

Licensing Committee

Wednesday 12th December, 2018

MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Chairperson);
Aldermen Copeland and Spence, and
Councillors Black, Boyle, Clarke, Craig, Dudgeon,
Groves, Heading, Hussey, Hutchinson, Magennis,
McReynolds and Nic Biorna.

In attendance: Mr. J. Walsh, City Solicitor;
Mr. A. Thatcher, Director of Planning and Building Control;
Mr. S. Hewitt, Building Control Manager;
Mr. J. Cunningham, Regulatory Services Manager;
Mr. H. Downey, Democratic Services Officer, and;
Miss C. Donnelly, Democratic Services Officer.

Apologies

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

Minutes

The minutes of the meeting of 20th November 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 December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Hutchinson declared an interest in relation to Item 2 (a) – Licenses issued under Delegated Authority, in that he was an honorary member of Forthriver Bowling Club.

Delegated Matters

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 Committee noted a list of licences and permits which had been issued under the Council's Scheme of Delegation.

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**Application for Variation of Licence –
The Speak-Easy, QUB Student Union Bar,
92-96 Lisburn Road**

The Building Control Manager informed the Committee that an application had been received for the variation of a Seven-Day Annual Indoor Entertainments Licence in respect of The Speak-Easy, based upon the Council's standard condition to provide music, singing, dancing or any other entertainment of a like kind.

He reported that entertainment was provided currently Monday to Sunday from 11.00am till 1.00 a.m. The licensee had now applied to provide entertainment till 2.00 a.m. on Thursday, Friday and Saturday. In addition, the applicant had specified six occasions during the year for which approval was sought to provide entertainment to 2.00am should the occurrences fall on either a Sunday, Monday, Tuesday or Wednesday evening. The occasions specified by the applicant include Boxing Night, New Year's Eve, Saint Patrick's night, Easter Monday, May Day and Halloween.

The Building Control Manager confirmed that no written representation had been received in relation to the application and that the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had not objected. In such circumstances, it was normal practice for the Entertainments Licence to be issued under the Council's Scheme of Delegation. However, given that the application related to the extension of the hours of entertainment beyond 1.00 a.m., it was being presented to the Committee for consideration.

He provided details of the two inspections which had been undertaken since the Entertainments Licence had been granted in September 2018 and confirmed that all technical requirements and associated procedures had been found to be satisfactory.

He reported that there had been four noise complaints received in relation to the premises since it had been operating and that the applicant had undertaken an investigation into the noise complaints and had put in place in an effort to resolve the noise disturbance local residents had experienced.

He added that Mr. Brian Horgan, acting on behalf of the applicant organisation, was in attendance should the Committee require additional information.

The Committee agreed that it would be beneficial to hear from Mr. B. Horgan, Head of Campus Food and Drink at Queen's University, and he was welcomed to the meeting.

A Member asked Mr. Horgan what he had done in relation to the four noise complaints that had been received from local residents. Mr. Horgan informed the Committee that the complaints had been received in the first four weeks of operation, during a period of settling in. He said that he had subsequently taken advice from Building Control officers to mitigate the noise complaints and had taken a number of measures including adjusting the sound system to reduce the bass levels, installed a noise meter and taking regular readings which were recorded in a log book. Mr. Horgan also informed

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the Committee that a noise limiter had been installed which, if the noise output reached a critical level, the PA system would cut out.

The Committee agreed to vary the Seven-Day Annual Indoor Entertainments Licence for The Speak-Easy, QUB Students' Union Bar, 92-96 Lisburn Road thereby permitting entertainment to take place till 2.00 a.m. the following morning on Thursday, Friday and Saturday and that a condition be attached to the licence to require that the noise limiting device be set at a level as agreed with Officers to prevent excess noise nuisance.

In addition, the Committee agreed to approve the application to provide entertainment to 2.00am on six specified occasions, should the occurrences fall on either a Sunday, Monday, Tuesday or Wednesday evening. The occasions specified were Boxing Night, New Year's Eve, Saint Patrick's Day, Easter Monday, May Day and Halloween.

**Revocation of Stationary Street Trading Licences –
Fountain Lane**

The Committee was reminded that, at its meeting on 16th May, it had agreed that it was minded to revoke two Stationary Street Trading 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 and that he be invited to make representation to the Committee regarding that decision. At its meetings on 15th August and 16th September, it had, due to Mr. Kerr's inability to attend on each occasion, agreed to defer the matter.

The Committee was reminded further that, at its meeting on 17th October, it had agreed to revoke the Stationary Street Trading Licence for Fountain Street, on the basis that it was the least utilised of Mr. Kerr's two sites, and agreed to defer, until its meeting in November, consideration of the site in Fountain Lane, to allow Mr. Kerr to establish a plan for the repayment of his outstanding licence fees.

At its meeting on 20th November, the Committee agreed to defer, until its meeting in December, consideration of its decision of 16th May to revoke a Stationary Street Trading Licence for a designated site in Fountain Lane, to allow officers to obtain further information regarding the licensee's proposal for the repayment of his outstanding licence fees.

The Building Control Manager informed the Committee that, since its meeting in November, Mr. Kerr had made a payment of £250 towards the arrears he owed to the Council from failure to pay Stationary Street Trading Licence fees for his site in Fountain Lane and former site in Fountain Street. In addition, Mr. Kerr had paid £104.16 towards the licence fee for his Fountain Lane site.

He added that Mr. Kerr and his wife, Mrs. Kerr, were in attendance should the Committee require additional information.

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The Committee agreed that it would be beneficial to hear from Mr. and Mrs. Kerr and they were welcomed to the meeting.

A Member asked Mr. Kerr if they were willing to enter into a repayment plan with the Council and Mrs. Kerr informed the Committee that they had set up a direct debit with the Central Transactions Unit to pay the licence fee and the arrears accrued from non-payment of fees and that they would be willing to enter into a formal agreement with the Council to pay the remaining arrears.

The Committee agreed to rescind its decision of 16th May to revoke a Stationary Street Trading Licence for a designated site in Fountain Lane, on condition that Mr. Kerr meets with officers and enters into and signs a formal agreement with the Council to pay the outstanding monies and the monthly licence fees.

**Application for Provisional Grant of a
7 Day-Annual Indoor Entertainments Licence
for The Link (formerly Arnott's Fruit Warehouse)**

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To consider an application for the provisional grant of a 7-Day Annual Indoor Entertainments Licence for the former Arnott's fruit warehouse building, now known as The Link, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind and theatrical performances.**

Premises and Location	Ref. No.	Applicant
Arnott's Fruit Warehouse	WK/201801726	Mr. Alan Simms
16-20 Dunbar Link		Limelight Belfast
Belfast, BT1 2LH		Limited
		17 Clarendon Road
		Belfast, BT1 3BG

- 1.2 A copy of the application form is attached as Appendix 1.**

- 1.3 A location map is attached as Appendix 2.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations received you are required to consider the application and to either:**

- 1. Approve the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence, or**

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- 2. Approve the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence with Special Conditions, or**
 - 3. Refuse the application for the provisional grant of 7-Day Annual Indoor Entertainments Licence.**
- 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 County Court.
- 2.3** If you are of a mind to refuse the application or attach Special Conditions to the licence within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to an opportunity of appearing before and of being heard by the Committee.
- 3.0** Main report
- Key Issues
- Provisional grant of a licence
- 3.1** There is provision within the Local Government (Miscellaneous Provisions) (NI) Order (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.
- 3.2** If the Council is satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the Council, 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.
- 3.3** This is described as the provisional grant of a licence.
- 3.4** The Order stipulates that the Council must confirm any licence granted provisionally when it is satisfied that the premises have been completed in accordance with the plans deposited with the application or in accordance with those plans as modified with the approval of the council.
- 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.

Extended hours of entertainment

- 3.6** Members are reminded that the normal process for dealing with an Entertainments Licence application which is not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
- 3.7** The applicant has applied to provide entertainment beyond the latest hour to which licences are normally granted. As such, the application is being presented before Committee for your consideration.
- 3.8** The applicant has applied to provide entertainment on the following days and hours:
- Monday to Sunday: 12.00 pm to 3.00 am the following morning.
- 3.8** The applicant has provided a rationale to support their application for the extended hours of entertainment which, in summary, includes:-
- The desire to provide entertainment in line with the operation of other city centre licensed premises, which offer similar entertainment.
 - There is an expectation amongst young people that certain events should end at 3.00am and that a 1.00am finish is not value for money. This is particularly true for customers travelling from other countries with more relaxed licensing laws.
 - The additional hours will help them attract more international acts to the City.
- 3.10** A copy of the applicant's rationale for a 3.00 am Entertainment Licence is appended to this report as Appendix 3.

Venue details

- 3.11** The area where indoor entertainment is proposed to be provided is the:

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- **Ground floor area with a maximum capacity of 1500 persons.**
- 3.12 The ground floor is a flexible space that will be used to provide a variety of events. Whilst the maximum numbers for the area will be approximately 1500 persons an occupancy will be agreed for each event by the Service after an assessment of individual event details and layout.**
- 3.13 The applicant proposes to provide entertainment in the form of live bands, DJ's and theatre. During these occasions, they will operate a public bar facility via an Occasional Liquor Licence.**
- 3.14 The applicant has provided additional information advising of the types of events they propose to hold in the premises, which include: -**
- **Live music performances**
 - **Comedy**
 - **Filming**
 - **Award ceremonies**
 - **Podcasts**
 - **Fashion Shows**
 - **Film Festivals**
 - **Conferences**
- 3.15 Members are advised that not all these events will fall within the scope of entertainments licensing.**
- 3.16 A copy of the applicant's submission is included on the application form attached in Appendix 4.**
- 3.17 Layout plans of the venue are attached as Appendix 5.**

Representations

- 3.18 Notice of the application has been advertised and one written representation in support of the application has been lodged which is attached as Appendix 6.**
- 3.19 At the time of writing this report no written representations have been received objecting to the application. However, as the 28-day statutory objection period does not expire until 11th December 2018 Members will be advised at your meeting on 12th December if any objections have been received.**

PSNI

- 3.20 The PSNI has been consulted and has confirmed that they have no objection to the application. A copy of their correspondence is attached as Appendix 7.

Health, safety and welfare inspections

- 3.21 This building was previously used by Arnott's for fruit and vegetable storage. The applicant has submitted a Building Regulations application for the change of use to an assembly building. It is envisaged that the building works to refurbish this space will commence in January 2019.
- 3.22 Before the Entertainments Licence can be confirmed as outlined in 3.4 the Building Regulations application must be approved, and all site works must be completed to the satisfaction of the Service in accordance with the Regulations. This will ensure compliance, amongst other matters, with all fire safety, structural and access requirements.
- 3.23 All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.

NIFRS

- 3.24 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and we are awaiting their response. Officers will advise of the NIFRS response at the Committee meeting on 12th December 2018.

Noise Issues

- 3.25 Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to persons in the neighbourhood, either due to noise breakout or from patron activity, has been requested from the applicant. The acoustic report has been submitted to the Environmental Protection Unit and consultations are ongoing to ensure all relevant steps are taken to address any noise issues.
- 3.26 If Members are of the mind to grant the provisional application for the Entertainments Licence delegated authority is sought, before confirming the licence, to attach any Terms and Conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.

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Applicant

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

Financial and Resource Implications

- 3.28 Officers carry out during performance inspections on premises providing entertainment this is catered for within existing budgets.**

Equality and Good Relations Implications/Rural Needs Assessment

- 3.29 There are no issues associated with this report.”**

The Building Control Manager informed the Members that this was an application for the provisional grant of an entertainments licence and that Committee was being asked to consider the application in principle and on the basis of plans that had been submitted. He added, that should the Committee be minded to grant a provisional entertainments licence, the applicant would not be able to commence operations until all technical matters had been addressed to the satisfaction of the Council, such as fire safety issues and measures to prevent noise breakout.

He informed the Committee that no objections had been received in response to the published legal notice, that the PSNI had also indicated it had no objections to the granting of the licence and that the Building Control Service were in the process of consulting with the Northern Ireland Fire and Rescue Service.

The Building Control Manager advised the Committee that, should it be minded to grant the provisional entertainments licence, it must be confirmed once all technical matters had been dealt with and that the licence must then be issued. If provisionally granted he suggested Committee might wish to consider that the licence be confirmed under Delegated Authority of the Director of Planning and Building Control, in consultation with the City Solicitor.

He informed the Members that Mr. Alan Simms and Ms. Orla Farquharson were in attendance should the Committee require any additional information.

The Committee agreed that it would be beneficial to hear from Mr. Simms and Ms. Farquharson and they were welcomed to the meeting.

A Member raised concern with regard to the premises' proximity to the Salvation Army Hostel and suggested that Mr. Simms should consult with the hostel to ensure that its operations were not affected by the venue, should a licence be granted.

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Mr. Simms informed the Committee that the venue would be a temporary venture and that he had secured tenancy at the premises for 18 months. He advised that his reason for applying for a provisional grant was that, within the industry, the booking of acts and entertainment can be a lengthy process and he was keen to begin the booking process to potentially commence operations in early 2019.

He also informed the Committee that he had assigned almost half of his renovation budget to noise mitigation measures and he was planning to import specialised sound proofing doors and install acoustic board in the roof of the building. He also advised that he had professional standard noise monitoring equipment and that he would monitor the noise levels within the proximity of the premises.

Mr. Simms added that he regularly held events in Custom House Square and, because of its proximity to the Salvation Army Hostel, he had established a good working relationship with its management and had previously arranged to collect charitable donations for the Salvation Army at his events and had been contributing in this way for over ten years.

Mr. Simms also confirmed to Committee that the escape route to the rear of the building adjacent to the stage opened into the adjacent Council Cleansing depot but that there was a permitted right of way to facilitate escape for patrons of the venue.

The Committee agreed to approve the application for the provisional grant of a 7-Day Annual Indoor Entertainments Licence and that authority to approve the final grant of the licence be delegated to the Director of Planning and Building Control, in consultation with the City Solicitor, subject to the applicant having regard for any relevant comments received from the Northern Ireland Fire and Rescue Service, and to adhere to any licensing conditions with regard to the management of noise as required by Council Officers.

Non-Delegated Matters

Notice of Motion – Sexual Harassment

The Committee was reminded that at the meeting of Council on 3rd December, a notice of motion in relation Sexual Harassment was referred to the Licensing Committee.

In accordance with notice on the Council agenda, Councillor McReynolds proposed:

“This Council is concerned at the number of women in Belfast that feel they have been the victim of sexual harassment.

The Council understands the important role that our universities and entertainment and hospitality sector can play in tackling sexual harassment and endorses the Zero Tolerance campaign that has been adopted by Canterbury and Medway Councils. Accordingly, the Council will undertake to work with our universities, hospitality sector and the PSNI to roll out a similar scheme in Belfast.”

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The motion was seconded by Councillor Nicholl.

In accordance with Standing Order 13(f), the motion was referred, without discussion, to the Licensing Committee.

Amendment

Moved by Councillor Nic Biorna,
Seconded by Councillor Craig,

That the wording of the motion be amended with the replacement of the final sentence with the following:

Accordingly, the Council will undertake to meet with our universities, hospitality sector and the PSNI to explore any industry led initiatives that we can support, to tackle sexual harassment within our night time economy, keeping in mind that this is a global societal issue that needs tackled.

The Committee agreed to the amendment.

After discussion, it was agreed that the Building Control Manager would undertake research and would bring a report back to the Committee and invite Hospitality Ulster and any other organisations who may have an interest in an industry led initiative to deter sexual harassment to the meeting.

Chairperson