> November, 2015; 15<sup>th</sup> April, 2015 and on the 18<sup>th</sup> September, 2013 and, after consideration, you agreed to grant the licence on each occasion.

**Failte Restaurant**

**3.6** This application is being placed before the Committee because the applicant, Mr. Tony Clarke, was convicted of offences under the Order at Belfast Magistrates Court on the 8<sup>th</sup> March, 2016 regarding Caulfield's Bar, another premises for which he is the licensee.

<p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p> <p>3.15</p> <p>3.16</p>	<p>Members will recall that you considered the renewal application for Caulfield’s Bar at your meeting on the 18th May and, after taking account of the conviction, you agreed to renew the licence.</p> <p>Members are reminded that you have considered applications for other premises for which Mr Clarke is licensee and the offences involving Caulfield’s Bar, namely The Suffolk Inn, which you considered at your meeting on the 17th August, and the Sliabh Dubh, which you considered at your meeting on the 21st September and, after taking account of the conviction, you agreed to renew both licences.</p> <p><b><u>Representations</u></b></p> <p>Notice of the applications has been advertised and no written representations have been received.</p> <p><b><u>PSNI</u></b></p> <p>The PSNI has confirmed that it has no objections to the applications.</p> <p><b><u>Health, Safety and Welfare Inspections</u></b></p> <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 put 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> <p>Each of the premises have also been subject to further during performance and application inspections and we have found that management procedures are being implemented effectively.</p> <p>Copies of the application forms for each of the premises are attached.</p> <p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and confirmed that it has no objections.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p><b>Documents Attached</b></p>
	<p>Application Forms</p>