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| Subject: | Applications for the Renewal of Entertainments Licences with Previous Convictions – Flame Restaurant/Red Devil Bar |
| Date: | 17th October, 2018 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, ext. 2435 |
| Contact Officer: | Fiona Millen, Building Control Surveyor, Ext. 2572 |

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| 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"/> |

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

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| 1.0 | Purpose of Report or 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 | | | | | | | | | | | | | | | |
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| | <p data-bbox="272 215 432 248"><u>Key Issues</u></p> <p data-bbox="164 282 1422 383">3.1 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.</p> <p data-bbox="164 416 1422 517">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.</p> <p data-bbox="164 551 209 584">3.3</p> <table border="1" data-bbox="272 551 1457 1379"> <thead> <tr> <th data-bbox="272 551 579 667">Premises and Location</th> <th data-bbox="579 551 791 667">Applicant</th> <th data-bbox="791 551 983 667">Application Type</th> <th data-bbox="983 551 1230 667">Offence Details</th> <th data-bbox="1230 551 1457 667">Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 667 579 936"> <p data-bbox="300 734 552 768">Flame Restaurant</p> <p data-bbox="304 801 547 869">46 Howard Street, Belfast, BT1 6PG</p> </td> <td data-bbox="579 667 791 936"> <p data-bbox="624 768 743 835">Charlotte Smyth</p> </td> <td data-bbox="791 667 983 936"> <p data-bbox="826 786 946 819">Renewal</p> </td> <td data-bbox="983 667 1230 936"> <p data-bbox="1070 701 1142 768">July 2014</p> <p data-bbox="1007 801 1198 902">Entertainment without a Licence</p> </td> <td data-bbox="1230 667 1457 936"> <p data-bbox="1246 719 1430 786">3rd February 2015</p> <p data-bbox="1246 819 1430 887">£150 and £69 Court costs</p> </td> </tr> <tr> <td data-bbox="272 936 579 1379"> <p data-bbox="328 1093 520 1126">Red Devil Bar</p> <p data-bbox="300 1160 552 1227">194-198 Falls Road Belfast, BT12 6AG</p> </td> <td data-bbox="579 936 791 1379"> <p data-bbox="608 1104 759 1216">EMC Properties (NI) Limited</p> </td> <td data-bbox="791 936 983 1379"> <p data-bbox="826 1144 946 1178">Renewal</p> </td> <td data-bbox="983 936 1230 1379"> <p data-bbox="1031 976 1182 1043">November 2012</p> <p data-bbox="991 1077 1214 1346">Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.</p> </td> <td data-bbox="1230 936 1457 1379"> <p data-bbox="1246 1077 1445 1144">11th February 2014</p> <p data-bbox="1246 1178 1430 1245">£500 and £69 Court costs</p> </td> </tr> </tbody> </table> <p data-bbox="164 1413 1453 1514">3.4 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 data-bbox="164 1547 544 1581">3.5 <u>Application history</u></p> <p data-bbox="272 1615 1445 1682">Previous applications for the aforementioned premises were considered by the Committee as follows:</p> <p data-bbox="164 1715 209 1749">3.6</p> <p data-bbox="272 1715 520 1749">Flame Restaurant</p> <p data-bbox="272 1749 1453 1883">This is the fifth time an application for the premises has been considered since the applicant was convicted on 3 February 2015. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015, 17 August 2016 and 18 October 2017 and, after consideration, you agreed to renew the licence.</p> <p data-bbox="164 1917 209 1951">3.7</p> <p data-bbox="272 1917 1461 1984">Since the previous renewal, the premises have been subject to one during performance inspection as well as the renewal inspection to ensure that there has been no recurrence of</p> | Premises and Location | Applicant | Application Type | Offence Details | Date of Conviction & Penalty | <p data-bbox="300 734 552 768">Flame Restaurant</p> <p data-bbox="304 801 547 869">46 Howard Street, Belfast, BT1 6PG</p> | <p data-bbox="624 768 743 835">Charlotte Smyth</p> | <p data-bbox="826 786 946 819">Renewal</p> | <p data-bbox="1070 701 1142 768">July 2014</p> <p data-bbox="1007 801 1198 902">Entertainment without a Licence</p> | <p data-bbox="1246 719 1430 786">3rd February 2015</p> <p data-bbox="1246 819 1430 887">£150 and £69 Court costs</p> | <p data-bbox="328 1093 520 1126">Red Devil Bar</p> <p data-bbox="300 1160 552 1227">194-198 Falls Road Belfast, BT12 6AG</p> | <p data-bbox="608 1104 759 1216">EMC Properties (NI) Limited</p> | <p data-bbox="826 1144 946 1178">Renewal</p> | <p data-bbox="1031 976 1182 1043">November 2012</p> <p data-bbox="991 1077 1214 1346">Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.</p> | <p data-bbox="1246 1077 1445 1144">11th February 2014</p> <p data-bbox="1246 1178 1430 1245">£500 and £69 Court costs</p> |
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| | <p>the previous issue or any other safety issues and we have found that management procedures are being implemented effectively.</p> |
| 3.8 | <p>Red Devil Bar</p> <p>This is also the fifth time an application for the premises has been considered since the applicant was convicted on 11 February 2014. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015 and 19 October 2016 and 18 October 2017 and, after consideration, you agreed to renew the licence.</p> <p>Since the previous renewal, the premises have been subject to one during performance inspection as well as the renewal inspection to ensure that there has been no recurrence of the previous issue or any other safety issues and we have found that management procedures are being implemented effectively.</p> |
| 3.9 | <p>Representations</p> <p>Public notice of the applications have been placed and no written representations have been lodged as a result of the advertisements.</p> |
| 3.10 | <p>PSNI</p> <p>The PSNI has been consulted and has confirmed that they have no objections to the applications.</p> |
| 3.11 | <p>NIFRS</p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and confirmed that they have no objections.</p> |
| 3.12 | <p>Applicants</p> <p>The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their applications. Copies of the respective application forms for the premises are attached as Appendix 2.</p> |
| 3.13 | <p>Financial and Resource Implications</p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> |
| 3.14 | <p>Equality and Good Relations Implications</p> <p>There are no equality or good relations issues associated with this report.</p> |
| 4.0 | <p>Documents Attached</p> |
| | <ul style="list-style-type: none"> • Appendix 1 – PSNI Correspondence • Appendix 2 – Application Forms |