



<b>Subject:</b>	<b>Application for the variation of a 7-Day Annual Entertainments Licence for the Botanic Inn</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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#### 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>				
<b>1.1</b>	<p>To consider an application for the variation of the 7-Day Annual Indoor Entertainments Licence for the hours during which entertainment may be provided at the Botanic Inn, 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>Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td><td>Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.</td></tr></table>	<b>Premises and Locations</b>	<b>Applicant</b>	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.
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<b>1.2</b>	The original variation application for the Botanic Inn to extend the hours of entertainment to 3.00am on Monday to Saturday nights was received on 22 November 2016.				
<b>1.3</b>	Numerous objections were received against this application but, all objections have now been withdrawn, on the basis that the applicant has amended his application so as to replicate the extended hours of entertainment, that already apply on the first floor, on the ground floor. This would mean entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday on both floors. In addition, entertainment will be				

1.4	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.  A location map is attached as Appendix 1.
2.0	<b>Recommendations</b>
2.1	Taking into account the information presented and any representations made you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Approve the application for the variation of the Entertainments Licence; or</li> <li>2. Approve the application for the variation of the Entertainments Licence with Special Conditions, or</li> <li>3. Refuse the application for the variation of the 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 Recorders 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.
3.0	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Members are reminded that, at your meetings on 19 April 2017 and 20 June 2018, you considered reports regarding representations received in respect of the application and agreed to hear from both the applicant and objectors at a future meeting.</p> <p><b><u>Representations</u></b></p> <p>Written representations objecting to the application were received from various parties including Paula Bradshaw MLA, PSNI, local residents' associations and individual local residents.</p> <p>A synopsis of the objections is outlined below:</p> <ul style="list-style-type: none"> <li>• These premises are located near residential streets in the greater University area and Lower Malone. It is totally inappropriate for a pub to open to 3.00 am in this area.</li> <li>• Many streets in the surrounding area are of a residential nature and many of the owners have to work the next day and have children trying to sleep.</li> <li>• There has been an ongoing problem with antisocial behaviour in the wider university area and noise disturbance from students making their way back to the Elms Village and other student housing in the area.</li> </ul> <p>However, due to ongoing discussion, facilitated by the Service, between the applicant and the various objectors all representations against this application have now been withdrawn.</p> <p><b><u>Details of the Premises and Variation Proposals</u></b></p>
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<b>3.5</b>	<p>The areas currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> <li>• Ground Floor Bar, with a maximum capacity of 550 persons.</li> <li>• 1<sup>st</sup> Floor Nightclub, with a maximum capacity of 500 persons.</li> </ul>
<b>3.6</b>	<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, and</li> <li>• Sunday: 12.30pm to 12.00 midnight</li> </ul>
<b>3.7</b>	<p>The following Special Condition is also attached to the current Entertainments Licence: -</p> <p>Entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday to 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.</p>
<b>3.8</b>	<p>After discussion between the applicant and the objectors the applicant has amended the original variation application, which was to provide entertainment to 3.00am on Monday to Saturday nights, and now wishes to extend the hours of the ground floor bar to replicate those of the first floor as noted in the Special Condition at 3.7.</p>
<b>3.9</b>	<p>The applicant has provided a rationale to support their application for the extension in hours, this being: -</p> <ul style="list-style-type: none"> <li>• They are a family business which has operated successfully at this location for some time as and we understand and strive to serve the communities that make up the location at which we operate as a business. We have always tried to serve the community in which we operate and are mindful of the needs of that community.</li> <li>• They engage with local stakeholders on a regular basis.</li> <li>• They are the nearest residential group to the Botanic Inn – The Wellington Park has 75 bedrooms and we will be very conscious of noise, nuisance or disturbance to these guests.</li> <li>• They carry out sound checks and limit the sound as recommended by a noise impact survey of the immediate area carried out by F.R.Marks.</li> <li>• They have written to all taxi firms asking that they respect the neighbourhood especially after 11.00pm.</li> <li>• They advise patrons when leaving the premises to respect the local area.</li> <li>• They provide a well-managed, safe environment for customers to socialise in thus negating the need for "house parties"</li> <li>• They strive to work with all their stakeholders and value our reputation as a safe venue to meet and socialise.</li> </ul>
<b>3.10</b>	<p>Members may wish to note that, at your meeting in August 2013 when the variation to provide entertainment to 2.00am in the nightclub on the first floor was being considered the applicant at that time, Mr Stephen Magorrian, advised Committee that, should the nightclub be permitted to provide entertainment until 2.00am, it would make the dispersal of patrons more manageable, as they would be leaving the ground and first floors at different times.</p>
<b>3.11</b>	<p>The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of live bands and DJs.</p>

<b>3.12</b>	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.
<b>3.13</b>	However, because the applicant has applied for a variation to extend the hours of entertainment past 1.00 am, the application is being presented to you for consideration.  <b><u>PSNI</u></b>
<b>3.14</b>	The Police Service of Northern Ireland originally objected to the 3.00am extension as it was proposed for midweek and they would not have adequate resources to facilitate this. Due to changes to the extension of hours proposed by the applicant the PSNI have confirmed that they are no longer objecting to the application. A confirmation email from the PSNI is attached as Appendix 2.  <b><u>Health, Safety and Welfare Inspections</u></b>
<b>3.15</b>	Members are advised that Officers have carried out 3 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.  <b><u>Noise issues</u></b>
<b>3.16</b>	No noise complaints have been received by the Service in the last 12 months. 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.  <b><u>Applicant</u></b>
<b>3.17</b>	The applicant and/or their representatives will be available at your meeting should you choose to hear from them or have any queries in relation to the application.  <b><u>Financial and Resource Implications</u></b>
<b>3.18</b>	Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.  <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.19</b>	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 – Letter from Police Service of Northern Ireland</li> </ul>