



<b>Subject:</b>	<b>Applications for the Grant/Renewal/Variation of Entertainments Licences with Previous Convictions</b>
<b>Date:</b>	18th January, 2017
<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>Recommendations</b>
<b>2.1</b>	Taking into account the information presented, you are required 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, as each 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 and Penalty
<p style="text-align: center;"><b>AM:PM</b></p> <p>38-44 Upper Arthur Street Belfast BT1 4GH</p>	<p>AM:PM Limited</p>	<p>Renewal and Variation</p>	<p style="text-align: center;"><b>20<sup>th</sup> May 2016</b></p> <p>Rear final escape door was obstructed. Rear escape stair was obstructed. Rear escape corridor on the ground floor was obstructed. Fire door was held open on the ground floor escape route. All escape routes, including stairways, were not maintained with non-slippery and even surfaces. Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence. The Entertainments Licence was not being displayed.</p>	<p style="text-align: center;"><b>On appeal: 6 January 2017</b></p> <p>£2750 and £66 Court costs.</p> <p>Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each.</p> <p>Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750.</p>
<p style="text-align: center;"><b>Hole In The Wall</b></p> <p>1-3 Baltic Avenue Belfast BT15 2HR</p>	<p>H.I.T.W Limited</p>	<p>Renewal</p>	<p style="text-align: center;"><b>13<sup>th</sup> February 2016</b></p> <p>An exit route from the side of the bar was blocked with a speaker and a fridge. Mag lock was installed to a final exit door and prevented the door from being open and a final exit within the smoking area was locked and the replacement of a push bar with a tea spoon on another fire exit door. An exit route to the fire panel and final exit was blocked with tables and chairs and a door leading to an exit route was locked. There was no 'Fire Exit Keep Clear' signs fitted to doorsets, as required, and break glass Fire Action signs were missing. The Emergency Exit signs were not illuminated throughout the premises. No evidence of any pre-event log book checks being carried out. No Evacuation Procedures in place. Staff were not instructed or trained on the action to be taken in the event of a fire. The noise limiting device was not operating when entertainment was being provided.</p>	<p style="text-align: center;"><b>On appeal 25<sup>th</sup> November 2016</b></p> <p>£6000 and £66 Court costs.</p> <p>Original penalty was <b>£9000</b> but following Appeal by the applicant it was reduced to £6000.</p>

	<p><b>Boyles Bar</b> 91 Falls Road Belfast BT12 4PE</p>	<p>Mr. Stephen Carson</p>	<p>Grant</p>	<p><b>26<sup>th</sup> February 2016</b> Entertainment was taking place without a valid Entertainments Licence.</p>	<p><b>13<sup>th</sup> December 2016</b> £250 and £66 Court costs.</p>
	<p><b>St Paul's GAC</b> 98c Shaws Road Belfast BT11 8LN</p>	<p>Dr. Paul Donnelly</p>	<p>Renewal</p>	<p><b>28<sup>th</sup> March 2015</b> Entertainment was taking place in an area (1st Floor) not covered by the Entertainments Licence. The appropriate pre-entertainment checks had not been completed prior to entertainment taking place. A games machine was obstructing a final exit. The main entrance door was not being manned.</p>	<p><b>10<sup>th</sup> November 2015</b> 12 months Conditional Discharge and ordered to pay court costs of £69.</p>
		<p>Mr. Billy McLarnon</p>		<p><b>2<sup>nd</sup> February 2011</b> Ground floor of the premises was overcrowded</p>	<p><b>11<sup>th</sup> November 2011</b> £500 and ordered to pay court costs of £69.</p>
	<p><b>Voodoo</b> 9-11 Fountain Street Belfast BT1 5ED</p>	<p>Phoenix Wine and Spirits Store Limited</p>	<p>Renewal</p>	<p><b>4<sup>th</sup> November 2011</b> Locked fire exit Obstructed means of escape The appropriate pre-entertainment checks had not been completed prior to entertainment taking place.</p>	<p><b>4<sup>th</sup> September 2012</b> £270 and ordered to pay court costs of £69.</p>
<p><b>3.3</b></p>	<p>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.</p> <p><b><u>Application History</u></b></p> <p><b>AM:PM</b></p>				
<p><b>3.4</b></p>	<p>These are the first offences committed by the applicant and, therefore, this is the first time since the applicant was convicted that the Committee has an opportunity to take them into account in considering the applications for the renewal and variation of the licence.</p>				
<p><b>3.5</b></p>	<p>The variation application is to include the 2nd floor area on the Entertainments Licence. One of the offences witnessed on 20th May, 2016 was that entertainment was being provided on the 2nd floor which, at that time, was unlicensed.</p>				
<p><b>3.6</b></p>	<p>Due to the seriousness of the offences, officers met with the applicant immediately after legal proceedings were initiated to discuss them and to seek assurance that the applicant had taken appropriate steps to ensure that there would be no recurrence of these or any other safety issues.</p>				

3.7	<p>Since then, the premises have been subject to two further during performance inspections, as well as a renewal inspection, to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.</p>
	<p><b>Hole In The Wall</b></p>
3.8	<p>These are the first offences committed by the applicant and, therefore, this is the first time since the applicant was convicted that the Committee has an opportunity to take them into account in considering the application for the renewal of the licence.</p>
3.9	<p>Due to the seriousness of the offences, officers met with the applicant on several occasions to ensure that the problems were resolved and revised measures were put in place to prevent further problems. The meetings involved a critical analysis of the passive and active safety measures as well as the management procedures that the applicant had in place for the premises.</p>
3.10	<p>Since then, the premises have been subject to two further during performance inspections, as well as a renewal inspection, to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.</p>
	<p><b>Boyles Bar</b></p>
3.11	<p>This is the first offence committed by the applicant and the Committee now has an opportunity to take it into account in considering the application for the grant of the licence. The premises were previously licensed for entertainment but this was under a different name and management and expired in 2009.</p>
3.12	<p>A grant application was received in November, 2013 and the applicant was advised on numerous occasions that they were not permitted to provide entertainment until an Entertainments Licence was issued. Despite these warnings, entertainment was found to be taking place without a licence and legal proceedings were initiated.</p>
3.13	<p>A new grant application was subsequently made and is placed before you for your consideration.</p>
	<p><b>St Paul's GAC</b></p>
3.14	<p>This is the fourth time an application for the premises has been considered by the Committee since being convicted in 2011 and for the most recent 2015 offences. Three previous renewal applications have subsequently been considered by the Licensing Committee, namely, on 15th August, 2012, 18th September, 2013 and 19th August, 2015.</p>
3.15	<p>The 2012 and 2013 reports were in relation to the 2011 offence and the most recent report of 2015 was regarding both the 2011 and the 2015 offences. However, after consideration, the Committee agreed to renew the Entertainments Licence on each occasion.</p>
3.16	<p>The 2011 offence may now appear to be outside of the legislative five year period but as this application was made in September, 2016 both are still applicable. However, this is the final year you are required to take the 2011 offence into consideration.</p>

	<p><b>Voodoo</b></p> <p><b>3.17</b> This is the third time an application for the premises has been considered by the Committee since the applicant was convicted on the 4th September, 2012.</p> <p><b>3.18</b> Two previous renewal applications were brought before the Committee on the 21st August, 2013 and the 16th September, 2015 and, after consideration, you agreed to renew the licence on each occasion.</p> <p><b>3.19</b> Since you last considered the application the premises have been subject to five further during performance inspections as well as a renewal inspection to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.</p> <p><b><u>Representations</u></b></p> <p><b>3.20</b> Notice of the applications has been advertised and no written representations have been received.</p> <p><b><u>PSNI</u></b></p> <p><b>3.21</b> The PSNI has confirmed that it has no objections to the applications.</p> <p><b><u>NIFRS</u></b></p> <p><b>3.22</b> 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>Applicants</u></b></p> <p><b>3.23</b> The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications.</p> <p><b>3.24</b> Copies of the application forms for each of the premises are attached.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p><b>3.25</b> 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><b>3.26</b> There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	Application Forms