



Subject:	Entertainments Licence applications for the Wellington Park Hotel and Botanic Inn
Date:	18th April, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	<p>The purpose of this report is to:</p> <ol style="list-style-type: none">1. Consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence for the Wellington Park Hotel based on the Council's standard conditions to provide outdoor musical entertainment.2. Consider an application for the variation of the 7-day Annual Indoor Entertainments Licence for the Botanic Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.3. Update Members on representations, previously discussed at your meeting of 19 April 2017, received from the Lower Malone Residents Association objecting to both applications. The Lower Malone Residents Association has confirmed that they are happy to withdraw their objection on the basis that both licences are issued for a six month period.

1.2	Members are reminded that all applications for the grant of Outdoor Entertainments Licences <u>and</u> applications for the extension of hours of entertainment beyond 1.00am must be brought before the Committee for consideration.									
2.0	Recommendations									
2.1	<p>Taking into account the information presented and any representations made in respect of the applications you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application for the grant of the 7-day Annual Outdoor Entertainments Licence for the Wellington Park Hotel and / or the variation of the 7-day Annual Indoor Entertainments for the Botanic Inn, or 2. Approve the application for the grant of the 7-day Annual Outdoor Entertainments Licence with special conditions, and / or the application for the variation of the 7-day Annual Indoor Entertainments with special conditions, or 3. Refuse the application for the 7-day Annual Outdoor Entertainments Licence and / or the variation of the 7-day Annual Indoor Entertainments. 									
2.2	If the applications are 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 Recorders Court.									
2.3	In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided at the Wellington Park Hotel until any such appeal is determined and the Botanic Inn will continue with its present hours until that appeal is determined.									
3.0	Main report									
3.1	<p><u>Key Issues</u></p> <table border="0" data-bbox="284 1223 1482 1693"> <thead> <tr> <th data-bbox="284 1223 655 1256">Premises and Locations</th> <th data-bbox="655 1223 922 1256">Ref. Nos.</th> <th data-bbox="922 1223 1482 1256">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 1290 655 1424">Wellington Park Hotel 19-21 Malone Road Belfast BT9 6RU</td> <td data-bbox="655 1290 922 1323">WK/201600883</td> <td data-bbox="922 1290 1482 1458">Mr Felix Mooney Dunadry Development Company Ltd Wellington Park Hotel 19-21 Malone Road Belfast, BT9 6RU.</td> </tr> <tr> <td data-bbox="284 1525 655 1659">Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td> <td data-bbox="655 1525 922 1559">WK/201602416</td> <td data-bbox="922 1525 1482 1693">Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast, BT9 6RU.</td> </tr> </tbody> </table> <p>3.2</p> <p>3.3 Both premises currently hold indoor Entertainments Licences and have previously been considered by the Licensing Committee as a result of objections by the Lower Malone Residents Association to the applications although no objections have been received in recent years.</p> <p>3.4 A copy of both application forms are attached to this report as Appendix 1.</p>	Premises and Locations	Ref. Nos.	Applicant	Wellington Park Hotel 19-21 Malone Road Belfast BT9 6RU	WK/201600883	Mr Felix Mooney Dunadry Development Company Ltd Wellington Park Hotel 19-21 Malone Road Belfast, BT9 6RU.	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	WK/201602416	Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast, BT9 6RU.
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Details of the Premises and Proposals

Wellington Park Hotel

3.5 The applicant proposes to provide outdoor entertainment within the external beer garden, which is located to the front of the Wellington Park Hotel. The external area will be utilised by both the Botanic Inn and the Wellington Park Hotel.

3.6 The proposed occupancy of the external beer garden will be 350 persons.

3.7 The capacity of 350 persons for the outdoor area will be included in the existing overall maximum occupancy of the indoor areas; it is not in addition to this occupancy.

3.8 Members are advised that the maximum indoor occupancy for both premises will be managed in conjunction with the external area to ensure numbers do not exceed capacity.

3.9 The days and hours during which entertainment is proposed to be provided within the external area is as follows:

- Monday to Saturday 11.30 am to 11.00 pm, and
- Sunday 12.30 pm to 10.00 pm.

3.10 The applicant has advised that, if a licence is granted for the area, it is his intention to provide low key entertainment in the form of solo performers, live bands or a DJ through the in-house speaker system.

3.11 Layout plans of the proposed external area are attached to this report for your information as Appendix 2.

Botanic Inn

3.12 Whilst the applicant applied to provide entertainment to 3.00am from Monday to Saturday this has been revised after discussion with the Lower Malone residents and he now only wishes to extend the hours during which entertainment is to be provided on a Wednesday from 11.30am to 3.00am the following morning.

3.13 The areas currently licensed to provide entertainment are the:

- Ground Floor Bar, with a maximum capacity of 550 persons.
- First Floor, with a maximum capacity of 500 persons.

3.14 The days and hours during which the premises are currently licensed to provide entertainment are:

- Monday to Saturday: 11.30 am to 01.00 am the following morning
- Sunday: 12.30 am to 12.00 midnight.

3.15 The current licence has a special condition noting that entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday in the first floor areas only. In addition, entertainment will be permitted to 2.00am should Christmas eve, New Year's eve, St. Patrick's night, Easter Monday, May Day or Halloween fall on a Sunday, Monday, Tuesday or Friday night.

3.16 There are also special conditions that:

1. The Licensee must adhere to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions, and

	<p>2. Licensee to attend, as required, liaison meetings between Belfast City Council Officers, the Lower Malone Residents' Association and the Police Service of Northern Ireland.</p>
3.17	<p>The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of bands and DJs.</p>
	<p><u>Representations</u></p>
3.18	<p>At your meeting of 19 April 2017 it was reported that representations had been received from the Lower Malone Residents Association objecting to both of these applications. The Committee agreed, in view of the explanation which had been provided and relevance of the objections, to exercise its discretion and consider the objections outside the 28-day statutory period at a future meeting of the Committee.</p>
3.19	<p>However, in the interim period there has been ongoing mediation between the parties and an agreement has now been reached whereby the Lower Malone Residents Association has confirmed that they are happy to withdraw their objection on the basis that both licences are issued for a six month period.</p>
3.20	<p>The applicant has confirmed that he would be agreeable to accepting a 6 month licence for both applications.</p>
3.21	<p>A copy of the email from Lower Malone Residents Association withdrawing their objection is attached as Appendix 3.</p>
	<p><u>PSNI</u></p>
3.22	<p>The PSNI has been consulted and confirmed that they have no objections to the application.</p>
	<p><u>NIFRS</u></p>
3.23	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and confirmed that they have no objections to them.</p>
	<p><u>Health, safety and welfare inspections</u></p>
3.24	<p>Members are advised that Officers have carried out one recent During Performance Inspection at the Wellington Park Hotel and the conditions of the Entertainments Licence were being adhered to with the exception of some minor issues.</p>
3.25	<p>Officers have carried out two recent During Performance Inspection at the Botanic Inn and on each occasion all technical matters were satisfactory and the appropriate measures and management procedures were being implemented effectively.</p>
	<p><u>Building Works to link both premises</u></p>
3.26	<p>As both premises are now owned by the same applicant a link has been created between them at ground floor level. The works included an area of the hotel being altered for use as a pool room. This is in an area that was covered by the existing entertainments licence and the alteration will not increase the occupancy of the area. A Building Regulations application has been received and the works are nearing completion. A copy of the floor plan is attached as Appendix 4.</p>
	<p><u>Noise issues</u></p>
3.27	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the applications and they have confirmed that no complaints have been received relating to noise break out from the premises or due to patron dispersal in the past 12 months.</p>

3.28	As the proposal is to provide outdoor entertainment to the front of the Wellington Park Hotel, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU).
3.29	EPU have recommended that, a sound test is conducted to verify that the noise limit proposed of 75 dBL _{Aeq,5mins} will not exceed the background noise level at the façade of the noise sensitive receptors.
3.30	Members are advised that Officers will ensure that the technical noise matters are addressed before the Entertainments Licence is granted.
3.31	EPU also advised that entertainment in the outdoor area should be managed in line with the Proposed Noise and Nuisance Management Strategy for Botanic Inn, Wellington Park Hotel and the common beer garden which were supplied by the Management. This management document is attached to this report for your information as Appendix 5.
3.32	Members may wish to consider making it a condition of the Outdoor licence that the area is managed in accordance with this Management Strategy.
3.33	Layout plans of the proposed external area are attached to this report for your information as Appendix 2.
<u>Financial and Resource Implications</u>	
3.34	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.
<u>Equality and Good Relations Implications</u>	
3.35	There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Application Forms • Appendix 2 – Layout Plans of Proposed External Area • Appendix 3 – E-mail withdrawing Objection • Appendix 4 – Floor Plan of new link • Appendix 5 - The Proposed Noise and Nuisance Management Strategy for Botanic Inn, Wellington Park Hotel and the common beer garden