



Subject:	Applications for the Provisional Grant of an Outdoor Entertainments Licences for Flaxx @ Linen Quarter.
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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 checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues			
1.1	<p>To consider an application for the provisional grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.</p> <table><tr><td>Area and Location Flaxx @ Linen Quarter Brunswick Street Belfast BT2 7GE</td><td>Ref. No. WK/2020/02553</td><td>Applicant Mr Christopher McCracken Belfast Central Business District Ltd, 7 Donegall Square West, Belfast, BT1 6JH</td></tr></table>	Area and Location Flaxx @ Linen Quarter Brunswick Street Belfast BT2 7GE	Ref. No. WK/2020/02553	Applicant Mr Christopher McCracken Belfast Central Business District Ltd, 7 Donegall Square West, Belfast, BT1 6JH
Area and Location Flaxx @ Linen Quarter Brunswick Street Belfast BT2 7GE	Ref. No. WK/2020/02553	Applicant Mr Christopher McCracken Belfast Central Business District Ltd, 7 Donegall Square West, Belfast, BT1 6JH		

1.2	A location map is attached as Appendix 1.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the provisional grant with special conditions, or c) Refuse the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence.
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, entertainment may not be provided until any such appeal is determined.
3.0	Main report
	<p><u>Key Issues</u></p> <p><u>Provisional grant of a licence</u></p> <p>3.1 There is provision within the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) to make application for the grant of an entertainments licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered.</p> <p>3.2 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.</p> <p>3.3 This is described as the provisional grant of a licence.</p> <p>3.4 Should the Council grant a provisional licence the Order states that, when it is satisfied that the premises have been completed in accordance with the plans deposited, the Council must then issue the licence.</p> <p>3.5 Should Members be of mind to grant the licence provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p><u>Details of the Premises and Proposals</u></p> <p>3.6 The premises are a newly constructed decking area on Brunswick Street between James Street South and Franklin Street. This portion of the road has been formally closed by DfI Roads to allow for the creation of a new public realm space.</p> <p>3.7 Entertainment is proposed to be provided with maximum capacity of 500 persons.</p> <p>3.8 The days and hours during which entertainment is proposed to be provided are:</p>

- Monday to Saturday: 11.30am to 11.00pm and
- Sunday: 12.30pm to 11.00pm

3.9 The applicant proposes to provide entertainment such as small music concerts, busker-style musical performances and kids activities.

3.10 Layout plans of the premises are attached as Appendix 2.

Representations

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

PSNI

3.12 The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.

3.13 A copy of their correspondence is attached at Appendix 3.

NIFRS

3.14 The Northern Ireland Fire and Rescue Service have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.

Health, safety and welfare

3.15 The applicant has submitted a Building Regulations application for the construction of the new outdoor area. It is envisaged that the building works to refurbish this space will be complete in April 2022.

3.16 Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete and comply with the Building Regulations. This will ensure compliance, amongst other matters, with all fire safety, structural and access requirements.

3.17 All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.

Noise

3.18 The applicant has provided the Service with an acoustic report for the outdoor area. This has been provided to the Environmental Protection Unit (EPU) for evaluation. As with other technical requirements associated with the provisional application any appropriate acoustic measures will also require to be implemented before the grant of the licence can be confirmed.

Applicant

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

3.20	<p><u>Financial & Resource Implications</u></p> <p>None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.21	<p>There are no issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p> <ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Layout Plans • Appendix 3 – PSNI Response