

Licensing Committee

Wednesday, 20th September, 2017

MEETING OF LICENSING COMMITTEE

Members present: Councillor Carson (Deputy Chairperson);
The Deputy Lord Mayor (Councillor Copeland);
Alderman L. Patterson; and
Councillors Bell, Boyle, Clarke, Collins, Craig,
Groves, Howard, Hussey, Hutchinson,
McConville and McReynolds.

In attendance: Mr. S. Hewitt, Building Control Manager;
Ms. N. Largey, Divisional Solicitor;
Mr. H. Downey, Democratic Services Officer.

(Councillor Dudgeon attended within thirty minutes of the commencement of the meeting but subsequent to the business having been concluded.)

Apologies

Apologies for inability to attend were reported on behalf of the Chairperson (Alderman Spence) and Councillors Heading and Campbell.

Minutes

The minutes of the meeting of 16th August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

The Democratic Services Officer declared an interest in respect of agenda item 2(a), Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – 21 Social, 1 Hill Street, in that he was related to the applicant. Accordingly, he left the meeting whilst the application was under consideration and was replaced by Mrs. L. McLornan, Democratic Services Officer.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Licences/Permits issued under Delegated Authority

The Committee noted a list of licences and permits which had been issued under the Council's Scheme of Delegation.

**Application for the Grant of a Seven-Day Annual
Outdoor Entertainments Licence – 21 Social, 1 Hill Street**

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application for the grant of a Seven-Day Annual Outdoor Entertainments Licence and for permission to provide entertainment till 2.00 am at 21 Social, based on the Council’s standard conditions to provide outdoor musical entertainment.**

Area and Location	Ref. No.	Applicant
21 Social 1 Hill Street Belfast BT1 2LA.	WK/201702078	Mr. Henry Downey Eagle-Glen Limited 27 Drumard Road Knockloughrim Magherafelt.

- 1.2 A copy of the application form and a location map has been circulated to Members.**
- 1.3 Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before the Committee for consideration.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:**

- 1. approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence and for permission to provide entertainment till 2.00 a m, or**
- 2. approve the application for the grant with special conditions, or**
- 3. refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence and for permission to provide entertainment till 2.00 a.m.**

- 2.2 If an application is refused, or special conditions are attached to the 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. In the case that the applicant subsequently decides to appeal,**

outdoor entertainment may not be provided until any such appeal is determined.

3.0 Main Report

Key Issues

3.1 The applicant has applied to provide entertainment within the new outdoor area, in line with the premises Indoor Entertainments Licence, on the following days and hours:

- **Monday to Saturday: 11.30 am to 2.00 am the following morning, and**
- **Sunday: 12.30 pm to 2.00 am the following morning**

3.2 Members are reminded that applications to provide outdoor entertainment beyond the permitted hours are subject to consideration by Committee.

3.3 The applicant proposes to provide entertainment within the new outdoor area in the form of DJs and live bands. The outdoor area is now covered by the liquor Licence for the premises. The Committee has been provided with layout plans of the new outdoor area.

3.4 The premises have recently been acquired by Eagle-Glen Limited and they have created the new outdoor area as part of their refurbishment of the premises.

3.5 Eagle-Glen Limited is also the licensee for a number of other licensed premises across the City, namely, the Apartment, 2 Donegall Square West; The Kitchen Bar, 1 Victoria Square and McHugh's Bar, 29-31 Queen's Square.

Representations

3.6 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

3.7 The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application. A copy of its response has been circulated to the Committee.

NIFRS

- 3.8 The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application.

Health, Safety and Welfare

- 3.9 The premise has been subject to inspections as part of the Entertainments Licence application process and the works carried out under the Building Regulations application.
- 3.10 The premises have also been subject to regular during performance inspections as part of our inspection regime. A total of two during performance inspections have been carried out since the Indoor Entertainments Licence was last renewed.
- 3.11 As a result, all technical requirements and associated operational and management procedures to safeguard the safety of the public, performers and staff have been checked. No issues have been observed during the inspections.

Noise

- 3.12 An acoustic report outlining the measures to be taken when outdoor entertainment is being provided has been received and assessed by the Environmental Protection Unit (EPU). The report outlines the measures to be put in place to minimise disturbance to neighbouring premises, either due to noise breakout or from patron activity.
- 3.13 The report proposes for music to be limited to 69dB Laeq 5min at one metre from speakers, thus the noise from the venue will be inaudible at the nearest noise sensitive premises. The report allows for a 50m of distance attenuation and 15dB of attenuation provided by the screening of surrounding buildings and concludes that this would result in a façade measurement of 30dB at the nearest noise sensitive premises.
- 3.14 Having assessed the acoustic report and various measures being put in place, EPU are of the opinion that the noise from the area of the premises will not adversely impact on nearby noise sensitive premises.
- 3.15 Should Members be of a mind to grant the outdoor licence, it is suggested that a condition requiring amplified music to be limited to 69dB Laeq 5min at one metre from the speakers be attached to the licence.

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- 3.16 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.**

Applicant

- 3.17 The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.**

Financial and Resource Implications

- 3.18 Officers will be required to carry out inspections for each outdoor event and attend any planning meetings which are catered for within existing budgets.**

Equality or Good Relations Implications

- 3.19 There are no equality or good relations issues associated with this report.”**

The Committee agreed to grant a Seven-Day Annual Outdoor Entertainments Licence for 21 Social, 1 Hill Street, with a condition to be attached requiring amplified music to be limited to 69dB Laeq 5min at one metre from the speakers.

Non-Delegated Matters

Review of Licence Fees for Sex Establishments

The Committee was informed that, under Article 4 and Schedule 2 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Council had powers relating to the licensing of sex establishments.

The Building Control Manager explained that, whilst the Order stipulated that a person applying for the grant, renewal or transfer of a licence should pay a reasonable fee, as determined by the Council, it differed from the Street Trading Act (Northern Ireland) 2001 and the Licensing of Pavement Cafés Act (Northern Ireland) 2014, insofar as it did not specify a procedure for the Council to follow in determining that fee.

He reminded the Committee that, at its meeting on 15th June, 2016, it had agreed the following schedule of fees for the licensing of sex establishments and had agreed also that those should be reviewed on an annual basis:

Application Fee	£3,200
Renewal Fee	£1,430
Transfer Fee	£1,125
Licence Fee	£500

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He reported that a review of the current costs associated with the processing of a Sex Establishment Licence had indicated that they were in line with those of the previous year and, on that basis, he recommended that the fees which had been agreed in 2016 by the Committee should remain unchanged.

The Committee adopted the recommendation.

Provision of Training for the Licensing Committee

The Building Control Manager reminded the Committee that it had delegated authority for determining applications for amusement permits, entertainments licences, pavement cafés, road closures, sex establishments and street trading and for commenting on those relating to Liquor Licences and the registration of clubs. It was responsible also for the consideration of all policies and legislation governing licensing issues.

He reported that the Committee had, in the past, received training on specific topics, with a view to assisting it in discharging its duties and suggested that, in light of recent changes in its membership and its evolving role, this might be an opportune time to initiate a further training programme. The programme would be developed by the Building Control Service and the Legal Services Section and would be delivered by a member of the legal profession who specialised in licensing matters. Accordingly, he sought the Members' views on the format of the training programme and to identify any topics which they wished to have included.

After discussion, the Committee agreed that the training should focus upon the Licensing Committee Protocol and representation process, the legal principles governing the decision-making process and alcohol licensing matters and its relationship to entertainments licensing. The Committee agreed also that the programme should be delivered over two sessions in November/December and should commence at 5.00 p.m.

Chairperson