



**Belfast City Council**

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Filthy McNasty’s, 41 – 45 Dublin Road</b>
<b>Date:</b>	21st September, 2011
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	An application has been received from Bachus Inns Limited for the grant of an outdoor Entertainments Licence for Filthy McNastys based on the Council’s standard conditions to provide outdoor musical entertainment.  <table border="0"> <tr> <td><b>Premises and Location</b></td> <td><b>Ref. No.</b></td> <td><b>Applicant</b></td> </tr> <tr> <td>Filthy McNasty’s 41 – 45 Dublin Road Belfast, BT2 7HD</td> <td>WK/201101225</td> <td>Bachus Inns Limited 16 Donegall Square South</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Filthy McNasty’s 41 – 45 Dublin Road Belfast, BT2 7HD	WK/201101225	Bachus Inns Limited 16 Donegall Square South
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Filthy McNasty’s 41 – 45 Dublin Road Belfast, BT2 7HD	WK/201101225	Bachus Inns Limited 16 Donegall Square South					
1.2	The director of Bachus Inns Limited is Mr Paul Langsford.						
1.3	The premises is currently licensed to provide indoor entertainment in the:- <b>Public Bar</b> , ground floor, with a maximum capacity of 60 persons.						
1.4	The days and hours during which the bar is licensed to provide entertainment are:- Monday – Saturday: 11.30am to 1.00am Sunday: 12.30pm to 12.00 midnight						
1.5	The premise operates as a public house with low key entertainment provided in the form of individual or small groups of acoustic musicians from Tuesday to Sunday inclusive.						
1.6	There is an external area, to the rear of the bar, which currently operates as a beer garden and smoking area and it is this area that is proposed to be licensed to provide outdoor entertainment.						
1.7	If licensed the Beer Garden/smoking area will have a maximum capacity of 240 persons and the days and hours during which the applicant has applied to provide outdoor entertainment are: Monday – Saturday: 11.30am to 1.00am Sunday: 12.30pm to 12.00 midnight						
1.8	The applicant has advised that, if a licence is granted, it is the intention to provide entertainment in the form of DJ’s and live bands on four nights per week from Wednesday to Saturday inclusive. Bands will cease at 11.00pm after which background music will be provided and the level of any DJ music will be lowered after 11.00pm.						

1.9	Due to the fact that outdoor entertainment is to be provided at the venue an acoustic report has been submitted by the applicant. In order that noise arising from the entertainment does not cause unreasonable disturbance in the neighbourhood in the report it is recommended that entertainment be provided in the smoking area at a level of 90 dB L <sub>Aeq</sub> up to 11.00pm and a level of 80 dB L <sub>Aeq</sub> thereafter.
1.10	The Environmental Protection Unit (EPU) of the Department has been consulted in relation to the acoustic report and additional information has been requested from the applicant to ensure that adequate management controls are in place to prevent excessive noise levels, either from patrons or background music, arising.
1.11	An EPU officer will be available to discuss any matters relating to noise breakout, should they arise during your meeting and advise on any conditions in relation to noise that you may wish to attach as a condition of licence.
	<b>History</b>
1.12	This premise was formerly known as Dempseys Terrace and the Elbow and consisted of ground and first floor areas with a total occupancy of 700 persons. The Entertainments Licence was first granted in 1988 and was renewed annually until the premise closed in September 2007 due to a fire. At this time the licensee was Mr Harry Diamond.
1.13	The ground floor of the premise was refurbished and re-opened as Filthy McNastys in 2010. The entertainments licence was granted in December 2010.
1.14	In May 2010 a Building Regulations application was submitted to form a beer garden/smoking area to the rear of Filthy McNasty's. The works on site for this application were completed to the satisfaction of the Service in June 2011.

<b>2</b>	<b>Key Issues</b>
2.1	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 Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation.
2.2	However, whilst we have not received any objections in relation to the application due to its unusual nature it was deemed appropriate to bring the matter to your attention for consideration.
	<b>Objections</b>
2.3	No written representation has been lodged as a result of the public notices of the application.
	<b>PSNI</b>
2.4	The Police Service of Northern Ireland has been consulted and has no objection to the application.
	<b>Building Control</b>
2.5	Within the past 12 months 4 during performance inspections have been carried out in the premises by Officers from the Service regarding the provision of indoor entertainment. The inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.
2.6	The applicant will be available at your meeting to answer any queries you may have in relation to the application.

<b>3</b>	<b>Resource Implications</b>
3.1	<b><u>Financial</u></b> None.
3.2	<b><u>Human Resources</u></b> None.
3.3	<b><u>Asset and Other Implications</u></b> None.

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	There are no equality or good relations issues.

<b>5</b>	<b>Recommendations</b>
5.1	<p>Taking into account the information presented and any or all of the representations made in respect of the application for the grant of this outdoor licence, you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the grant, or</li> <li>2. Approve the application for the grant with special conditions, or</li> <li>3. Refuse the application for the grant of the licence.</li> </ol> <p>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. In the case that you refuse to grant the licence and the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.</p>

<b>6</b>	<b>Decision Tracking</b>
<p>If the application is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the Licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent, the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

	<b>Documents Attached</b>
<ul style="list-style-type: none"> <li>▪ Application form</li> <li>▪ Location map</li> <li>▪ PSNI comments</li> </ul>	