



<b>Subject:</b>	<b>Application for the variation of a 7-Day Annual Entertainments Licence for The Merchant Hotel</b>
<b>Date:</b>	19th June, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, ext. 2570

#### Restricted Reports

Is this report restricted?

Yes

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No

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If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

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☐  
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#### Call-in

Is the decision eligible for Call-in?

Yes

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No

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<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>				
1.1	<p>To consider an application for the variation of the 7-Day Annual Indoor Entertainments Licence for the Merchant Hotel, based on the Council's Standard Conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td><b>Premises and Locations</b></td><td><b>Applicant</b></td></tr><tr><td>The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ</td><td>Mr James Sinton The Merchant Hotel Ltd C/O 3 Hill Street Belfast BT1 2LA.</td></tr></table>	<b>Premises and Locations</b>	<b>Applicant</b>	The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ	Mr James Sinton The Merchant Hotel Ltd C/O 3 Hill Street Belfast BT1 2LA.
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1.2	The nature of the variation is to extend the hours during which entertainment may be provided to the USC first floor rear bar on Friday and Saturday nights from 1.00 am to 3.00 am the following morning.
1.3	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Place will grant the licence as provided for in the Council's Scheme of Delegation.
1.4	However, in light of the fact that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 am, the application is being presented to you for your consideration.
1.5	A location map is attached as Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and representations received you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence, or</li> <li>2. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence with special conditions, or</li> <li>3. Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence.</li> </ol>
2.2	If the 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 Records Court.
2.3	Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the existing Licence will continue with its present Conditions until the Appeal is determined.
<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:</p> <ul style="list-style-type: none"> <li>• The Merchant Hotel, with a maximum capacity of 300 persons.</li> <li>• The Cloth Ear, with a maximum capacity of 300 persons.</li> <li>• Ollies Nightclub, with a maximum capacity of 550 persons.</li> <li>• Ollies Garden Room, with a maximum capacity of 20 persons.</li> <li>• Bert's, with a maximum capacity of 240 persons.</li> <li>• Conference Room 1, with a maximum capacity of 100 persons.</li> <li>• Conference Room 2, with a maximum capacity of 60 persons.</li> <li>• Conference Room 3, with a maximum capacity of 60 persons.</li> <li>• Conference Room 1, 2 &amp; 3, with a maximum capacity of 220 persons.</li> <li>• 4<sup>th</sup> Floor, with a maximum capacity of 40 persons.</li> <li>• USC Ground Floor Front Bar, with a maximum capacity of 50 persons.</li> <li>• USC Ground Floor Rear Bar, with a maximum capacity of 144 persons.</li> <li>• USC First Floor Front Bar, with a maximum capacity of 30 persons.</li> <li>• USC First Floor Rear Bar, with a maximum capacity of 220 persons.</li> </ul>

3.2	<p>The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>Monday to Saturday: 11.30 am to 1.00 am the following morning</li> <li>Sunday: 12.30pm to 12.00 midnight</li> </ul>
3.3	<p>The following Special Condition is attached to the current entertainments licence: - In addition to the above standard operating hours entertainment may be provided in Ollie's Nightclub to 3.00am seven days a week.</p>
3.4	<p>The applicant has applied to extend the hours of the USC first floor rear bar on Friday and Saturday nights to 3.00 am the following morning.</p>
3.5	<p>The premise operates as a hotel with various bars and a nightclub with entertainment being provided in the form of live bands and DJs.</p> <p><b><u>Reasons for the Variation</u></b></p>
3.6	<p>The applicant has stated the main reason they wish to extend the hours of entertainment is to allow for club nights on the first floor to fulfil customer demand for a late night music venue. A copy of the applicant's submission is appended to this report as Appendix 2.</p> <p><b><u>Representations</u></b></p>
3.7	<p>Notice of the application has been advertised and no written representation has been received.</p> <p><b><u>PSNI</u></b></p>
3.8	<p>The Police Service of Northern Ireland has been consulted and confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 3.</p> <p><b><u>NIFRS</u></b></p>
3.9	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objection to the applications.</p> <p><b><u>Health, Safety and Welfare Inspections</u></b></p>
3.10	<p>Members are advised that Officers have carried out a total of two During Performance Inspections over the past 12 months. On each occasion, all technical matters were satisfactory, and the appropriate measures and management procedures were being implemented effectively.</p>
3.11	<p>The premises have also been subject to inspections as part of the Entertainments Licence application renewal process and Officers of the Service are satisfied with all safety measures and management procedures.</p> <p><b><u>Noise issues</u></b></p>
3.12	<p>No noise complaints have been received in the last 12 months.</p>
3.13	<p>Given the nature of the entertainment at the venue an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to</p>

	noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU). At the time of writing this report EPU comments were not available therefore we will advise of their comments at the Committee meeting.
3.14	Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.
3.15	<p><b><u>Applicant</u></b></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.16	<p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.17	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 - Applicant's Submission</li> <li>• Appendix 3 – Letter from Police Service of Northern Ireland</li> </ul>