

Licensing Committee

Wednesday, 19th September, 2018

MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Chairperson);
Alderman Spence; and
Councillors Boyle, Clarke, Collins, Craig, Dudgeon,
Groves, Heading, Hussey, Hutchinson, Magennis,
McConville and Nic Biorna.

In attendance: Mr. S. Hewitt, Building Control Manager;
Miss N. Largey, Divisional Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of the High Sheriff (Councillor Howard), Aldermen Copeland and L. Patterson and Councillor McReynolds.

Minutes

The minutes of the meetings of 15th August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interested were reported.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Applications Approved under Delegated Authority

The Building Control Manager submitted for the Committee's consideration a list of licences and Road Closure Orders which had been approved under the Council's Scheme of Delegation.

A Member drew the Committee's attention to an Entertainments Licence which had been issued to Queen's University in respect of the Speak-Easy, Student Union Bar, 92-96 Lisburn Road and highlighted concerns around potential overcrowding and noise nuisance.

He pointed out that the premises which it was replacing temporarily had a maximum capacity of 2,000 patrons, whilst this venue accommodated only 500. In terms of noise, there were several residential properties close by and the Council's Night Time Noise Team already had cause to visit the premises. He highlighted the need to monitor

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noise levels on an ongoing basis and referred to the fact that Queen's University had already applied to vary the Entertainments Licence to allow for entertainment to take place till 2.00 a.m.

The Building Control Manager reported that a noise consultant's report had been submitted for the premises and that all of the required checks had been carried out in advance of the Entertainments Licence being issued. He confirmed that the noise complaint to which the Member had referred had been resolved by Queen's University and that the premises had been inspected by Council officers on one occasion whilst entertainment had been taking place, which had revealed no issues relating to overcrowding or excessive noise. He assured the Committee that officers would continue to inspect the venue on a regular basis and that enforcement action would be taken, if required. He added that it was normal practice for an application to vary an Entertainments beyond the standard hour of 1.00 a.m. to be placed before the Committee and that Members would, at that meeting, have an opportunity to raise any issues which might arise in the meantime.

The Committee noted the list of licences and Road Closure Orders which had been approved under the Council's Scheme of Delegation and the position regarding the aforementioned premises.

**Application for the Grant of a Fourteen-Day Occasional
Indoor Entertainments Licence – Holy Cross Boys' Pitch**

The Committee was informed that an application had been received from the Ardoyne Association for the grant of a Fourteen-Day Occasional Indoor Entertainments Licence in respect of the Holy Cross Boys' Pitch, Flax Street, based upon the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.

The Building Control Manager reported that the application related to a number of events, including theatrical performances, which had taken place from 16th till 26th August within a marquee, as part of the Ardoyne Marrowbone Community Festival. He explained that, although the application for the Entertainments Licence had been received on 6th July, the legal advertisement had not been placed until 11th August, which had meant that the twenty-eight day statutory period for the receipt of representations had not expired until after the events had been held.

He explained that, since a significant number of tickets had been sold, the Council's Chief Officers, in consultation with the Party Leaders, had granted approval to hold the events over the aforementioned period, on condition that the application be placed before the Committee in September for consideration.

The Building Control Manager reported further that no written representations had been received in respect of the application and that neither the Northern Ireland Fire and Rescue Service nor the Police Service of Northern Ireland had lodged an objection. He added that officers had worked closely with the applicant and event organisers to ensure that all documentation and technical requirements were in place and a number of measures around the management of noise had been implemented. No enforcement

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action had been required in response to two noise complaints which had been received over the weekend of 25th and 26th August.

The Committee agreed to grant a Fourteen-Day Occasional Indoor Entertainments Licence in respect of the Holy Cross Boys' Pitch, Flax Street.

Application for the Transfer and Renewal of a Seven-Day Annual Indoor Entertainments Licence – The Great Eastern Bar, 273 Newtownards Road

The Committee was reminded that, at its meeting on 14th February, it had been advised that the Police Service of Northern Ireland had submitted an objection to an application for the transfer and renewal of a Seven-Day Annual Indoor Entertainments Licence in respect of The Great Eastern Bar, 273 Newtownards Road. As required under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee had agreed to consider the application at a future meeting.

The Building Control Manager reported that officers of the Police Service of Northern Ireland had since met with the applicant and a plan of action had been agreed, with a view to addressing concerns around the operation of the premises outside of the permitted hours and other liquor licensing matters. As a result, the Police Service had withdrawn its objection to the application. He pointed out that no written representations had been received and that inspections which had been undertaken by Building Control officers, as part of the application process, had found that all safety measures and management procedures were being implemented. The application would now be approved under the Council's Scheme of Delegation.

The Committee noted the information which had been provided.

Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street

The Committee was reminded that, at its meeting on 16th May, it had agreed that it was minded to revoke two Stationary Street Licences held by Mr. J. Kerr for designated sites in Fountain Lane and Fountain Street, on the basis that he had failed to pay the annual licence fee for each site.

The Building Control Manager explained that Mr. Kerr had been invited to address the Committee on 15th August. However, as he had been on holiday at that time, he had been unable to do so and the Committee had agreed to defer the matter for a further month. In the meantime, Mr. Kerr's debt had continued to rise and now stood at £2,410.90.

He reported that Mr. Kerr had been invited to attend this meeting. However, he had, earlier in the day, confirmed that, due to the adverse weather conditions associated with Storm Ali, he would not be present and had requested a further deferral.

After discussion, the Committee agreed to defer the matter until its meeting in October and agreed also that officers inform Mr. Kerr of its intention to reach a final decision at that meeting and again invite him to make representation.

Restricted Item

The Chairperson informed the Committee that the report relating to the following item had been restricted, on the basis of a request which had been received from the representatives of Visit Belfast for their presentation not to be recorded and to be delivered in private.

The Building Control Manager reported that, prior to the meeting, the representatives had withdrawn their request.

Accordingly, the Committee agreed that there was no longer a requirement to restrict this item.

Consideration of the Variation of Designated Commodities for Street Trading Sites – Sale of Bus Tour Tickets

The Committee was reminded that, at its meeting on 15th August, it had agreed to defer an application for the variation of the Designating Resolutions for stationary street trading sites in Castle Junction and Castle Place to provide for the sale of bus tour tickets, to enable representatives of Visit Belfast, which had submitted additional comments, to attend.

Accordingly, Mr. G. Lennon and Ms. M. J. McCanny of Visit Belfast were welcomed by the Chairperson.

Mr. Lennon informed the Committee that the tourism sector in Belfast had grown by up to 50% over the past five years, which could, to a large extent, be attributed to a positive visitor experience. He reported that 25% of visitors had undertaken a tour whilst in the City and highlighted the fact that there had been a significant rise in the number of complaints received over the summer months around the operation of those tours, some of which were related directly to visitor experience and highlighted the need for increased regulation.

With that in mind, representatives of the Council, the Department for Infrastructure, the Driver and Vehicle Agency, Tourism NI and Visit Belfast had, at a meeting on 17th September, made a commitment to work together to improve the quality and standards of the bus tour sector through, for example, an agreed Code of Conduct and a permit scheme. Given that a process had now been put in place, Mr. Lennon confirmed that Visit Belfast was now suggesting that the Committee approve the sale of bus tour tickets at the sites in Castle Junction and Castle Place on a one-year trial basis.

Mr. G. Lennon and Ms. M. J. McCanny were thanked by the Chairperson.

After discussion, the Committee agreed to vary the Designating Resolution for stationary street trading sites in Castle Junction and Castle Place to allow for the sale of bus tour tickets and that any resulting applications to sell tickets would be considered by the Committee and, if approved, be granted on a one-year trial basis.

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The Committee agreed also that officers, in consultation with Visit Belfast and other relevant agencies, submit to a future meeting potential criteria to be used to assess whether the twelve-month trial period had been effective.

Non-Delegated Matters

Review of Licence Fees for Sex Establishments

The Committee was informed that, under Article 4 and Schedule 2 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Council had powers relating to the licensing of sex establishments.

The Building Control Manager explained that, whilst the Order stipulated that a person applying for the grant, renewal or transfer of a licence should pay a reasonable fee, as determined by the Council, it differed from the Street Trading Act (Northern Ireland) 2001 and the Licensing of Pavement Cafés Act (Northern Ireland) 2014, in that it did not specify a procedure for the Council to follow in determining that fee.

He reminded the Committee that, at its meeting on 15th June, 2016, it had agreed the following schedule of fees for the licensing of sex establishments and that they should be reviewed on an annual basis:

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|------------------------|---------------|
| Application Fee | £3,200 |
| | |
| Renewal Fee | £1,430 |
| | |
| Transfer Fee | £1,125 |
| | |
| Licence Fee | £500 |

He reminded the Committee further that it had, in 2017, agreed that there should be no change to the fees, on the basis that the costs associated with the processing of a Sex Establishment Licence were in line with those of the previous year. Since this was still the case, he recommended that the fees should again remain unchanged.

The Committee adopted the recommendation.

Training for the Licensing Committee

The Committee was reminded that, at its meeting on 15th August, it had agreed that a report be submitted to a future meeting providing details on a proposed training programme for the Committee, with a view to assisting it in discharging its responsibilities.

The Building Control Manager suggested that the training should focus primarily upon the following topics:

- an overview of the different types of regulatory functions for which the Committee was responsible;

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- the Licensing Committee protocol and representation process;
- the legal principles governing the decision-making process; and
- alcohol licensing matters and its relationship to entertainments licensing.

He confirmed that the training programme would, as in previous years, be developed by the Building Control Service and the Legal Services Section and invited Members to identify any additional topics which they wished to have included.

After discussion, the Committee agreed that the training programme should be delivered immediately following future Committee meetings, that it should cover the topics listed above and that all Members of the Council be invited to attend.

Fourteen Belfast, Tomb Street

With the permission of the Chairperson, due to the urgency of the matter, a Member raised the issue of a cut-price drinks promotion being advertised by Fourteen Belfast, which had been brought to the attention of a number of Members by concerned parents.

The Building Control Manager explained that liquor licensing was the responsibility of the Police Service of Northern Ireland. However, the Committee had, in the past, as part of the Entertainments Licensing process, requested a number of licensees to agree to adhere to the Pubs of Ulster's voluntary code of practice on irresponsible drinks promotions and had taken their compliance into consideration when determining future applications.

He reported that he had been informed by the Chief Executive of Hospitality Ulster, formerly Pubs of Ulster, that the sale of one drink, albeit at a very low price, did not contravene the responsible retailing code. He added that a recent inspection by officers from the Building Control Service, the Food Safety Section and the Police Service of Northern Ireland had identified no issues with the operation of Fourteen Belfast and that the licensee had confirmed that he would be willing to attend a future Committee meeting in order to address any issues raised by Members.

A Member referred to the fact that some advertisements had, in addition to promoting one drink at a low-cost price, referred to a "Bottomless Package" which, he pointed out, gave even greater cause for concern.

After discussion, the Committee agreed that the Chief Executive of Hospitality Ulster be advised of its concerns around the drinks promotions associated with Fourteen Belfast and agreed also that the licensee be invited to attend the meeting at which the renewal of his Entertainments Licence was being considered.

Chairperson