



Subject:	Applications for the Renewal of Entertainments Licences with Previous Convictions
Date:	15th February, 2017
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	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
3.1	<u>Key Issues</u> 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, 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>Dundela Football Athletic and Social Club</p> <p>Wilgar Street Belfast BT4 3BL</p>	<p>Susan Gilmore (Secretary) Summons against Gilmore w/d – Jack Majury prosecuted</p>	<p>Renewal</p>	<p>24th November 2012</p> <p>Overcrowding Obstructed Emergency Exit Route</p>	<p>23rd July 2013</p> <p>£400 and £69 Court costs</p>
<p>Hole In The Wall</p> <p>1-3 Baltic Avenue Belfast BT15 2HR</p>	<p>H.I.T.W Limited</p>	<p>Renewal</p>	<p>13th February 2016</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.</p> <p>There were no 'Fire Exit Keep Clear' signs fitted to doorsets, as required and break glass Fire Action signs were missing.</p> <p>The Emergency Exit signs were not illuminated throughout the premises.</p> <p>No evidence of any pre-event log book checks being carried out.</p> <p>No Evacuation Procedures in place.</p> <p>Staff were not instructed or trained on the action to be taken in the event of a fire.</p> <p>The noise limiting device was not operating when entertainment was being provided.</p>	<p>On appeal 25th November 2016</p> <p>£6000 and £66 Court costs.</p> <p>Original penalty was £9000 but following Appeal by the applicant it was reduced to £6000.</p>
<p>The Cuckoo</p> <p>149 Lisburn Road Belfast BT9 7AJ</p>	<p>North Down Leisure Limited</p>	<p>Renewal</p>	<p>24th August 2012</p> <p>Locked Exit door</p>	<p>26th March 2013</p> <p>£400 and £69 Court costs.</p>

3.3	<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><u>Application History</u></p>	
<p>Dundela Football Athletic and Social Club</p>	
3.4	<p>Previous renewal applications for the premises were brought before the Committee on 19th February 2014, 21st January 2015 and 15th June 2016 and, after consideration, you agreed to renew the licence on each occasion.</p>
3.5	<p>Since then, the premises have been subject to two further during performance inspections as well as the recent 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>Hole In The Wall</p>	
3.6	<p>Members will recall that, at your meeting last month, you agreed to defer consideration of this application due to the applicant not being present or providing any reason as to his non-attendance.</p>
3.7	<p>The applicant has given an assurance that he will be attending this month's meeting and apologised for not attending your January meeting and advised that he had fallen ill.</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>The Cuckoo</p>	
3.11	<p>Previous renewal applications for the premises were brought before the Committee on 18th September 2013, 15th April 2015 and 12th November 2015 and, after consideration, you agreed to grant the licence on each occasion.</p>
3.12	<p>The premises has also been subject to three further during performance inspections as well as the 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><u>Representations</u></p>	
3.13	<p>Notice of the applications has been advertised and no written representations have been received.</p>

<p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p>	<p><u>PSNI</u></p> <p>The PSNI has confirmed that it has no objections to the applications.</p> <p><u>NIFRS</u></p> <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>Applicants</u></p> <p>The applicants and/or their representatives will be available at your meeting to answer any queries which you may have in relation to their respective applications.</p> <p>Copies of the respective application forms for each of the premises are attached.</p> <p><u>Financial and Resource Implications</u></p> <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> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Application Forms