



<b>Subject:</b>	<b>Applications for the Renewal of Seven-Day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10 – 14 Gresham Street</b>
<b>Date:</b>	16th August, 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>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<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>																		
1.1	<p>To consider applications for the renewal of the Seven-Day Annual Indoor Entertainments Licence and the Seven-Day Annual Outdoor Entertainments Licence for the Hudson Bar, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind and outdoor musical entertainment.</p> <table><tr><td><b>Premises and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>The Hudson Bar</td><td>WK/201700107</td><td>Mr Peter Lavery</td></tr><tr><td>10-14 Gresham Street</td><td>WK/201700108</td><td>MMJP Limited</td></tr><tr><td>Belfast</td><td></td><td>8 Station Road</td></tr><tr><td>BT1 1JN</td><td></td><td>Hollywood,</td></tr><tr><td></td><td></td><td>BT18 0BP</td></tr></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Hudson Bar	WK/201700107	Mr Peter Lavery	10-14 Gresham Street	WK/201700108	MMJP Limited	Belfast		8 Station Road	BT1 1JN		Hollywood,			BT18 0BP
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1.2	Members are reminded that two objections were received regarding the applications and, after consideration at your meeting on 17th August 2016, you agreed to renew both Entertainments Licences for a trial period of six months.
1.3	The applications would have been presented for your consideration sooner but officers have endeavoured to mediate with all parties regarding the applications and concerns raised. Officers have also been conscious of the requirements of the Entertainments Licence which requires liaison meetings to be held, as and when required, with the licensee and representative groups drawn from local residents, and chaired by Council Officers, which was agreed by the Committee at the meeting on 17th August.
1.4	A copy of the minutes of that meeting is attached at Appendix 1.
1.5	A location map is attached at Appendix 2.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and representations received in respect of the applications you are required to make a decision to :</p> <ol style="list-style-type: none"> <li>1. agree to hear the applicant's agent who has not complied with the Committee's Operating Protocol in relation to hearing deputations;</li> <li>2. approve the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences, or</li> <li>3. approve the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences with special conditions, or</li> <li>4. refuse the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences.</li> </ol>
2.2	If the applications are refused, or special conditions are attached to either 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.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	<p>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor, with a maximum capacity of 95 persons.</li> <li>• First Floor, with a maximum capacity of 95 persons.</li> <li>• Second Floor, with a maximum capacity of 105 persons.</li> <li>• Heel Bar, with a maximum capacity of 30 persons.</li> </ul>
3.2	<p>The area currently licensed to provide outdoor entertainment is the:</p> <ul style="list-style-type: none"> <li>• Hudson Yard, with a maximum capacity of 220 persons.</li> </ul>
3.3	Following your meeting on 17th August 2016, the special conditions on the Indoor and Outdoor Entertainments Licences were amended, as follows:

**Indoor**

1. The licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing.
2. The external roller shutter on the ground floor (mid front bar) should be secured in the open position when entertainments is taking place.
3. Internal emergency exit doors at Gresham Street must not be open for any reason other than an emergency.
4. Doors on escape routes to be free from fastenings when premises are occupied.
5. This Entertainments Licence is to be managed in conjunction with the Outdoor Entertainments Licence.

**Outdoor**

1. The licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing.
2. The premises to be managed in accordance with the requirements set out within AB Consulting Services report dated 25 March 2014.
3. During entertainment, exit to Gresham Street to be manned at all times when roller shutter is in the closed position.
4. At all times, a key to roller shutter is to be retained by personnel manning the Gresham Street exit.
5. The music noise level in the outdoor area must not exceed 95 dBA Leq up to 23.00.
6. The music noise level in the outdoor area must not exceed 85 dBA Leq after 23.00.
7. No live band performances are permitted in the outdoor area after 23.00.
8. This Entertainments Licence is to be managed in conjunction with the Indoor Entertainments Licence.

3.4 The days and hours during which the premises are currently licensed to provide entertainment, under both licences are:

- Monday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 3.00 am

3.5 The premises operates as a public house with entertainment currently provided in the form of DJ's and live band performances.

**Representations**

3.6 Notice of the applications has been advertised and no written representations have been lodged.

**Further Liaison**

3.7 Following your meeting on 17th August 2016, officers have further engaged with the objectors and the applicant to ensure that the agreements and conditions imposed were being implemented effectively.

3.8 Further complaints have been received from one of the objectors regarding alleged loud entertainment music emanating from the premises. These were received and responded to by the Council's Night Time Noise Team. Whilst the Noise Team witnessed some live music when in the street, they considered that the noise levels were not unreasonable and, therefore, warranted no further action.

3.9	On receipt of the complaints, officers of the Service further followed up each of these complaints with the applicant and the objector and endeavoured to convene meetings with the relevant parties involved.
3.10	The objector has regularly been advised to contact the Night Time Noise Team when they are being disturbed, so that readings can be taken to substantiate any allegation. However, when lodging the complaint, the objector has requested no further contact and, therefore, has not provided access for verifiable readings to be taken.
	<b><u>Liaison Meeting</u></b>
3.11	A liaison meeting took place at Council offices on 14th April 2017 between an officer of the Service, representatives of the applicant and the objector and Alderman Chris McGimpsey.
3.12	The meeting was held in accordance with the requirements of the Entertainments Licence, which requires liaison meetings to be held, as and when required, with the licensee and representative groups drawn from local residents, and chaired by Council officers. The inclusion of this condition was agreed by the Committee at the meeting on 17th August 2016 and informed the Committee's decision to renew the licence, albeit for only 6 months.
3.13	At the meeting on 14th April, the objector acknowledged the difference and changes made regarding noise disturbance from the premises. It was also confirmed that the Service had received one complaint at that time. However, the objector advised of further occurrences which had not been referred to the Service.
3.14	The applicant's representatives, outlined the measures they had put in place and that they continued to encourage taxis to collect patrons from Royal Avenue, rather than Gresham Street, and that patrons were also encouraged to leave the premises via the rear yard area, onto Royal Avenue, rather than Gresham Street, which was previously taking place.
3.15	Details of the technical matters were also discussed, namely, their fire safety procedures and measures to manage noise from the premises.
	<b><u>Complaint</u></b>
3.16	However, during the meeting, discussions broke down following a dispute between the applicant's licensing consultant and the objector. As a result, a formal complaint has been made by Alderman McGimpsey, via email, regarding the actions and behaviour of the consultant towards the objector and the Council officer. Alderman McGimpsey considers that the applicant's consultant was disrespectful and counter-productive. A copy of his complaint is attached at Appendix 3.
3.17	On receipt of Alderman McGimpsey's complaint, we informed the applicant and sent him a copy of the Alderman's email and requested him to form a response. We also sent the applicant a copy of the officer's record of the meeting. A formal letter was subsequently sent outlining our concerns of the allegations, the measures we wanted to introduce as a result and that we were duty bound to bring these issues to the attention of the Committee. A copy of our correspondence to the applicant is attached at Appendix 4.
3.18	In line with the Committee Protocol, we also sent the applicant and the objector Representation Forms and requested that these be provided to be presented to you for consideration. These were requested at the liaison meeting on 14th April 2017 to ensure that there was appropriate time to share the information between all parties and to allow officers to clarify any points raised if necessary.

### **Objector's Representation**

3.19 The objector has completed and submitted a Representation Form. This is attached at Appendix 5.

3.20 A general summary of their representation is listed below and is similar to the concerns they raised last year, namely:

- their main concern is the Outdoor Entertainments Licence. They have no objections to the indoor entertainments and is trying to find a solution that will work for everyone;
- each and every new Bar Manager promises to deal with the outside entertainment but twelve years on it is still the biggest issue;
- they have requested that the Outdoor Entertainments Licence be restricted for entertainment to cease at 11.00 pm;
- they have tried to resolve the noise issues by speaking directly to the owner/director and through the meetings arranged by Belfast City Council. They had hoped that, as a result of the meetings, the licensee would be honourable, but that has not been the case;
- reference was made regarding being assaulted by a drunken patron on 8th September 2012;
- being woken by people leaving the premises when drinking after hours;
- taxis coming and going around 5.00 am; and
- witnessed the premises operating out of hours to 5.00 am on Saturday night/Sunday morning of 8th-9th April.

3.21 The objector also acknowledges that things have been much better since the changes were made and the main exiting arrangements for patrons to leave the premises via the rear yard area, onto Royal Avenue rather than Gresham Street. However, they also note that they are still getting small groups hanging around outside on Gresham Street.

3.22 The objector has also included with their Representation Form a record of complaints which they have observed, some of which we hadn't been informed of prior to their submission.

3.23 The objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.

### **Applicant's Representation**

3.24 In accordance with the Licensing Committee Protocol, the applicant was asked to complete an Applicant's Representation Form. This was further requested in our correspondence to the applicant, following Alderman McGimpsey's complaint, and another copy of the respective form was enclosed.

3.25 At the time of that correspondence, the objector had already provided a copy of their Representation Form, in line with the initial deadline. However, we have not received a Representation Form from the applicant and they have recently confirmed that they do not intend to do so and consider that it would not be proper nor prudent to submit the form.

3.26 However, the applicant's licensing representative did send an email correspondence on 7th July 2017 regarding their concerns. This is attached at Appendix 6.

3.27 A summary of that correspondence is listed below:

- the applicant does not resile from his position or concerns which were aired at the liaison meeting on 14th April, 2017;
- the consultant considers that the record of the liaison meeting is only the officer's observations and, as recorded, are at odds with the comments and notes received by the applicant and submitted by the objectors. They cannot accept that they are agreed or accepted by them, as they consider that there are several blatant omissions and errors;
- reaffirms that the applicant is not required to attend liaison meetings and that their representatives can attend on their behalf and address any matters raised;
- is disappointed that he, as the applicant's licensing representative, was not informed of the complaint made by Alderman McGimpsey, as he is the nominated representative of the premises;
- requests that the email is considered as a formal representation in lieu of the Committee protocol's Applicant's Representation Form and be presented to the Service Director and Committee Chairman for their consideration as to how this matter should be dealt with and progressed; and
- requests an adjournment of this matter to allow the applicant's agent to have a meeting with the Committee Chairman and reduced delegation of Committee Members to address the letter from Alderman McGimpsey.

3.28 The applicant's representative has also requested to make verbal representation to the Committee and considers it to be his right to do so. However, we also made them aware that if they didn't provide us with the required Representation Form, the objector may, therefore not wish to share their representation with them, which they have requested.

3.29 As a result, Members will be aware that under the Committee Protocol, only those who have made written submissions and registered a request to speak in respect of an application shall be permitted to make oral representations before the Committee. The Committee can, however, depart from the Protocol in exceptional circumstances.

3.30 The Legal Services Section has advised that holding the meeting suggested by the applicant's agent would be a breach of the rights of the objectors and would be susceptible to challenge. The Committee is, therefore, advised not to accede to that request.

3.31 The applicant and/or their representatives will be available at your meeting should you choose to speak with them and request them to answer any queries you may have in relation to the application.

**PSNI**

3.32 The PSNI has confirmed that it has no objection to the Entertainments Licences being renewed. A copy of its correspondence is attached at Appendix 7.

**Health, Safety and Welfare Issues**

3.33 A total of seven during performance inspections have been carried out on the premises by Officers from the Service since your meeting on 17th August, 2016. The inspections revealed that the conditions of licence were being adhered to.

3.34 The premises have also been subject to inspections as part of the licence renewal process. As a result, all technical requirements and associated operational and management procedures have been checked and are satisfactory. The inspections have also ensured noise measures stipulated are being managed effectively.

<p>3.35</p> <p>3.36</p> <p>3.37</p> <p>3.38</p> <p>3.39</p> <p>3.40</p> <p>3.41</p>	<p>The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.</p> <p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the Entertainments Licences being renewed.</p> <p><b><u>Noise Issues</u></b></p> <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that it has received a total of thirteen noise complaints since the meeting on 17th August 2016.</p> <p>Whilst the Noise Team witnessed some live music when in the street, it considers that the noise levels were not unreasonable and therefore warranted no further action.</p> <p>Officers have previously been denied access by the objector. However, they have nonetheless responded to the complaints and followed up accordingly.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Minute of meeting of 17th August, 2016</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Copy of Alderman McGimpsey’s complaint</p> <p>Appendix 4 – Copy of our correspondence to the applicant following Alderman McGimpsey’s complaint</p> <p>Appendix 5 – Objector’s Representation Form</p> <p>Appendix 5a – Additional Information from Objector</p> <p>Appendix 6 – Email from applicant’s representative</p> <p>Appendix 7 – PSNI Comments</p>