

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

14th November, 2022

**MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the **Lavery Room and via Microsoft Teams** on Wednesday, 16th November, 2022 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

**AGENDA:**

**1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

**2. Delegated Matters**

- (a) HMO Licences issued under Delegated Authority (Pages 1 - 4)
- (b) Application for a New Licence to operate a House of Multiple Occupation – 30 Eblana Street (Pages 5 - 28)
- (c) Applications approved under Delegated Authority (Pages 29 - 34)
- (d) Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Grove Park, Jellicoe Avenue (Pages 35 - 44)
- (e) Application for the Variation of a Seven-Day Annual Indoor Entertainments Licence - Town Square, 12-13 Lower Crescent (Pages 45 - 52)

- (f) Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence - St. Malachy's College Old Boys' Association, 442 Antrim Road (Pages 53 - 86)
- (g) Application for the Renewal and Variation of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16-20 Dunbar Street (Pages 87 - 96)
- (h) Review of Pavement Café Licence – City Picnic, Fountain Street (Pages 97 - 104)
- (i) Review of Pavement Café Licence – Voodoo, Fountain Street (Pages 105 - 114)
- (j) Application for the Provisional Grant of an Amusement Permit – Elite Gaming, Little Vegas (NI) Ltd, 163 Stranmillis Road (Pages 115 - 260)

### **3. Non-Delegated Matters**

- (a) Schedule of Meetings 2023 (Pages 261 - 262)
- (b) Licence Fees for Sex Establishments (Pages 263 - 264)
- (c) Refusal of an Application for a New Licence to operate a House in Multiple Occupation at Flat 2, 26 Lawrence Street – Update on Legal Proceedings (Pages 265 - 302)



|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b> |
| <b>Date:</b>              | 16th November, 2022  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, NIHMO Manager  |
| <b>Contact Officer:</b>   | Vivienne Donnelly, City Protection Manager<br>Kevin Bloomfield, NIHMO Manager        |

|  |   |
|--|---|
| <b>Restricted Reports</b>                                |   |
| <b>Is this report restricted?</b>                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>If Yes, when will the report become unrestricted?</b> |   |
| After Committee Decision                                 | <input type="checkbox"/>  |
| After Council Decision                                   | <input type="checkbox"/>  |
| Sometime in the future                                   | <input type="checkbox"/>  |
| Never  | <input type="checkbox"/>  |

|  |   |
|--|---|
| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| <b>1.1</b> | Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below. |
| <b>2.0</b> | <b>Recommendation</b>   |
| <b>2.1</b> | The Committee is requested to note the applications which have been issued under the Scheme of Delegation during October 2022.  |

| <b>3.0</b>                         | <b>Main Report</b>   |              |                                     |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
|------------------------------------|--|--------------|-------------------------------------|------|-------------------------------------|------------------------------------|------------------|---------|--------------------|------------------|-----------------------|---------|--------------------|-----------------|------------------|---------|-------------------|-------------------------------|-------------------------------|-------------|-------------------------|---------------------|-----------------|---------|--------------------------|----------------------|----------------|---------|------|-------------------|----------------------------|---------|-------------------|-------------------|-------------------|---------|-------------------|-------------------------|-------------------|---------|--------------------------|---------------------|-------------------|---------|--------------------------|--------------------|-------------------|---------|--------------------------|--------------------------|-------------------|---------|------------------------|--------------------|--------------------|---------|-------------------|------------------|------------------------------|---------|-------------------------|--------------------|------------------------------|---------|-------------------------|-----------------|---------------------|---------|-------------------|------------------------------|---------------------------|---------|-------------------|------------------------------|---------------------------|---------|-------------------|------------------------------|---------------------------|---------|-------------------|--------------------|-------------------|---------|------------------------|------------------|------------------------|-----------|------|-------------------|------------------|---------|-------------------------|--------------------|--------------------|---------|-------------------|-------------------|--------------------|---------|--------------------------|-------------------|--------------------|---------|--------------------------|------------------|--------------------|---------|--------------------------|---------------------------|-----------------|---------|-------------------------|
|                                    | <b><u>Key Issues</u></b>   |              |                                     |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 3.1                                | Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during October, 2022:   |              |                                     |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
|                                    | <table border="1"> <thead> <tr> <th>Premise Name</th> <th>Licensee</th> <th>Ward</th> <th>HMO Policy Area or Development Node</th> </tr> </thead> <tbody> <tr> <td>Apartment 2, 6<br/>Wellesley Avenue</td> <td>Mr. Neil McVeigh</td> <td>WINDSOR</td> <td>EGLANTINE HMO 2/09</td> </tr> <tr> <td>18 Malone Avenue</td> <td>Mrs. Patricia Collins</td> <td>WINDSOR</td> <td>EGLANTINE HMO 2/09</td> </tr> <tr> <td>3 Eblana Street</td> <td>Mr. Conor Devlin</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>Flat 2, 12 Landseer<br/>Street</td> <td>Mr. Jonathan Mark<br/>Robinson</td> <td>STRANMILLIS</td> <td>STRANMILLIS HMO<br/>2/19</td> </tr> <tr> <td>34 Edinburgh Street</td> <td>Mr. Nial Jordan</td> <td>WINDSOR</td> <td>EDINBURGH ST HMO<br/>2/08</td> </tr> <tr> <td>12 Hardcastle Street</td> <td>Mr. Paul Hooks</td> <td>CENTRAL</td> <td>NONE</td> </tr> <tr> <td>34 Lisburn Avenue</td> <td>Mr. Christopher<br/>Blayney</td> <td>WINDSOR</td> <td>ADELAIDE HMO 2/01</td> </tr> <tr> <td>36 Lisburn Avenue</td> <td>Ms. Irene Blayney</td> <td>WINDSOR</td> <td>ADELAIDE HMO 2/01</td> </tr> <tr> <td>56 Donnybrook<br/>Street</td> <td>Ms. Irene Blayney</td> <td>WINDSOR</td> <td>EDINBURGH ST HMO<br/>2/08</td> </tr> <tr> <td>90 Edinburgh Street</td> <td>Ms. Irene Blayney</td> <td>WINDSOR</td> <td>EDINBURGH ST HMO<br/>2/08</td> </tr> <tr> <td>4 Edinburgh Street</td> <td>Ms. Irene Blayney</td> <td>WINDSOR</td> <td>EDINBURGH ST HMO<br/>2/08</td> </tr> <tr> <td>125 Northbrook<br/>Street</td> <td>Mrs. Guang Yan Gu</td> <td>WINDSOR</td> <td>MEADOWBANK HMO<br/>2/15</td> </tr> <tr> <td>120 Fitzroy Avenue</td> <td>Mr. Gerry Donnelly</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>30 Elaine Street</td> <td>Rowfox Properties<br/>Limited</td> <td>CENTRAL</td> <td>STRANMILLIS HMO<br/>2/19</td> </tr> <tr> <td>9 Stranmillis Park</td> <td>Rowfox Properties<br/>Limited</td> <td>CENTRAL</td> <td>STRANMILLIS HMO<br/>2/19</td> </tr> <tr> <td>5 Carmel Street</td> <td>Mrs. Aiveen Cassidy</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>Flat 3, 72 Fitzroy<br/>Avenue</td> <td>M &amp; M King<br/>Partnership</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>Flat 2, 72 Fitzroy<br/>Avenue</td> <td>M &amp; M King<br/>Partnership</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>Flat 1, 72 Fitzroy<br/>Avenue</td> <td>M &amp; M King<br/>Partnership</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>13 Chadwick Street</td> <td>Mrs. Julie Singer</td> <td>WINDSOR</td> <td>MEADOWBANK HMO<br/>2/15</td> </tr> <tr> <td>4 Stephen Street</td> <td>Miss Orfhlaith McIlroy</td> <td>NEW LODGE</td> <td>NONE</td> </tr> <tr> <td>35 Dunluce Avenue</td> <td>MGK Property Ltd</td> <td>WINDSOR</td> <td>ULSTERVILLE HMO<br/>2/21</td> </tr> <tr> <td>23 Damascus Street</td> <td>Mrs. Mary O'Reilly</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>45 Balfour Avenue</td> <td>Mr. Michael Clarke</td> <td>CENTRAL</td> <td>LOWER ORMEAU HMO<br/>2/13</td> </tr> <tr> <td>17 Balfour Avenue</td> <td>Mr. Michael Clarke</td> <td>CENTRAL</td> <td>LOWER ORMEAU HMO<br/>2/13</td> </tr> <tr> <td>1 Balfour Avenue</td> <td>Mr. Michael Clarke</td> <td>CENTRAL</td> <td>LOWER ORMEAU HMO<br/>2/13</td> </tr> <tr> <td>29 Ulsterville<br/>Gardens</td> <td>Mr. Alan McLean</td> <td>WINDSOR</td> <td>ULSTERVILLE HMO<br/>2/21</td> </tr> </tbody> </table> | Premise Name | Licensee                            | Ward | HMO Policy Area or Development Node | Apartment 2, 6<br>Wellesley Avenue | Mr. Neil McVeigh | WINDSOR | EGLANTINE HMO 2/09 | 18 Malone Avenue | Mrs. Patricia Collins | WINDSOR | EGLANTINE HMO 2/09 | 3 Eblana Street | Mr. Conor Devlin | CENTRAL | HOLYLAND HMO 2/22 | Flat 2, 12 Landseer<br>Street | Mr. Jonathan Mark<br>Robinson | STRANMILLIS | STRANMILLIS HMO<br>2/19 | 34 Edinburgh Street | Mr. Nial Jordan | WINDSOR | EDINBURGH ST HMO<br>2/08 | 12 Hardcastle Street | Mr. Paul Hooks | CENTRAL | NONE | 34 Lisburn Avenue | Mr. Christopher<br>Blayney | WINDSOR | ADELAIDE HMO 2/01 | 36 Lisburn Avenue | Ms. Irene Blayney | WINDSOR | ADELAIDE HMO 2/01 | 56 Donnybrook<br>Street | Ms. Irene Blayney | WINDSOR | EDINBURGH ST HMO<br>2/08 | 90 Edinburgh Street | Ms. Irene Blayney | WINDSOR | EDINBURGH ST HMO<br>2/08 | 4 Edinburgh Street | Ms. Irene Blayney | WINDSOR | EDINBURGH ST HMO<br>2/08 | 125 Northbrook<br>Street | Mrs. Guang Yan Gu | WINDSOR | MEADOWBANK HMO<br>2/15 | 120 Fitzroy Avenue | Mr. Gerry Donnelly | CENTRAL | HOLYLAND HMO 2/22 | 30 Elaine Street | Rowfox Properties<br>Limited | CENTRAL | STRANMILLIS HMO<br>2/19 | 9 Stranmillis Park | Rowfox Properties<br>Limited | CENTRAL | STRANMILLIS HMO<br>2/19 | 5 Carmel Street | Mrs. Aiveen Cassidy | CENTRAL | HOLYLAND HMO 2/22 | Flat 3, 72 Fitzroy<br>Avenue | M & M King<br>Partnership | CENTRAL | HOLYLAND HMO 2/22 | Flat 2, 72 Fitzroy<br>Avenue | M & M King<br>Partnership | CENTRAL | HOLYLAND HMO 2/22 | Flat 1, 72 Fitzroy<br>Avenue | M & M King<br>Partnership | CENTRAL | HOLYLAND HMO 2/22 | 13 Chadwick Street | Mrs. Julie Singer | WINDSOR | MEADOWBANK HMO<br>2/15 | 4 Stephen Street | Miss Orfhlaith McIlroy | NEW LODGE | NONE | 35 Dunluce Avenue | MGK Property Ltd | WINDSOR | ULSTERVILLE HMO<br>2/21 | 23 Damascus Street | Mrs. Mary O'Reilly | CENTRAL | HOLYLAND HMO 2/22 | 45 Balfour Avenue | Mr. Michael Clarke | CENTRAL | LOWER ORMEAU HMO<br>2/13 | 17 Balfour Avenue | Mr. Michael Clarke | CENTRAL | LOWER ORMEAU HMO<br>2/13 | 1 Balfour Avenue | Mr. Michael Clarke | CENTRAL | LOWER ORMEAU HMO<br>2/13 | 29 Ulsterville<br>Gardens | Mr. Alan McLean | WINDSOR | ULSTERVILLE HMO<br>2/21 |
| Premise Name                       | Licensee   | Ward         | HMO Policy Area or Development Node |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| Apartment 2, 6<br>Wellesley Avenue | Mr. Neil McVeigh   | WINDSOR      | EGLANTINE HMO 2/09                  |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 18 Malone Avenue                   | Mrs. Patricia Collins  | WINDSOR      | EGLANTINE HMO 2/09                  |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 3 Eblana Street                    | Mr. Conor Devlin   | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| Flat 2, 12 Landseer<br>Street      | Mr. Jonathan Mark<br>Robinson  | STRANMILLIS  | STRANMILLIS HMO<br>2/19             |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 34 Edinburgh Street                | Mr. Nial Jordan  | WINDSOR      | EDINBURGH ST HMO<br>2/08            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 12 Hardcastle Street               | Mr. Paul Hooks   | CENTRAL      | NONE                                |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 34 Lisburn Avenue                  | Mr. Christopher<br>Blayney   | WINDSOR      | ADELAIDE HMO 2/01                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 36 Lisburn Avenue                  | Ms. Irene Blayney  | WINDSOR      | ADELAIDE HMO 2/01                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 56 Donnybrook<br>Street            | Ms. Irene Blayney  | WINDSOR      | EDINBURGH ST HMO<br>2/08            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 90 Edinburgh Street                | Ms. Irene Blayney  | WINDSOR      | EDINBURGH ST HMO<br>2/08            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 4 Edinburgh Street                 | Ms. Irene Blayney  | WINDSOR      | EDINBURGH ST HMO<br>2/08            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 125 Northbrook<br>Street           | Mrs. Guang Yan Gu  | WINDSOR      | MEADOWBANK HMO<br>2/15              |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 120 Fitzroy Avenue                 | Mr. Gerry Donnelly   | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 30 Elaine Street                   | Rowfox Properties<br>Limited   | CENTRAL      | STRANMILLIS HMO<br>2/19             |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 9 Stranmillis Park                 | Rowfox Properties<br>Limited   | CENTRAL      | STRANMILLIS HMO<br>2/19             |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 5 Carmel Street                    | Mrs. Aiveen Cassidy  | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| Flat 3, 72 Fitzroy<br>Avenue       | M & M King<br>Partnership  | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| Flat 2, 72 Fitzroy<br>Avenue       | M & M King<br>Partnership  | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| Flat 1, 72 Fitzroy<br>Avenue       | M & M King<br>Partnership  | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 13 Chadwick Street                 | Mrs. Julie Singer  | WINDSOR      | MEADOWBANK HMO<br>2/15              |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 4 Stephen Street                   | Miss Orfhlaith McIlroy   | NEW LODGE    | NONE                                |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 35 Dunluce Avenue                  | MGK Property Ltd   | WINDSOR      | ULSTERVILLE HMO<br>2/21             |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 23 Damascus Street                 | Mrs. Mary O'Reilly   | CENTRAL      | HOLYLAND HMO 2/22                   |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 45 Balfour Avenue                  | Mr. Michael Clarke   | CENTRAL      | LOWER ORMEAU HMO<br>2/13            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 17 Balfour Avenue                  | Mr. Michael Clarke   | CENTRAL      | LOWER ORMEAU HMO<br>2/13            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 1 Balfour Avenue                   | Mr. Michael Clarke   | CENTRAL      | LOWER ORMEAU HMO<br>2/13            |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |
| 29 Ulsterville<br>Gardens          | Mr. Alan McLean  | WINDSOR      | ULSTERVILLE HMO<br>2/21             |      |                                     |                                    |                  |         |                    |                  |                       |         |                    |                 |                  |         |                   |                               |                               |             |                         |                     |                 |         |                          |                      |                |         |      |                   |                            |         |                   |                   |                   |         |                   |                         |                   |         |                          |                     |                   |         |                          |                    |                   |         |                          |                          |                   |         |                        |                    |                    |         |                   |                  |                              |         |                         |                    |                              |         |                         |                 |                     |         |                   |                              |                           |         |                   |                              |                           |         |                   |                              |                           |         |                   |                    |                   |         |                        |                  |                        |           |      |                   |                  |         |                         |                    |                    |         |                   |                   |                    |         |                          |                   |                    |         |                          |                  |                    |         |                          |                           |                 |         |                         |

|                             |                                   |             |                       |
|-----------------------------|-----------------------------------|-------------|-----------------------|
| 25 Ridgeway Street          | Mr. Marc Kingsbury                | STRANMILLIS | STRANMILLIS HMO 2/19  |
| 13 Jerusalem Street         | Mr. David Smyth                   | CENTRAL     | HOLYLAND HMO 2/22     |
| 105 University Avenue       | Mr. Desmond McAuley               | CENTRAL     | HOLYLAND HMO 2/22     |
| 110 Dunluce Avenue          | Mr. Emmett Gartland               | WINDSOR     | ULSTERVILLE HMO 2/21  |
| 144 Connsbrook Avenue       | Hanrose Limited                   | SYDENHAM    | NONE                  |
| 54 Melrose Street           | Innov8 Living Ltd                 | WINDSOR     | EDINBURGH ST HMO 2/08 |
| 163 Broadway                | WB Rankin Limited                 | BLACKSTAFF  | NONE                  |
| 7 Stormount Street          | Mr. Aidan Brogan                  | BEERSBRIDGE | NONE                  |
| 16 Elaine Street            | Tall Trees Residential Limited    | CENTRAL     | STRANMILLIS HMO 2/19  |
| 13 Wellesley Avenue         | Mr. Paul Rogers                   | WINDSOR     | EGLANTINE HMO 2/09    |
| 252 Ravenhill Avenue        | Mrs. Oonagh McElroy               | WOODSTOCK   | NONE                  |
| 65 Haypark Avenue           | Mr. Vincent Burns                 | ORMEAU      | BALLYNAFEIGH HMO 2/03 |
| 29 Carmel Street            | Mr. Thomas Smyth                  | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 3, 47 Ashley Avenue    | Kendale Limited                   | WINDSOR     | ULSTERVILLE HMO 2/21  |
| 18 Harleston Street         | Mrs. Amy Matson                   | STRANMILLIS | HARLESTON HMO 2/11    |
| Flat 2, 77 Wellesley Avenue | P&S Property Rentals Limited      | WINDSOR     | EGLANTINE HMO 2/09    |
| 6 Wellington Park Avenue    | Koyah Limited                     | WINDSOR     | EGLANTINE HMO 2/09    |
| 25 Carmel Street            | Mrs. Ruth Scott                   | CENTRAL     | HOLYLAND HMO 2/22     |
| 56 Palestine Street         | Mrs. Elizabeth Breen              | CENTRAL     | HOLYLAND HMO 2/22     |
| 73 Carmel Street            | Mr. Gabriel Fox                   | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 1, 47 Ashley Avenue    | Kendale Limited                   | WINDSOR     | ULSTERVILLE HMO 2/21  |
| Flat 3, 16 Cromwell Road    | Botanic Avenue Properties Limited | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 2, 16 Cromwell Road    | Botanic Avenue Properties Limited | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 1, 16 Cromwell Road    | Botanic Avenue Properties Limited | CENTRAL     | HOLYLAND HMO 2/22     |
| 44 Sandhurst Gardens        | Miss Riley Napier                 | CENTRAL     | STRANMILLIS HMO 2/19  |
| 3 Harrow Street             | Ms. Avril Bruce                   | CENTRAL     | HOLYLAND HMO 2/22     |
| 130 Melrose Street          | Mr. William Hamilton              | WINDSOR     | EDINBURGH ST HMO 2/08 |
| 197 Dunluce Avenue          | Miss Julie-Anne Hewitt            | WINDSOR     | ULSTERVILLE HMO 2/21  |
| 30 Palestine Street         | Mrs. Margaret O'Kane              | CENTRAL     | HOLYLAND HMO 2/22     |
| 1 Harrow Street             | Cosby Limited                     | CENTRAL     | HOLYLAND HMO 2/22     |
| 48 Lisburn Avenue           | Mrs. Mary O'Donnell               | WINDSOR     | ADELAIDE HMO 2/01     |
| 14 Meadowbank Street        | Dr. Martin Tremayne Christian     | WINDSOR     | MEADOWBANK HMO 2/15   |
| 3 Cadogan Street            | Mrs. Carmel McLaughlin            | CENTRAL     | HOLYLAND HMO 2/22     |

|     |  |                      |         |                    |
|-----|--|----------------------|---------|--------------------|
|     | Flat 2, 17 Rugby Avenue  | Mrs. Clare Jennings  | CENTRAL | HOLYLAND HMO 2/22  |
|     | 41 Palestine Street  | Mr. Eugene Carragher | CENTRAL | HOLYLAND HMO 2/22  |
|     | 93 Wellesley Avenue  | Mr. Paul Kelly       | WINDSOR | EGLANTINE HMO 2/09 |
|     | <b><u>Financial and Resource Implications</u></b>                            |                      |         |                    |
| 3.2 | None   |                      |         |                    |
|     | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> |                      |         |                    |
| 3.3 | There are no issues associated with this report.                             |                      |         |                    |



|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Application for a New Licence to operate a House of Multiple Occupation - 30 Eblana Street</b>      |
| <b>Date:</b>              | 16th November, 2022  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, ext. 5910  |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, ext. 5910<br>Vivienne Donnelly, City Protection Manager, ext. 5325 |

|  |   |
|--|---|
| <b>Is this report restricted?</b>            | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

| <b>1.0</b>                         | <b>Purpose of Report/Summary of Main Issues</b>   |                |                  |              |                 |                                    |      |                |                  |
|------------------------------------|---|----------------|------------------|--------------|-----------------|------------------------------------|------|----------------|------------------|
| 1.1                                | <p>To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 25%;">Applicant(s)</th> <th style="width: 25%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>30 Eblana Street, Belfast, BT7 1LD</td> <td>9399</td> <td>Mr Enda Hughes</td> <td>Boyle Properties</td> </tr> </tbody> </table>   | Premises       | Application No.  | Applicant(s) | Managing Agents | 30 Eblana Street, Belfast, BT7 1LD | 9399 | Mr Enda Hughes | Boyle Properties |
| Premises                           | Application No.   | Applicant(s)   | Managing Agents  |              |                 |                                    |      |                |                  |
| 30 Eblana Street, Belfast, BT7 1LD | 9399  | Mr Enda Hughes | Boyle Properties |              |                 |                                    |      |                |                  |
| 1.2                                | <p>Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.</p> <p><b><u>Background</u></b></p>   |                |                  |              |                 |                                    |      |                |                  |
| 1.3                                | <p>An individual purporting to be the owner of the accommodation submitted an HMO licence application on 22nd August, 2019 and an HMO licence was granted to that individual on 30th December, 2019.</p>  |                |                  |              |                 |                                    |      |                |                  |
| 1.4                                | <p>However, following an application to vary the managing agent of the property, officers established that the individual to whom the licence was granted was not, in fact, the legal owner of the property. Instead, he was one of two directors of a limited company who actually owned the property. Members will be aware that a limited company is a separate legal entity.</p>  |                |                  |              |                 |                                    |      |                |                  |
| 1.5                                | <p>Officers sought and obtained advice from Counsel on the validity of the licence and legal services advised that section 8(1) of the 2016 Act clearly requires that the <i>owner</i> of the accommodation must apply for a licence, which was not the case here. Therefore, officers held that the misrepresentations made by the abovementioned individual regarding the ownership of the property, invalidated the licence meaning it no longer had effect. The NIHMO Unit emailed the individual advising him of the Council's decision on 26th July, 2022</p> |                |                  |              |                 |                                    |      |                |                  |

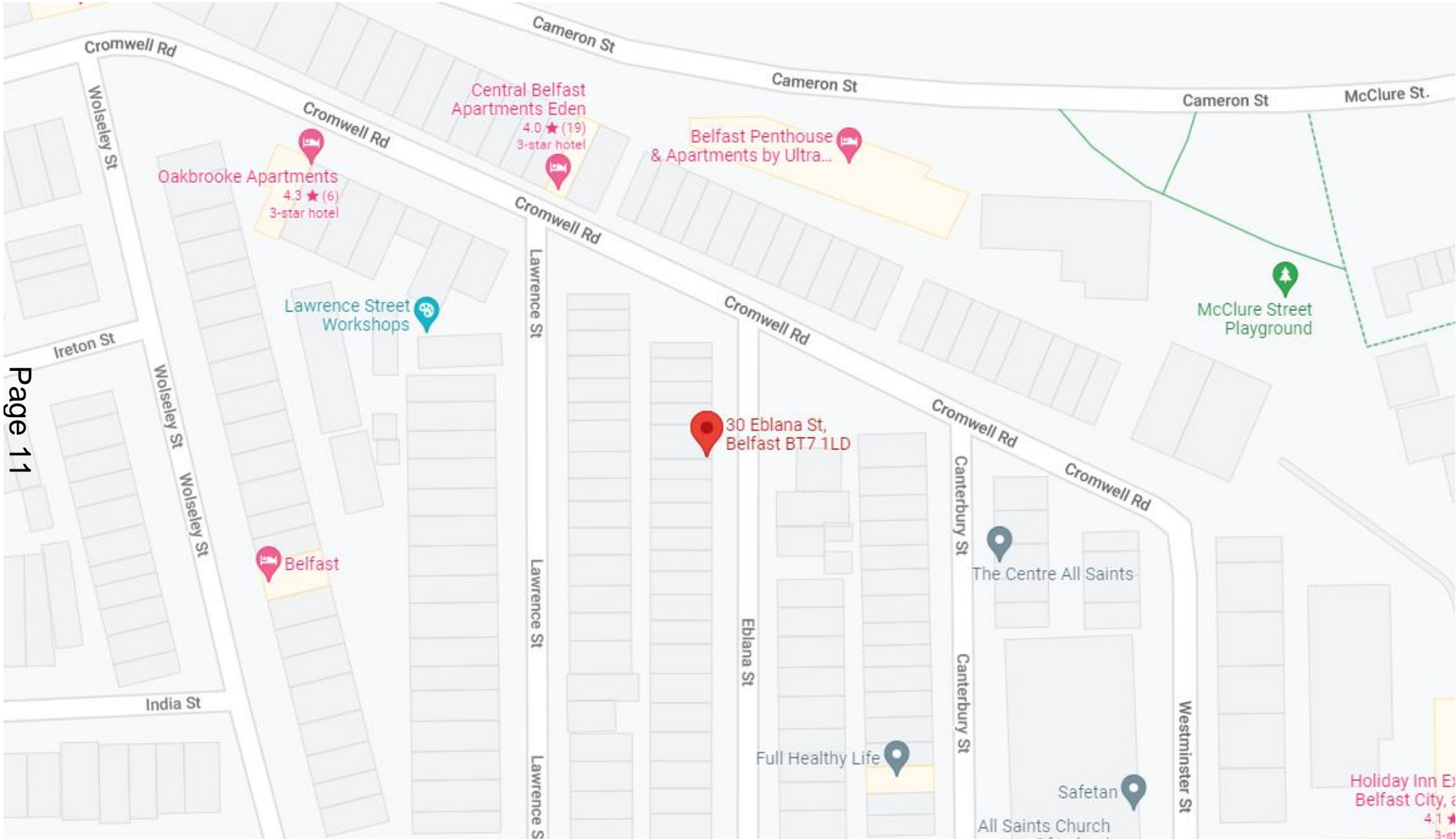
|            |   |
|------------|---|
| 1.6        | On 23rd June 2022, the applicant, Mr. Hughes, submitted an application for a new HMO licence (He was a prospective purchaser of the property at the time).  |
| 1.7        | The sale of the property was completed on 28th July, 2022.  |
| 1.8        | Therefore, given that there was no valid licence in place when the applicant's purchase of the property completed, the applicant <u>could not</u> avail of section 28 of the 2016 Act.  |
| 1.9        | Had the licence remained in effect and, whilst still being an application for a new licence, with overprovision being taken into account (as indeed it must be), the Council <u>would not</u> have deemed granting this application to result in overprovision, given that it would effectively have been a transfer of an existing licence.  |
| <b>2.0</b> | <b>Recommendations</b>  |
| 2.1        | Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either: <ul style="list-style-type: none"> <li>(i) grant the application, with or without any special conditions; or</li> <li>(ii) refuse the application.</li> </ul>  |
| 2.2        | If the application is refused, the applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.  |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <b><u>Key Issues</u></b>  |
| 3.1        | Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> <li>e) the living accommodation is fit for human habitation and: <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> |
|            | <b><u>Planning</u></b>  |
| 3.2        | As this is a new application, the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted in May, 2022 with the planning reference LA04/2022/0558/LDE.  |
|            | <b><u>Fitness</u></b>   |
| 3.3        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.   |

|                                    |   |
|------------------------------------|---|
| 3.4                                | <p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit (“EPU”) – it has confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit (“EPU”) – it has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit (“PHHU”) – it has confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Enforcement Unit (“EU”) – it has confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> |
| 3.5                                | <p>The applicant and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.</p>   |
| 3.6                                | <p>The applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI has not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p>   |
| <p><b><u>Overprovision</u></b></p> |   |
| 3.7                                | <p>For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area “HMO 2/22 Botanic, Holylands, Rugby” as defined in the document “Houses in Multiple Occupation (HMO’s) Subject Plan for Belfast City Council Area 2015”.</p>  |
| 3.8                                | <p>Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act for the Council to be satisfied that the granting of a licence will not result in overprovision.</p>   |
| 3.9                                | <p>On the date of assessment, 17th October 2022, there were a total of 1087 licensed HMOs in HMO policy area “HMO 2/22 Botanic, Holylands, Rugby”. This equates to just over 45% of the total dwelling units of 2409 within the policy area. Which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1087 licensed HMOs have a capacity of 4897 persons</p>   |
| 3.10                               | <p>The total number of dwelling units in a Policy Area is measured by Ordnance Survey’s Pointer database.</p>   |
| 3.11                               | <p>The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>   |
| 3.12                               | <p>The Council recognises that there is a need for intensive forms of housing and to meet this need, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the</p>   |

|      |  |
|------|--|
|      | housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.  |
| 3.13 | In September 2017, The Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”   |
| 3.14 | On 28th October 2022, out of 19 premises available for rent within the BT7 area on the website PropertyNews.com there was 1 licensed HMO, which from the information presented on the website, represented 4 bed spaces. The HMO was available for immediate occupation. It should be borne in mind that the peak letting time for HMO accommodation in BT7 is before the commencement of the academic year.   |
| 3.15 | Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality.  |
| 3.16 | The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.  |
| 3.17 | However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded. |
| 3.18 | Officers are, therefore, of the opinion that it is too early to tell whether there is a temporary lack of HMO accommodation in the locality or evidence of an emerging long-term supply issue.   |
|      | <b><u>Objections</u></b>   |
| 3.19 | No objections have been received in relation to this application.  |
|      | <b><u>Attendance</u></b>   |
| 3.20 | The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.   |
|      | <b><u>Suitability of the Premises</u></b>  |
| 3.21 | The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on 31st October, 2022  |
|      | <b><u>Notice of Proposed Decision</u></b>  |
| 3.22 | On 28th October 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. <b>(Appendix 2)</b>  |
| 3.23 | The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.   |

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|            | <p><b><u>Manager’s Query further to the Notice of Proposed Decision</u></b></p>  |
| 3.24       | On 1st October 2022, Boyle Properties emailed the HMO unit seeking clarity as to why the application was not being considered as a renewal. <b>(Appendix 3)</b> .  |
| 3.25       | Officers responded to the query on the same day <b>(Appendix 4)</b>  |
|            | <p><b><u>Financial and Resource Implications</u></b></p>   |
| 3.26       | None. The cost of assessing the application and officer inspections are provided for within existing budgets.  |
|            | <p><b><u>Equality and Good Relations Implications</u></b></p>  |
| 3.27       | There are no equality or good relations issues associated with this report.  |
| <b>4.0</b> | <b>Documents Attached</b>  |
|            | <p>Appendix 1 – Location Map</p> <p>Appendix 2 – Notice of Proposed Decision dated 28th October, 2022</p> <p>Appendix 3 – Manager’s Query further to the Notice of Proposed Decision</p> <p>Appendix 4 – Response to Manager’s Query</p> |

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| <b>Subject:</b>           | <b>Applications approved under Delegated Authority</b> |
| <b>Date:</b>              | 16th November, 2022                                    |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, Ext. 2435    |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, Ext. 3375  |

|  |   |
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| <b>Restricted Reports</b>                                |   |
| <b>Is this report restricted?</b>                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>If Yes, when will the report become unrestricted?</b> |   |
| <b>After Committee Decision</b>                          | <input type="checkbox"/>  |
| <b>After Council Decision</b>                            | <input type="checkbox"/>  |
| <b>Some time in the future</b>                           | <input type="checkbox"/>  |
| <b>Never</b>   | <input type="checkbox"/>  |

|  |   |
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| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made. |
| <b>2.0</b> | <b>Recommendation</b>   |
| 2.1        | The Committee is requested to note the applications which have been issued under the Scheme of Delegation.  |

**3.0 Main Report**

**Key Issues**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting:

| <b>Premises and Location</b>  | <b>Type of Application</b> | <b>Applicant</b>  |
|---|----------------------------|---|
| Balmoral Bowling Club,<br>108c Belvoir Drive, Belvoir, BT8 7DT                          | Renewal                    | Mr. Annesley Harrison                                     |
| Beechlawn House Hotel,<br>4 Dunmurry Lane, Dunmurry, BT17 9RR.                          | Renewal                    | Mrs. Roisin McIlhone,<br>Ethrill Ltd                      |
| Belfast Harlequins,<br>45A Deramore Park, Belfast, BT9 5JX.                             | Renewal                    | Mr. Peter Kelly   |
| Belfast Waterfront Hall,<br>2 Lanyon Place, Belfast, BT1 3WH.                           | Renewal                    | Mr. John Griffin,<br>Belfast Waterfront & Ulster Hall Ltd |
| Bullitt Hotel,<br>40A Church Lane, Belfast, BT1 4QN.                                    | Renewal                    | Mr. James Sinton,<br>Bullitt Trading Ltd                  |
| Bullitt Hotel,<br>40A Church Lane, Belfast, BT1 4QN.                                    | Renewal (outdoor)          | Mr. James Sinton,<br>Bullitt Trading Ltd                  |
| City Hall, Donegall Square,<br>Belfast, BT1 5GS.  | Renewal                    | Ms. Carole Greenan,<br>Belfast City Council               |
| Cosy Bar, 44-50 Omeath Street,<br>Belfast, BT6 8DN.                                     | Renewal                    | Mr. Colin Bell,<br>Hillhall Ltd                           |
| Drumglass Park, Lisburn Road,<br>Belfast, BT9 6JF.                                      | Renewal (outdoor)          | Mr. Ryan Black,<br>Belfast City Council                   |
| Dunmurry Park, Kingsway, Dunmurry,<br>Belfast, BT17 9SB.                                | Renewal (outdoor)          | Mr. Ryan Black,<br>Belfast City Council                   |
| Girdwood Community Hub, 1<br>0 Girdwood Avenue, Belfast, BT14                           | Renewal                    | Ms. Roma Doherty,<br>Greenwich Leisure Ltd                |
| Hell Cat Maggie's, 2-6 Donegall<br>Square West, Belfast, BT1 6JA.                       | Renewal                    | Mr. Henry Downey,<br>Eagle-Glen Ltd                       |
| Kitchen Bar, Unit 42 UG,<br>1 Victoria Square, Belfast.                                 | Renewal                    | Mr. Henry Downey,<br>Eagle-Glen Ltd                       |
| Lagan Village Rangers Supporters<br>Club, 36-40 Castlereagh Place,<br>Belfast, BT5 4NN. | Renewal                    | Mr. William Ferguson                                      |
| Lamh Dhearg CLG, 168 Upper<br>Springfield Road, Belfast, BT17 0LZ.                      | Renewal                    | Mr. Michael Boyle   |
| Lavery's Bar, 12-22 Bradbury Place,<br>Belfast, BT7 1RS.                                | Renewal                    | Mr. Bernard Lavery,<br>Lavery Ltd                         |
| Love and Death Inc, 10a Ann Street,<br>Belfast, BT1 4EF.                                | Renewal                    | Mr. Lee Murphy,<br>Maclad Ltd                             |

| <b>Premises and Location</b>  | <b>Type of Application</b> | <b>Applicant</b>                                       |
|---|----------------------------|--|
| National Football Stadium, Windsor Park, Donegall Avenue, Belfast, BT12 6LU.  | Renewal                    | Ms. Anita Bayne, Irish Football Association            |
| Regent House Mews, 2A Monagh Grove, Belfast, BT11 8EJ.                        | Grant                      | Mr. Patrick Donnelly, Regent House Mews Ltd            |
| Rock Bar, 491-493 Falls Road, Belfast, BT12 6DE.                              | Renewal                    | Mr. Gerard McIlhone, G&M Rock Ltd                      |
| Rosemary Presbyterian Church Hall, 19 North Circular Road, Belfast, BT15 5HB. | Renewal                    | Mr. Roy Eakin  |
| St Georges Market, 12-20 East Bridge Street, Belfast, BT1 3NQ.                | Renewal                    | Ms. Clodagh Cassin, Belfast City Council               |
| St Marks Church, Heyn Hall, 2 Sydenham Avenue, Belfast, BT4                   | Renewal                    | Mrs. Lynn Wilson                                       |
| St Matthews Church Hall, 403 Shankill Road, Belfast, BT13 3AF.                | Renewal                    | Rev. Tracey McRoberts                                  |
| The Dirty Onion & Yard Bird, 42 Waring Street, Belfast, BT1 2ED.              | Renewal                    | Mr. James Sinton, Cathedral Leisure Ltd                |
| The National Grande Cafe Bar& Sixty6, 62-68 High Street, Belfast, BT1 2BE.    | Renewal                    | Mr. James Sinton, Cathedral Leisure Ltd                |
| The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1 2BE.   | Renewal (outdoor)          | Mr. James Sinton, Cathedral Leisure Ltd                |
| Titanic Hotel, Queens Road, Belfast, BT3 9DT.                                 | Renewal                    | Mr. Adrian McNally, Titanic Hotel Belfast Ltd          |
| Ulster Hall, 30 Bedford Street, Belfast, BT2 7FF.                             | Renewal                    | Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd. |

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, no Amusement Permits were issued since your last meeting.

3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991, the following Cinema Licences were issued since your last meeting:

| <b>Premises and Location</b>                               | <b>Type of Application</b> | <b>Applicant</b>                                      |
|--|----------------------------|---|
| Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH. | Renewal                    | Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd |
| Ulster Hall, 30 Bedford Street, Belfast, BT2 7FF.          | Renewal                    | Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd |

3.4 Under the terms of the Petroleum Consolidation Act 1929, the following Petroleum Licences were issued since your last meeting:

| <b>Premises and Location</b>  | <b>Type of Application</b> | <b>Applicant</b>  |
|---|----------------------------|---|
| Albertbridge Filling Station,<br>310 Albertbridge Road, Belfast, BT5        | Renewal                    | Mr. Richard Law   |
| Antrim Road Filling Station,<br>328 Antrim Road, Belfast, BT15 5AB.         | Renewal                    | Mr. Kevin Brennan                                       |
| Cherryvalley Filling Station,<br>46 Gilnahirk Road, Belfast, BT5 7DG.       | Renewal                    | Mr. Alan Armstrong,<br>Henderson Retail Ltd             |
| Edenderry Filling Station,<br>298 Crumlin Road, Belfast, BT14 7EE.          | Renewal                    | Mr. John Bailey   |
| Fortwilliam Service Station,<br>452 Antrim Road, Belfast, BT15 5GB.         | Renewal                    | Mr. Mark Nelson,<br>Lislea Retail Ltd                   |
| Moneen Petrol Station,<br>331-339 Finaghy Road North, Belfast,<br>BT11 9EH. | Renewal                    | Mr. Brendan Nugent,<br>Andersonstown Services Ltd       |
| Sainsburys Filling Station,<br>564-568 Falls Road, Belfast, BT11<br>9AE.    | Renewal                    | Ms. Kathryn Park,<br>Sainsbury's Supermarkets Ltd       |
| Sainsburys Petrol Station,<br>302 Airport Road West, Belfast, BT3           | Renewal                    | Ms. Michelle Robertson,<br>Sainsbury's Supermarkets Ltd |
| Saveways Eurospar, 111-129<br>Springfield Road, Belfast, BT12 7AE.          | Renewal                    | Mr .Brendan McKee                                       |
| Tates Avenue Filling Station,<br>252 Tate Avenue, Belfast, BT12 6NB.        | Renewal                    | Mr. Alan Armstrong,<br>Henderson Retail Ltd             |

3.5 Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting:

| <b>Location</b>  | <b>Type of Application</b> | <b>Commodity</b>  | <b>Hours Licensed</b>       | <b>Applicant</b>      |
|--|----------------------------|---|-----------------------------|-----------------------|
| Donegall Square North in<br>front of City Hall.                            | Stationary                 | Confectionary,<br>hot & cold<br>beverages, hot<br>food & ice<br>cream | Sun – Sat:<br>09:00 – 21:00 | Miss Bronagh<br>Stitt |
| Shankill, Glencairn,<br>Fortwilliam, Ballysillan,<br>Oldpark, Springmartin | Mobile                     | Ice cream,<br>confectionary,<br>non-alcoholic<br>beverages            | Sun – Sat:<br>11:30 – 21:00 | Mr. Stephen<br>Baxter |

3.6 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since your last meeting:

| <b>Location</b>   | <b>Type of Activity</b>          | <b>Date and Hours permitted</b>           | <b>Applicant</b> |
|-------------------|----------------------------------|---|------------------|
| Ormeau Embankment | 5K and<br>10K<br>Running<br>race | Sunday 16th October 2022<br>09:15 – 12:30 | Ms Beth Healy    |

|     |  |                         |  |                      |
|-----|--|-------------------------|--|----------------------|
|     | Ballynahatty Road, Edenderry Road  | 5K and 10K Running race | Saturday 5th November 2022<br>11:00 – 12:00  | Mr. Gerry Rowe       |
|     | Royal Avenue (North Street to Castle Place), Rosemary Street, Lombard Street, Castle Place, High Street (Bridge Street to Castle Place) Cornmarket, Ann Street (Church Lane to Arthur Square), Castle Lane, Donegall Place, Fountain Lane, Fountain Street, College Street (Queen Street to Fountain Street), Castle Street (Donegall Place to Queen Street), Chapel Lane, Bank Street | Christmas Event         | Saturday 19th November 2022<br>18:00 – 21:00 | Belfast City Council |
| 3.7 | Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, no Pavement Café Licences were issued since your last meeting.   |                         |  |                      |
|     | <b><u>Financial and Resource Implications</u></b>  |                         |  |                      |
| 3.8 | None   |                         |  |                      |
|     | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>   |                         |  |                      |
| 3.9 | There are no issues associated with this report.   |                         |  |                      |

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| <b>Subject:</b>           | <b>Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Grove Park, Jellicoe Avenue</b> |
| <b>Date:</b>              | 16th November, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, Ext 2435  |
| <b>Contact Officer:</b>   | Quintin Thompson, Senior Building Control Surveyor, Ext 2570  |

|   |   |
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| <b>Restricted Reports</b>                         |   |
| 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

|                                       |   |
|---------------------------------------|---|
| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|  |  |  |                 |                  |  |               |  |
|--|--|--|-----------------|------------------|--|---------------|--|
| <b>1.0</b>   | <b>Purpose of Report/Summary of Main Issues</b>  |  |                 |                  |  |               |  |
| 1.1  | <p>To consider an application for the grant of a Seven-day annual Outdoor Entertainments Licence in respect of Grove Park.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Area and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Grove Park<br/>Jellicoe Avenue<br/>Belfast, BT15 3FZ</td> <td>WK/2022/00480</td> <td>Mr David Sales<br/>City and Neighbourhoods Services Dept.<br/>Belfast City Council</td> </tr> </table> | <b>Area and Location</b>   | <b>Ref. No.</b> | <b>Applicant</b> | Grove Park<br>Jellicoe Avenue<br>Belfast, BT15 3FZ | WK/2022/00480 | Mr David Sales<br>City and Neighbourhoods Services Dept.<br>Belfast City Council |
| <b>Area and Location</b>                           | <b>Ref. No.</b>  | <b>Applicant</b>   |                 |                  |  |               |  |
| Grove Park<br>Jellicoe Avenue<br>Belfast, BT15 3FZ | WK/2022/00480  | Mr David Sales<br>City and Neighbourhoods Services Dept.<br>Belfast City Council |                 |                  |  |               |  |
| 1.2  | A location map is attached at Appendix 1.  |  |                 |                  |  |               |  |

|            |   |
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| <b>2.0</b> | <b>Recommendations</b>  |
| 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"> <li>a) approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or</li> <li>b) approve the application for the grant with special conditions, or</li> <li>c) refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.</li> </ul> |
| 2.2        | <p>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.</p>   |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <b><u>Key Issues</u></b>  |
| 3.1        | Grove Playing Fields are owned by Belfast City Council and were previously licensed to provide outdoor entertainment until the Licence expired in August 2015.  |
| 3.2        | A site plan for Grove Playing Fields is attached at Appendix 2.   |
| 3.3        | Members are advised that, at a meeting of the Licensing Committee on 19th June 2022, you agreed to grant delegated authority to the Chief Executive, to approve the application for the Grant of a Seven-day Annual Outdoor Entertainments Licence for Grove Park, for the events on 8th to 10th July only, subject to having been satisfied that all safety and management procedures were in place and consultation had been undertaken with the PSNI and NIFRS.                          |
| 3.4        | The licence was subsequently issued for the Dockside Festival on 8-10 <sup>th</sup> July 2022. Outdoor music events were held on 8 <sup>th</sup> July and 10 <sup>th</sup> July and a family fun day was held on 9 <sup>th</sup> July.  |
| 3.5        | This application is being brought back for further consideration to determine if Committee is now minded to grant a licence without restriction on its days of use.   |
|            | <b><u>Application and representations</u></b>   |
| 3.6        | As for all licences associated with the Council's parks, the applicant is the Director of City and Neighbourhood Services.  |
| 3.7        | <p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 11.00 pm.</li> </ul>   |
| 3.8        | In addition, Special Conditions are attached to Outdoor Entertainments Licences related to setting limits on maximum numbers and implementing a robust system of dealing with complaints.   |
|            | <b><u>Representations</u></b>   |
| 3.9        | Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.  |

|            |  |
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|            | <b><u>PSNI</u></b>   |
| 3.10       | The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application.   |
| 3.11       | A copy of its correspondence is attached at Appendix 3.  |
|            | <b><u>NIFRS</u></b>  |
| 3.12       | The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.  |
|            | <b><u>Health, Safety and Welfare</u></b>   |
| 3.13       | Officers from the Service will engage with the applicant and event organisers in the lead up to future events to ensure all documentation and technical information is in place.   |
| 3.14       | Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.  |
|            | <b><u>Noise</u></b>  |
| 3.15       | The applicant will be required to provide a Noise Management Plan for future events which will be provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the promoter in order to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.   |
| 3.16       | Members will also recognise that noise generated by outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time. |
| 3.17       | 9 noise complaints were received as a result of the dance music event held on 10th July 2022. As a result of these complaints, the Night Time Noise Team carried out noise tests in the vicinity of three of the complainants dwellings. The three noise readings indicated that the noise level was within acceptable limits.   |
|            | <b><u>Applicant</u></b>  |
| 3.18       | The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.  |
|            | <b>Financial and Resource Implications</b>   |
| 3.19       | None.  |
|            | <b>Equality or Good Relations Implications/Rural Needs Assessment</b>  |
| 3.20       | There are no issues associated with this report.   |
| <b>4.0</b> | <b>Documents Attached</b>  |
|            | <ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Site Plan</li> <li>• Appendix 3 – PSNI Response</li> </ul>  |

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APPENDIX-A  
MASTER SITE MAP

- MEDICS
- STAGE
- BAR
- TRADERS
- GENERATOR
- ART
- HERAS
- CCB
- LIGHTING TOWER
- AUSEMENTS
- INFLATABLES

NO DISCO LTD PRESENTS  
"A1"  
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Building Control Service  
Ground Floor  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast  
BT2 8BP

4<sup>th</sup> July 2022

Dear Sir

**RE:- Grove Park, 3 Jellicoe Avenue**

Please note that at this time there are no current police objections to the above application being further considered by Belfast City Council, residents, other local business and NIFRS with confirmation of all the events start and finishing times.

Please confirm that all Belfast City Council requirements and conditions including all Building Regulations approvals and advertising conditions have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the applicant.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions. Can a condition be considered that an Event Management Plan be made available to police before each event.

Kind Regards

A handwritten signature in black ink, appearing to be 'J. Bell', written in a cursive style.

Licensing Officer, Musgrave Station, Belfast

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|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Application for the Variation of a Seven-Day Annual Indoor Entertainments Licence - Town Square, 12-13 Lower Crescent</b> |
| <b>Date:</b>              | 16th November, 2022  |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435  |
| <b>Contact Officer:</b>   | Quintin Thompson, Senior Building Control Surveyor, ext 2570   |

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| <b>Restricted Reports</b>                         |   |
| 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

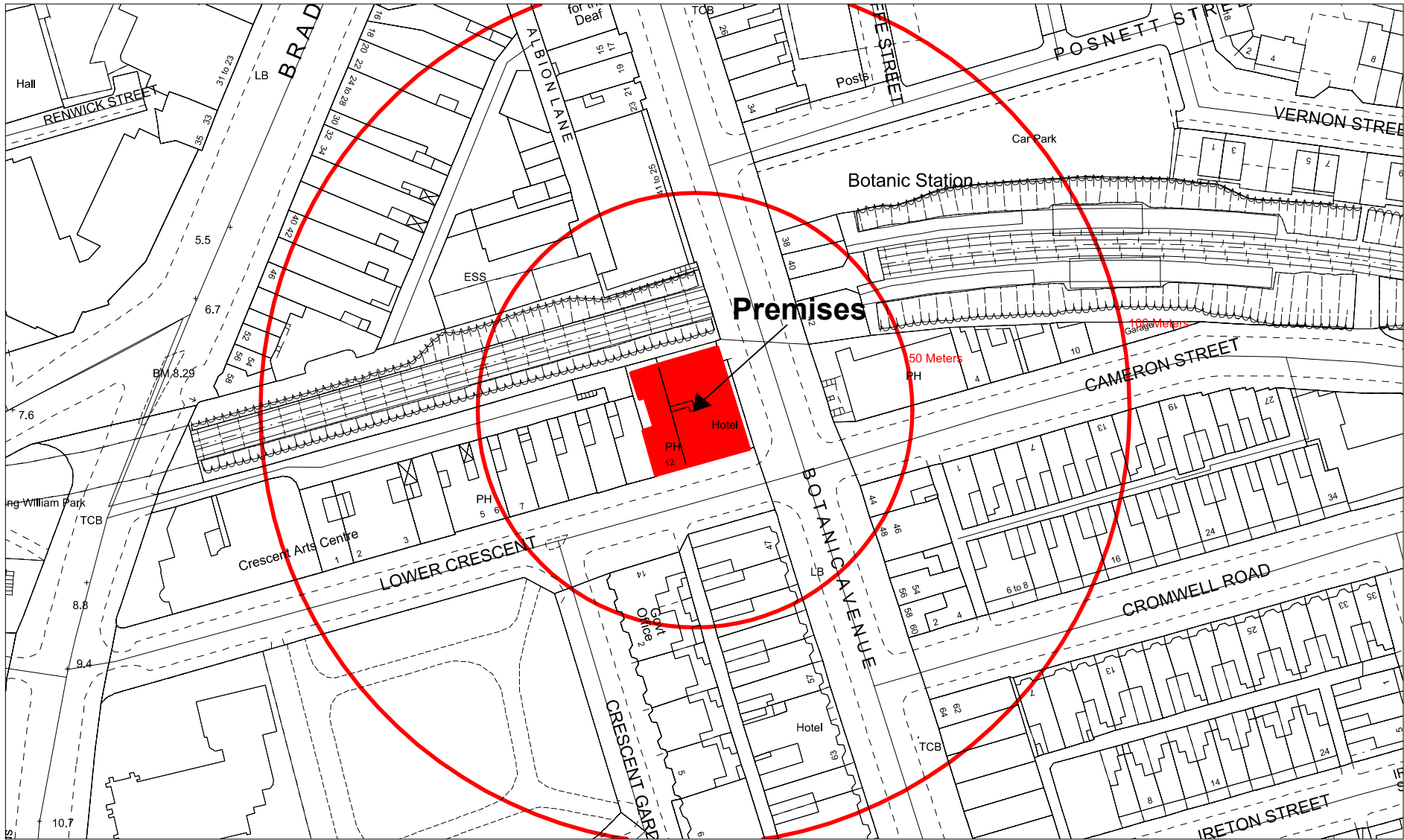
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| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

| <b>1.0</b>  | <b>Purpose of Report/Summary of Main Issues</b>  |  |          |           |   |              |  |
|---|--|--|----------|-----------|---|--------------|--|
| 1.1   | <p>To consider an application for the variation of a Seven-Day Annual Indoor Entertainments Licence for the hours during which entertainment may be provided at Town Square, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Area and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Town Square<br/>12-13 Lower Crescent<br/>Belfast<br/>BT7 1NR</td> <td>WK/202200841</td> <td>Victoria 1 Limited<br/>c/o 12-13 Lower Crescent<br/>Belfast<br/>BT7 1NR</td> </tr> </tbody> </table> | Area and Location  | Ref. No. | Applicant | Town Square<br>12-13 Lower Crescent<br>Belfast<br>BT7 1NR | WK/202200841 | Victoria 1 Limited<br>c/o 12-13 Lower Crescent<br>Belfast<br>BT7 1NR |
| Area and Location   | Ref. No.   | Applicant  |          |           |   |              |  |
| Town Square<br>12-13 Lower Crescent<br>Belfast<br>BT7 1NR | WK/202200841   | Victoria 1 Limited<br>c/o 12-13 Lower Crescent<br>Belfast<br>BT7 1NR |          |           |   |              |  |
| 1.2   | A location map is attached at Appendix 1.  |  |          |           |   |              |  |

|            |   |
|------------|---|
| <b>2.0</b> | <b>Recommendations</b>  |
| 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"> <li>a) approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 2.00 am, or</li> <li>b) Approve the application for the variation with special conditions, or</li> <li>c) Refuse the application for the variation of the Seven-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 2.00 am.</li> </ul>   |
| 2.2        | <p>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 to the later hours until any such appeal is determined.</p>  |
| <b>3.0</b> | <b>Main Report</b>  |
| 3.1        | <p><b><u>Key Issues</u></b></p> <p>The areas currently licensed to provide indoor entertainment and their maximum occupancies are:</p> <ul style="list-style-type: none"> <li>• Town Square Bar – 180 persons</li> <li>• Town Square Cafe – 160 persons</li> </ul> <p>3.2 The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning,</li> <li>• Sunday: 12.30 pm to 1.00 am the following morning.</li> </ul> <p>3.3 The variation application relates to a proposed extension to the hours during which entertainment can be provided on Friday and Saturday to 2.00 am the following morning.</p> <p>3.4 Members are reminded that applications to provide indoor entertainment beyond 1.00 am subject to consideration by the Committee.</p> <p>3.5 The applicant has stated that the extension of hours to 2.00am is to allow more flexibility to provide late night music entertainment and this will be used in conjunction with the Article 44a extension to Liquor Licensing hours.</p> <p><b><u>Representations</u></b></p> <p>3.6 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p> <p><b><u>PSNI</u></b></p> <p>3.7 The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application.</p> |

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| <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p> <p>3.15</p> | <p>A copy of its correspondence is attached at Appendix 2.</p> <p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.</p> <p><b><u>Health, Safety and Welfare</u></b></p> <p>An inspection has been carried out on the premises within the past 12 months and officers from the Service are satisfied with all safety measures and management procedures.</p> <p><b><u>Noise</u></b></p> <p>One noise complaint has been received in relation to the premises in the last 12-month period. The Night-Time Noise Team visited the area and witnessed no noise whilst outside the complainant's property.</p> <p>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.</p> <p><b><u>Applicant</u></b></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p> |
| <p><b>4.0</b></p>   | <p><b>Documents Attached</b></p>   |
|   | <p>Appendix 1 – Location map</p> <p>Appendix 2 – PSNI Response</p>   |

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| DATE     | 01/11/2022 |

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| <p>Town Square<br/>12-13 Lower Crescent</p> |
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Building Control Service  
Ground Floor  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast  
BT2 8BP

1<sup>st</sup> November 2022

Dear Sir

RE:- Town Square 11 – 13 Lower Crescent, Belfast, BT7 1NR

Police may require confirmation that all Belfast City Council requirements including any Building Regulations approvals have been adhered to and that any current conditions pertaining to the current Entertainment Licence conditions are being complied with by the licensee, management and staff.

**Please advise if a special condition can be considered and added to the licence if granted as the applicant has declared that he does not intend to use door supervisors.**

**‘Only SIA registered door supervisors will be used throughout the operational period of the Entertainment Licence.’**

Please note that at this time that are no grounds for PSNI objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

Kind Regards

A handwritten signature in black ink, appearing to be 'J. Bell', with a long horizontal flourish extending to the right.

Licensing Officer, Musgrave Station, Belfast

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|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence - St. Malachy's College Old Boys' Association, 442 Antrim Road</b> |
| <b>Date:</b>              | 16th November 2022  |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435   |
| <b>Contact Officer:</b>   | Monica Gallagher, Senior Building Control Surveyor, ext 2567  |

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| <b>Restricted Reports</b>                                |   |
| <b>Is this report restricted?</b>                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>If Yes, when will the report become unrestricted?</b> |   |
| After Committee Decision                                 | <input type="checkbox"/>  |
| After Council Decision                                   | <input type="checkbox"/>  |
| Sometime in the future                                   | <input type="checkbox"/>  |
| Never  | <input type="checkbox"/>  |

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| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|  |   |                                    |                 |                  |  |               |                                    |
|--|---|------------------------------------|-----------------|------------------|--|---------------|------------------------------------|
| <b>1.0</b>   | <b>Purpose of Report/Summary of Main Issues</b>   |                                    |                 |                  |  |               |                                    |
| 1.1  | To consider an objection to the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence for St. Malachy's College Old Boys' Association   |                                    |                 |                  |  |               |                                    |
| 1.2  | At the meeting on 19 <sup>th</sup> October, the Committee agreed to defer consideration of this report due to a declaration of interest by the Interim City Solicitor/Director of Legal Civic Services.   |                                    |                 |                  |  |               |                                    |
|  | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Area and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>St. Malachy's College<br/>Old Boys' Association<br/>442, Antrim Road<br/>Belfast BT15 5BG</td> <td>WK/2020/02479</td> <td>Mr. Conor Cassidy<br/>Club Chairman</td> </tr> </table> | <b>Area and Location</b>           | <b>Ref. No.</b> | <b>Applicant</b> | St. Malachy's College<br>Old Boys' Association<br>442, Antrim Road<br>Belfast BT15 5BG | WK/2020/02479 | Mr. Conor Cassidy<br>Club Chairman |
| <b>Area and Location</b>   | <b>Ref. No.</b>   | <b>Applicant</b>                   |                 |                  |  |               |                                    |
| St. Malachy's College<br>Old Boys' Association<br>442, Antrim Road<br>Belfast BT15 5BG | WK/2020/02479   | Mr. Conor Cassidy<br>Club Chairman |                 |                  |  |               |                                    |
| 1.3  | A location map is attached at Appendix 1.   |                                    |                 |                  |  |               |                                    |

|            |  |
|------------|--|
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | <p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> <li>a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence, or</li> <li>b) approve the application for the renewal with special conditions, or</li> <li>c) refuse the application for the renewal of the 7-Day Annual indoor Entertainments Licence.</li> </ul>  |
| 2.2        | <p>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.</p>  |
| 2.3        | <p>Should the applicant decide to appeal, the existing Licence will continue with its present conditions until the appeal is determined.</p>   |
| <b>3.0</b> | <b>Main Report</b>   |
|            | <p><b><u>Details of the Premises</u></b></p> <p>3.1 St. Malachy's Old Boys' Association has held a Seven-Day Annual Indoor Entertainment Licence since 1998.</p> <p>3.2 The current days and hours during which entertainment can be provided are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 11.00 pm and</li> <li>• Sunday: 12.30 pm to 11.00 pm</li> </ul> <p>3.3 Under the provisions of the Licensing and Registration of Clubs (Amendment Act) (Northern Ireland) 2021, in addition to the normal hours shown above, the club may apply for up to 104 extensions a year to sell alcohol until 01.00 am on any day of the week. These are authorised at the discretion of the Police Service of Northern Ireland (PSNI) and, if granted, these also enable entertainment to be provided to the end of the drinking up period on those nights. The drinking up period extends to 2.00 am on those nights that an extension licence has been approved by the PSNI.</p> <p>3.4 The areas currently Licensed to provide indoor entertainment and their occupancies are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor lounge bar with a maximum capacity of 45 people</li> <li>• Ground Floor Main Function Hall with a maximum capacity of 200 people</li> <li>• Ground Floor Darts room with a maximum capacity of 38 people</li> <li>• First Floor Recreation room with a maximum capacity of 50 people.</li> </ul> <p>3.5 The Function Hall is used on an adhoc basis for family parties and charity functions which usually involve a late licence to 1:00am with music provided by a DJ operating via their noise limiting device.</p> <p>3.6 The Club has advised that it has not had entertainment scheduled since before Covid-19.</p> |

### **Licensing History**

3.7 An application for an Entertainments Licence for this premises was first received in 1997, and, while objections were received for the initial grant and first renewal, the licence was renewed under delegated authority, with no objections having been received, for the years 2000-2008.

3.8 In March 2009, an objection to the renewal of the licence was received by the Service. This objection was resolved through a resident meeting with the Club and with special conditions being added to the licence following a special meeting of the Licensing Committee on 29th April 2009. The licence subsequently has been renewed under delegated authority with no objections received on each subsequent year until the present.

3.9 At the Licensing Committee in April 2009, the Club agreed to the following special conditions being attached to its licence:

1. Bottle bins to be moved to a location away from the wall adjacent to residential property.
2. Fire doors at the rear of the function room to be used only in emergency situations and not to be used at any other time.
3. Smoking area restricted to that part of the alleyway immediately adjacent to the premises.
4. Patrons discouraged from using the rear yard immediately adjacent to residential property.
5. Regular meetings be established between the club committee and officers from the Service in order to deal with any problems which might arise in respect of the licence.

### **Representations**

#### **Objector's Representation**

3.10 One written representation was received as a result of the public notices of application from a local resident. This was received within the 28-day statutory period.

3.11 The letter of objection is attached at Appendix 2.

3.12 The objector submitted video clips on two memory sticks to support their objection. The video clips were dated from 2nd July, 2021 to 27th May, 2022. The issues arising from these videos relate to:

- Patron conversations in the rear garden
- Beer bottle delivery and collections causing noise
- Damage to wall at objector's property alleged to be from beer bottle collections
- Patrons at rear garden of premises calling objector's name as she videos.

3.13 The Building Control Service sent a letter offering to facilitate a meeting between the objector and applicant, but this offer was not accepted. The Service also offered to meet with the objector independently, but this too has not been accepted.

3.14 The objector's Representation Form is attached as Appendix 3 and it has been provided to the applicant, as required by the protocol.

3.15 In general, the representation relates to concerns as follows:

|      |   |
|------|---|
|      | <ul style="list-style-type: none"> <li>• noise nuisance and abusive behaviour from patrons gathering at the rear of the premises</li> <li>• nuisance caused by beer deliveries and collections</li> <li>• failure to comply with conditions attached to the entertainment licence.</li> </ul>   |
| 3.16 | <p>The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.</p>  |
|      | <p><b><u>Applicant's Representation</u></b></p>   |
| 3.17 | <p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response along with letters of support is attached as Appendix 4.</p>   |
| 3.18 | <p>The applicants Representation Form has also been provided to the objector, as required by the protocol.</p>  |
| 3.19 | <p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> <li>• They have not been made aware of any complaints about the club and had they been aware of any problems they would have investigated these with a view to taking any reasonable steps to address them.</li> <li>• They have had no complaints raised with them by either the PSNI or the Council's noise team.</li> <li>• They are open to discussion on any steps they can take to address the objector's concerns.</li> <li>• Other residents in the area are supportive of the club and have no complaints.</li> </ul> |
| 3.20 | <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p>  |
|      | <p><b><u>Counter Representations</u></b></p>  |
| 3.21 | <p>No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.</p>  |
|      | <p><b><u>PSNI</u></b></p>   |
| 3.22 | <p>The Police Service of Northern Ireland has been consulted and confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 5.</p>   |
|      | <p><b><u>NIFRS</u></b></p>  |
| 3.23 | <p>The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.</p>   |
|      | <p><b><u>Health, Safety and Welfare</u></b></p>   |
| 3.24 | <p>There are no issues relating to health, safety and welfare in relation to this renewal application.</p>  |

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| 3.25 | <p><b><u>Noise and Complaints</u></b></p> <p>There have been no complaints communicated to the Environmental Protection Unit's night-time noise team and the Service has no record of any other complaints concerning the premises in the past 12 months.</p>   |
| 4.0  | <p><b>Financial and Resource Implications</b></p>   |
| 4.1  | <p>None</p>   |
| 5.0  | <p><b>Equality or Good Relations Implications/Rural Needs Assessment</b></p>  |
| 5.1  | <p>There are no issues associated with this report.</p>   |
| 6.0  | <p><b>Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 - Location map</li> <li>• Appendix 2 - Letter from Objector</li> <li>• Appendix 3 - Objector's Representation Form</li> <li>• Appendix 4 - Applicant's Representation Form and Letters of Support</li> <li>• Appendix 5 - PSNI Comments</li> </ul> |

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By virtue of paragraph(s) 2 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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Also that all current COVID – 19 guidance will be considered by the licence holder.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A large black rectangular redaction box covering the signature of the licensing officer.

Licensing Officer, Musgrave Station, Belfast

## LICENSING COMMITTEE



**Belfast**  
City Council

|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Application for the Renewal and Variation of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16-20 Dunbar Street</b> |
| <b>Date:</b>              | 16th November, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435   |
| <b>Contact Officer:</b>   | Quintin Thompson, Senior Building Control Surveyor, ext. 2570   |

|  |   |
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| <b>Restricted Reports</b>                                |   |
| <b>Is this report restricted?</b>                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>If Yes, when will the report become unrestricted?</b> |   |
| <b>After Committee Decision</b>                          | <input type="checkbox"/>  |
| <b>After Council Decision</b>                            | <input type="checkbox"/>  |
| <b>Sometime in the future</b>                            | <input type="checkbox"/>  |
| <b>Never</b>   | <input type="checkbox"/>  |

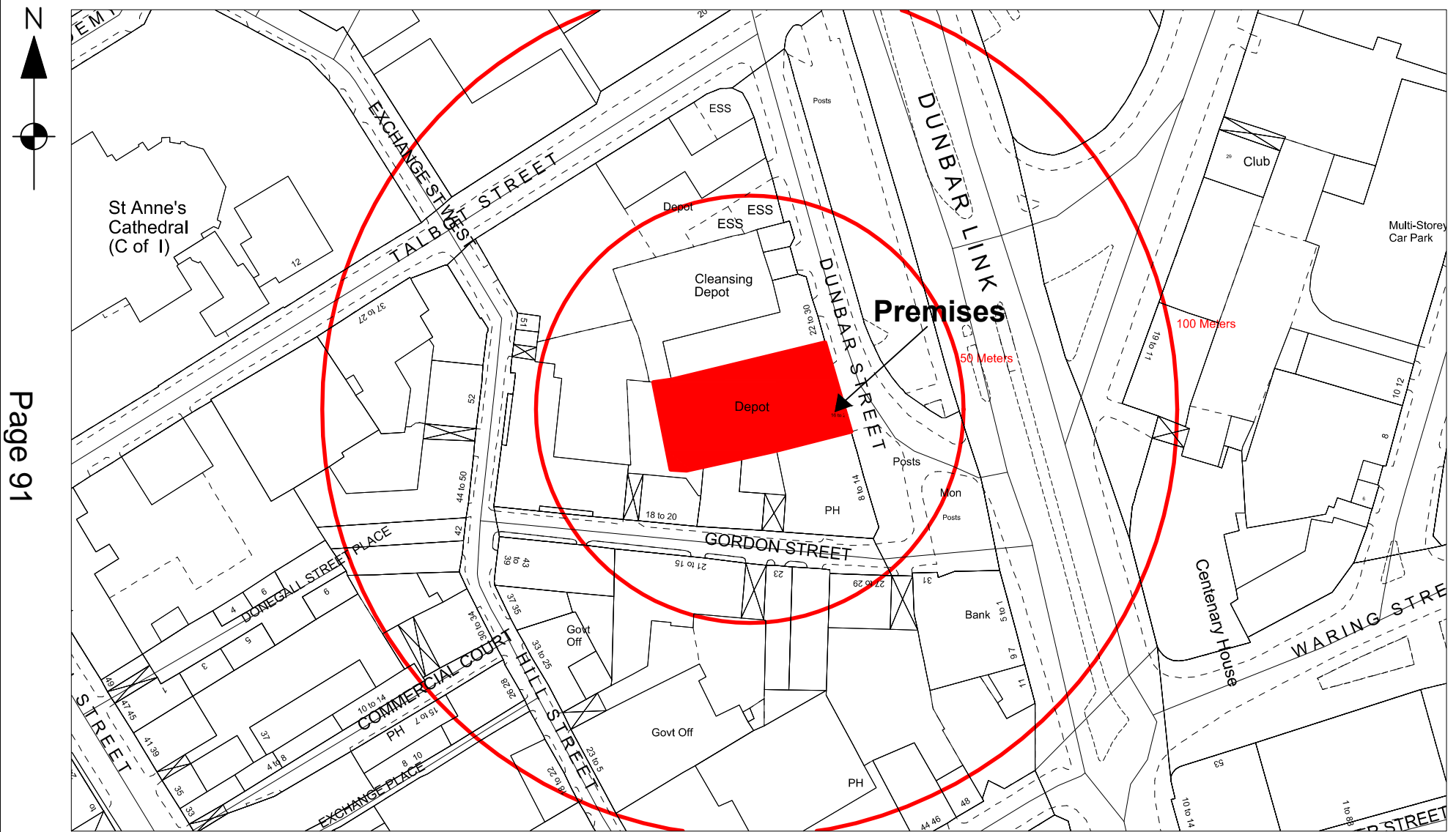
|  |   |
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| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|  |  |   |                 |                  |  |              |   |
|--|--|---|-----------------|------------------|--|--------------|---|
| <b>1.0</b>   | <b>Purpose of Report/Summary of Main Issues</b>  |   |                 |                  |  |              |   |
| 1.1  | To consider an application for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence for Common Market, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.   |   |                 |                  |  |              |   |
| 1.2  | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Common Market<br/>16-20 Dunbar Street<br/>Belfast, BT1 2LH</td> <td>WK/2022/0950</td> <td>Ms Alana Fox<br/>Carlisle Inns Limited<br/>2-14 Dunbar Street<br/>Belfast, BT1 2LH</td> </tr> </table> | <b>Premises and Location</b>  | <b>Ref. No.</b> | <b>Applicant</b> | Common Market<br>16-20 Dunbar Street<br>Belfast, BT1 2LH | WK/2022/0950 | Ms Alana Fox<br>Carlisle Inns Limited<br>2-14 Dunbar Street<br>Belfast, BT1 2LH |
| <b>Premises and Location</b>                             | <b>Ref. No.</b>  | <b>Applicant</b>  |                 |                  |  |              |   |
| Common Market<br>16-20 Dunbar Street<br>Belfast, BT1 2LH | WK/2022/0950   | Ms Alana Fox<br>Carlisle Inns Limited<br>2-14 Dunbar Street<br>Belfast, BT1 2LH |                 |                  |  |              |   |
| 1.3  | A location map is attached at Appendix 1.  |   |                 |                  |  |              |   |

|            |  |
|------------|--|
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | <p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ol style="list-style-type: none"> <li>a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence; and</li> <li>b) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am; and / or</li> <li>c) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence to increase the occupancy on the ground floor to 1200 persons, or</li> <li>d) approve the application for the variation of the Licence with special conditions, or</li> <li>e) refuse any or all of the applications.</li> </ol>   |
| 2.2        | <p>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 to the later hours and the increase in occupancy will not be permitted until any such appeal is determined.</p>   |
| <b>3.0</b> | <b>Main Report</b>   |
|            | <p><b><u>Key Issues</u></b></p> <p><b><u>Details of the Premises</u></b></p> <p>3.1 The applicant, Ms. Alana Fox of Carlisle Inns Ltd., has applied for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <p>3.2 Common Market is in the former Arnott's Fruit Market building and Ms. Fox is also the licensee for the building adjacent to Common Market known as 39 Gordon Street and Lux and situated at 2-16 Dunbar Street.</p> <p>3.3 Mr. Lawrence Bannon, who is consultant and advisor to Carlisle Inns Ltd., has been liaising directly with the Service in relation to the application.</p> <p>3.4 The areas currently licensed to provide indoor entertainment and their maximum occupancies are:</p> <ul style="list-style-type: none"> <li>• Main Area (Ground Floor), with a maximum capacity of 290 persons</li> <li>• Mezzanine Floor, with a maximum capacity of 60 persons</li> </ul> <p>3.5 The nature of the variation is to increase the occupancy of the Main Area of the ground floor to approximately 1260 persons.</p> <p>3.6 Although the venue can potentially accommodate approximately 1260 persons, due to limited exit capacity, when the licence was first granted the ground floor area was laid out as a seated area with large picnic tables and the occupancy was restricted to 290 persons.</p> <p>3.7 Floor plans showing the layout of the premises are attached at Appendix 2.</p> |

|  |  |
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| 3.8  | The licensee plans to remove the picnic tables when events are to be held, therefore allowing for a significant increase in the occupancy capacity and Mr Bannon is currently negotiating with the Council to acquire permission for an additional emergency exit through the Council Depot on Dunbar Street, which would accommodate the increase in capacity.  |
| 3.9  | If the Committee is minded to grant the variation to increase the occupancy capacity, it is advised that approval be on the basis that the extra numbers would not be permitted until an agreement is finalised between the Council and the licensee for the use and management of an additional emergency exit which passes through the adjacent Council depot.   |
| 3.10   | <p>The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 12.00 p.m. to 1.00 a.m. the following morning, and</li> <li>• Sunday: 12.00 p.m. to 12.00 a.m.</li> </ul>  |
| 3.11   | The variation application also relates to a proposed extension to the hours during which entertainment can be provided on Monday to Sunday to 3.00 a.m. the following morning.   |
| 3.12   | Members are reminded that applications to provide indoor entertainment beyond 1.00 a.m. are subject to consideration by Committee.   |
| 3.13   | The applicant has stated that the extension of hours to 3.00 am is needed to compete with other City centre venues. The applicant's existing premises, 39 Gordon Street and Lux, which adjoins this venue currently holds a 3.00 am entertainments licence and this increase in operating hours would allow both venues to operate in harmony, allow the licensee to manage crowd control better and improve their safety management protocols.            |
| <b><u>Representations</u></b>                        |  |
| 3.14   | Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.   |
| <b><u>PSNI</u></b>                                   |  |
| 3.15   | The PSNI has been consulted and has confirmed that it has no objection to the application.   |
| 3.16   | A copy of its correspondence is attached at Appendix 3.  |
| <b><u>NIFRS</u></b>                                  |  |
| 3.17   | The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.  |
| <b><u>Health, Safety and Welfare Inspections</u></b> |  |
| 3.18   | This building was previously used by Arnott's for fruit and vegetable storage. The use of the building changed in 2021 to an assembly building and a Building Regulations completion certificate for the works was issued by the Service.  |
| 3.19   | A during performance inspection was carried out on the premises by officers from the Service on 3rd October 2022. On this occasion, the licensee was operating his two premises as one 'super-club'. The two premises Common Market and 39 Gordon Street are adjoined. 39 Gordon Street operates as a bar on the ground floor and a nightclub on the first floor. This inspection revealed some operational issues. The management was made aware of these |

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|            | <p>issues and they advised that additional staff training and management procedures would be put in place prior to operating the venue in this manner in the future.</p>   |
| 3.20       | <p>The licensee has confirmed that the proposed increase in occupancy will be implemented incrementally to ensure that adequate management procedures are developed.</p>   |
| 3.21       | <p>The licensee has submitted a management plan for the premises and Officers from the service are liaising with the licensee to ensure that technical requirements and associated operational and management procedures are satisfactory.</p>   |
| 3.22       | <p>The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.</p>   |
|            | <p><b><u>Noise Issues</u></b></p>  |
| 3.23       | <p>An acoustic report was submitted to the Environmental Protection Unit prior to this Licence being granted in October, 2021. At this time, a noise limiting device was fitted and set at 90dB LAeq,t. The licensee has advised that all music will be played through the existing noise limiting device.</p> |
| 3.24       | <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received three noise complaints in the past 12 months. These complaints were received on 26th September, 5th October and 2nd November 2022.</p>   |
| 3.25       | <p>The licensee has recently carried out some works to improve the acoustic performance of the building, which includes forming an internal lobby and acoustic curtain to reduce the noise emanating through the large roller shutter door to the front of the premises.</p>                                   |
| 3.26       | <p>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.</p>  |
|            | <p><b><u>Financial and Resource Implications</u></b></p>   |
| 3.27       | <p>None.</p>   |
|            | <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p>   |
| 3.28       | <p>There are no issues associated with this report.</p>  |
| <b>4.0</b> | <p><b>Documents Attached</b></p>   |
|            | <ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Layout Plans</li> <li>• Appendix 3 – PSNI response</li> </ul>   |



|          |            |
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| DRAWN BY | M Treacy   |
| DATE     | 01/11/2022 |

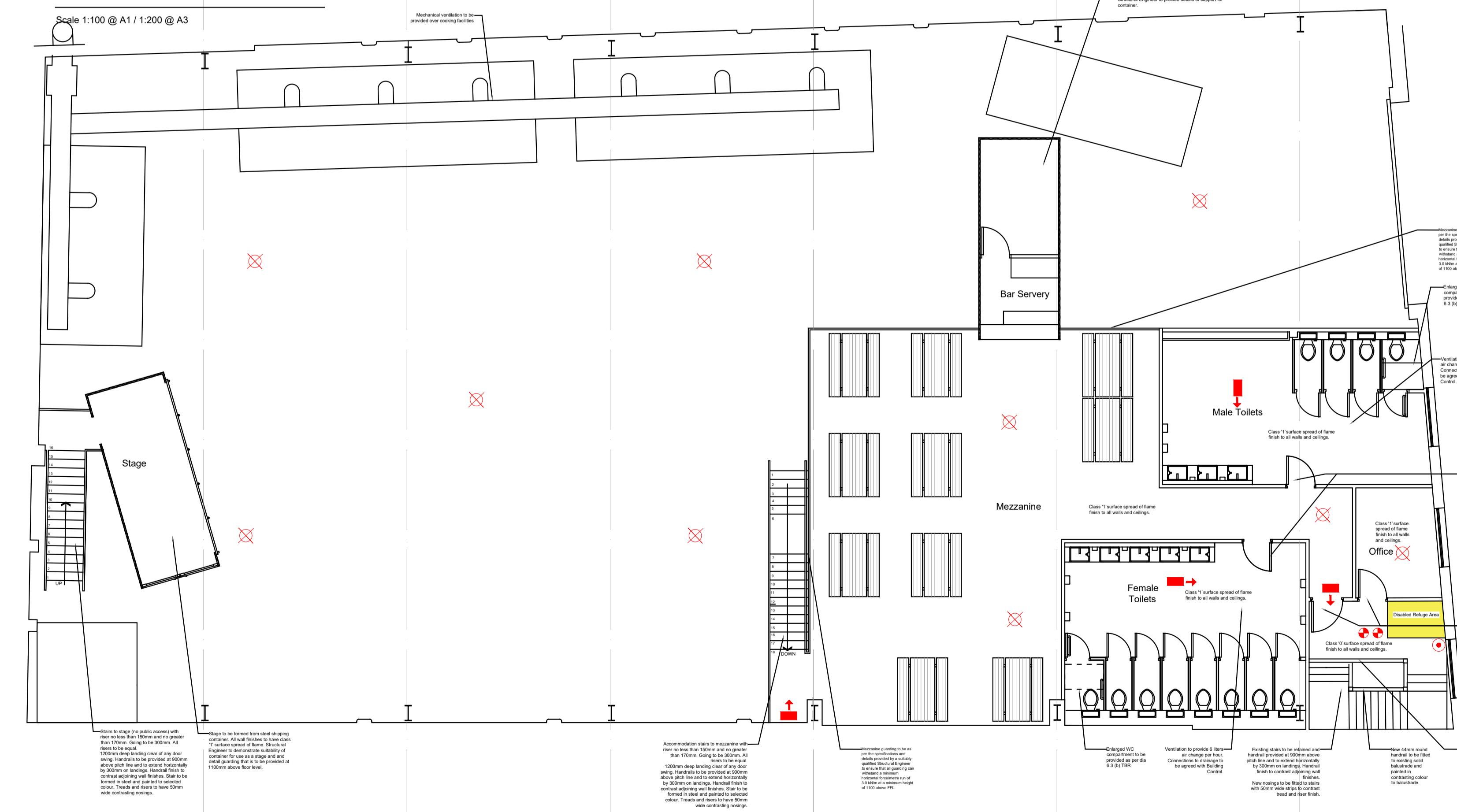
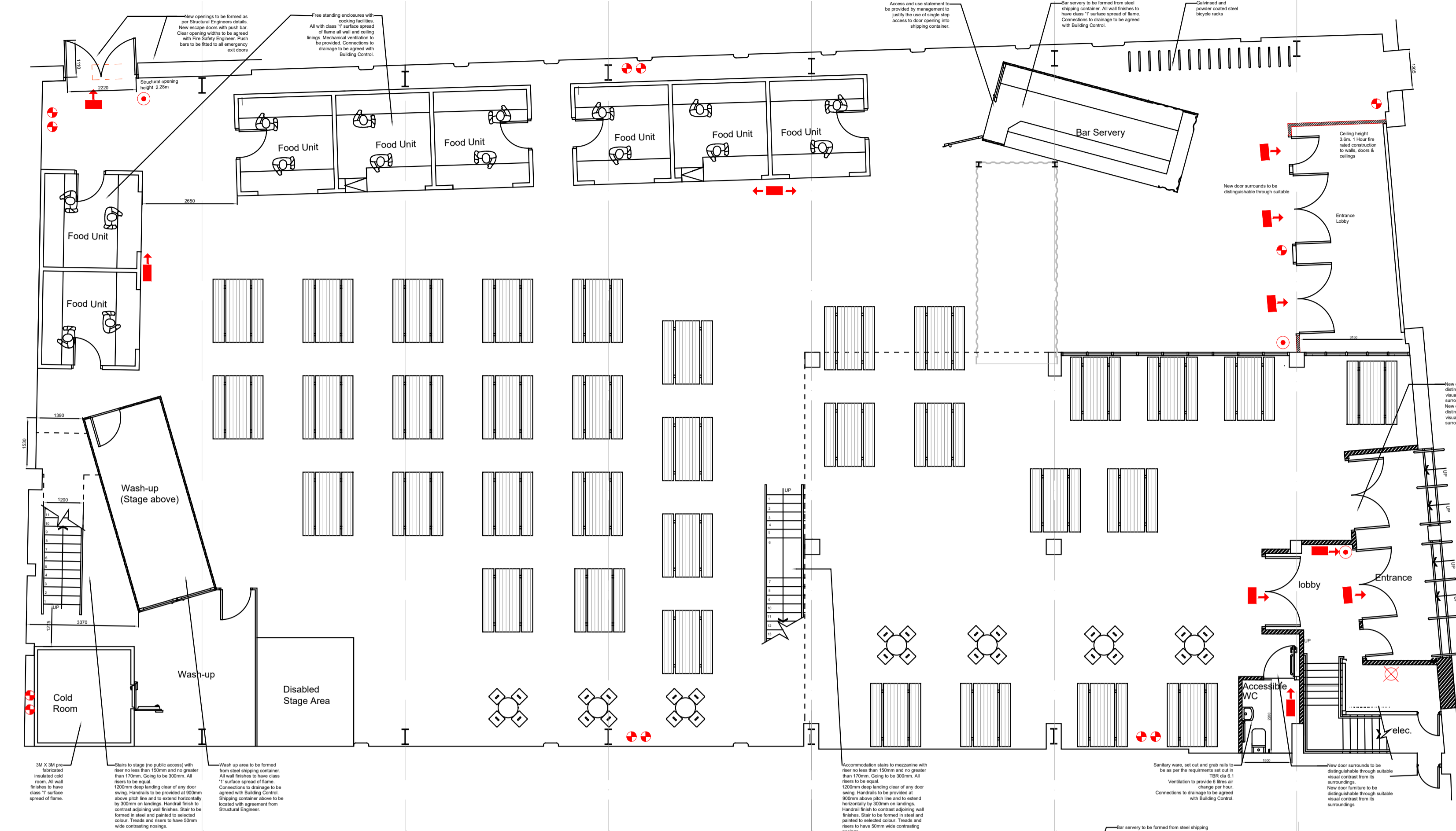
Common Market  
16-20 Dunbar Street

|       |             |
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| SCALE | 1:1250 @ A4 |
|-------|-------------|

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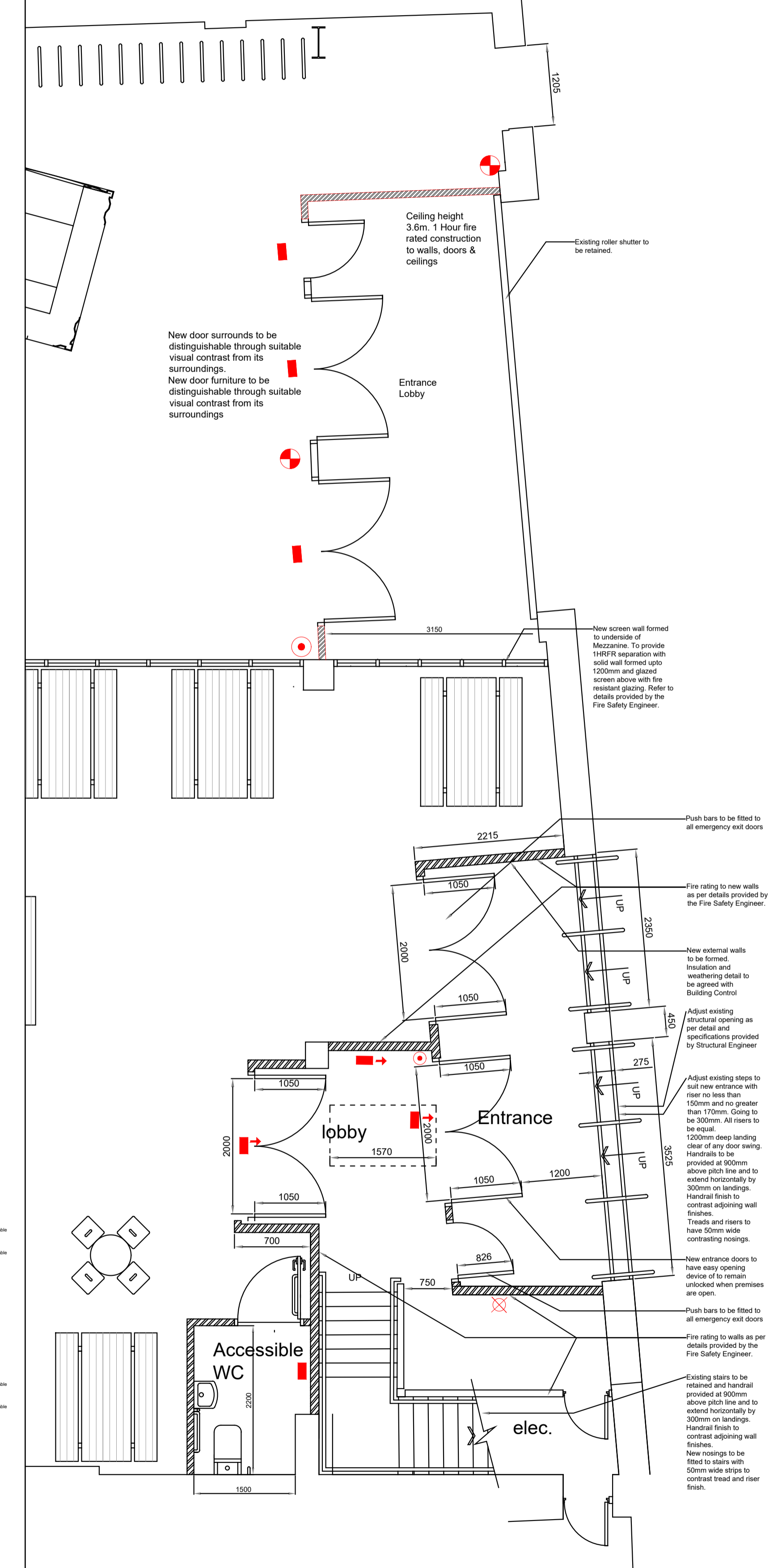
# Proposed General Arrangement Plans

Scale 1:100 @ A1 / 1:200 @ A3



Proposed Mezzanine Floor GA Plan  
Scale 1:100 @ A1 / 1:200 @ A3

## Appendix 2



Proposed Ground Floor Entrance Detail Plan  
Scale 1:50 @ A1 / 1:100 @ A3

- KEY :
- FIRE EXIT SIGN
  - BREAK POINT
  - ⊗ EMERGENCY LIGHTING
  - ⊗ SMOKE DETECTOR

|           |  |          |        |
|-----------|--|----------|--------|
| PROJECT   | Common Market                            |          |        |
| ADDRESS   | 16 - 20 Dunbar Street, Belfast, BT1 2LH  |          |        |
| CLIENT    | L Bannon                                 |          |        |
| DRG NO    | REV                                      | SCALE    | DATE   |
| PL-01     | A  | 1:100@A1 | Aug 22 |
| DRAWN BY  | CHECKED BY                               |          |        |
| MS        | HJ                                       |          |        |
| DRG TITLE | Proposed Floor Plans - Electrical / Fire |          |        |

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Building Control Service  
Ground Floor  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast  
BT2 8BP

PSNI Tennent Street  
143 Tennent Street  
BELFAST  
BT13 3GF

Dear Sir,

09<sup>th</sup> November 2022

**RE: Local Government (Miscellaneous Provisions) (NI) Order 1985**  
**Invitation for comment on the application of Entertainment licence in respect of:**  
**Common Market, 16-20 Dunbar Street, Belfast**

Following notification regarding an application under the above provisions in respect of the above mentioned licenced premises I write.

I note that District Councils are the lead organisation for Entertainment Licensing and the provisions of the Order under Schedule 1 allows for the application, regulation and restriction following consideration by the licensing authority.

I also note that the Order allows for the granting of a licence with conditions with the overarching aim of maximising safety and minimise risk and impact that may result from the granting of a licence. The role of the Police Service in consideration of entertainment licenses is limited. I would however highlight current regulatory practice:

- Private Security Industry Act 2001 – covers the requirement for the provision of licensed activities that may impact this application.
- Responsible retailing code (NI) – covers the responsible promotion and retail of alcohol.

I would encourage the council as licensing authority to liaise with other statutory partners around ongoing investigative work associated with this application and applicant. I would also encourage that council engage in a community impact assessment around residential and business premises in the locale of this establishment.

Should the licence be granted I would appreciate being furnished with a copy of the licence and any conditions that will allow my team to support the licensing authority in effective monitoring and application of any relevant conditions as I further note that District Councils are responsible for taking the lead regarding any investigations.

Yours Sincerely

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|---------------------------|---|
| <b>Subject:</b>           | <b>Review of Pavement Café Licence – City Picnic, Fountain Street</b> |
| <b>Date:</b>              | 16th November, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435                   |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext. 3375                 |

|   |   |
|---|---|
| <b>Restricted Reports</b>                         |   |
| 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

|                                       |   |
|---------------------------------------|---|
| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|            |  |
|------------|--|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>  |
| 1.1        | To consider representations from DfI-Roads in relation to City Picnic’s Temporary Pavement Café Licence, which is impacted by the re-opening of Fountain Street, at its junction with Castle Street. |

|            |  |
|------------|--|
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.   |
| 2.2        | If the Committee is minded to agree to the DfI request to revoke the Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014, be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice. |

|            |   |
|------------|---|
| 2.3        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.   |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <p data-bbox="272 389 743 423"><b><u>Representations from DfI - Roads</u></b></p> <p data-bbox="165 459 1471 624">3.1 DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area, with the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p data-bbox="165 660 1302 694">3.2 A map from DfI-Roads showing traffic arrangements is attached at Appendix 1.</p> <p data-bbox="165 730 1471 960">3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures, which were unavoidable. When the roads were closed, it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p data-bbox="165 996 1471 1162">3.4 Returning the road network to pre-Primark fire arrangements will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advises that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p data-bbox="165 1198 1471 1263">3.5 DfI-Roads has notified the Council that, in its view, City Picnic's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p data-bbox="165 1299 1471 1364">3.6 Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p data-bbox="272 1400 914 1433"><b><u>Temporary Pavement Café Licensing Scheme</u></b></p> <p data-bbox="165 1469 1471 1601">3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p data-bbox="165 1637 1471 1736">3.8 The Council has granted City Picnic restaurant a Temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p data-bbox="165 1771 1471 1870">3.9 DfI-Roads has advised the licensee that pavement café space may be available on Castle Street in the portion that will remain closed to traffic and that they will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p data-bbox="165 1906 1471 1971">3.10 Council officers have met with the licensee for City Picnic and have advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised</p> |

site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

### **Options available within the scope of the Pavement Café legislation**

3.11 The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.

3.12 Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.

3.13 To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.

### **Notification of Revocation**

3.14 Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.

3.15 The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.

3.16 However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days notice.

3.17 Before deciding whether to revoke the licence, the Council must take into account any representations made by the licence holder within the period.

### **City Picnic**

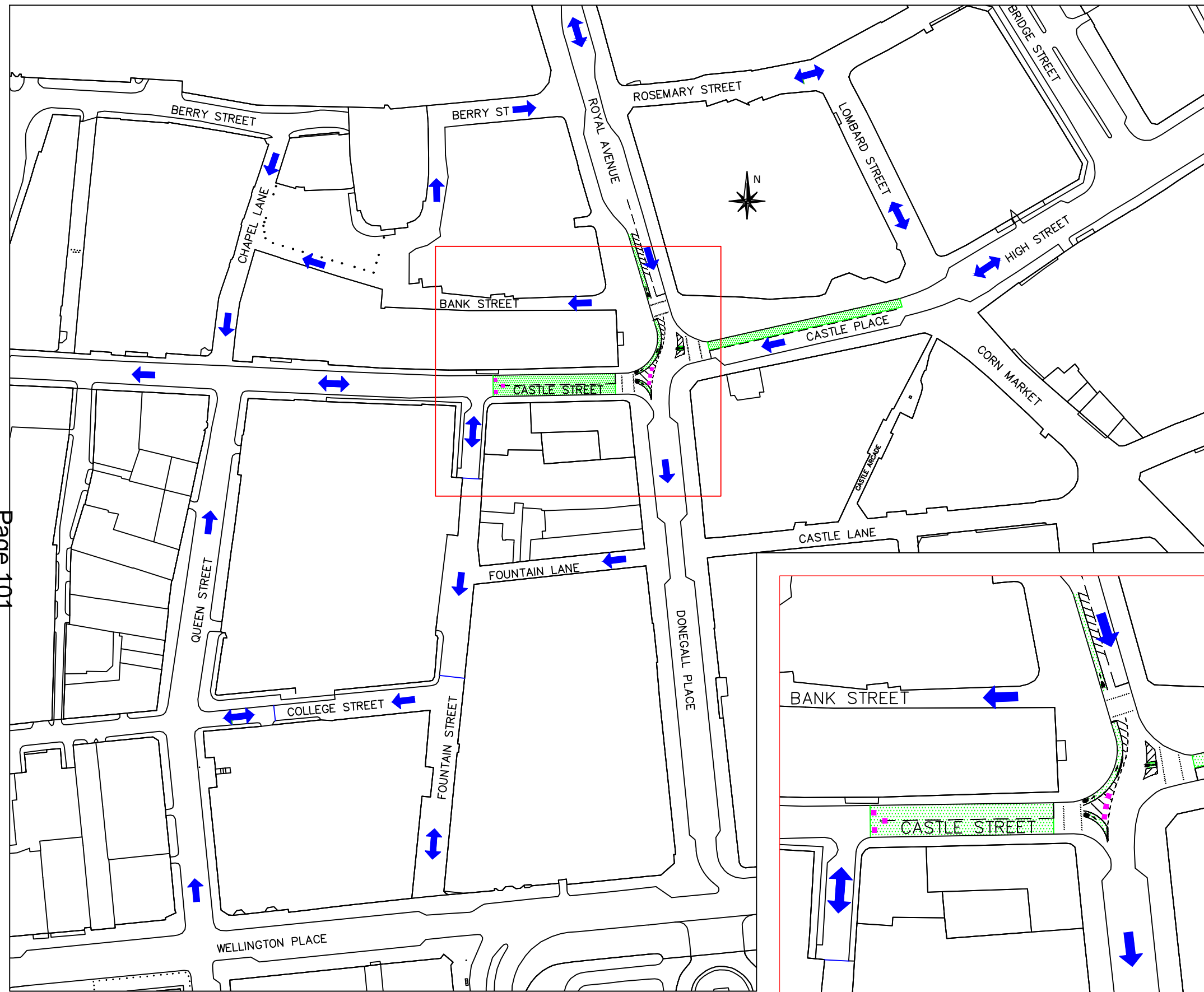
3.18 Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street, Belfast. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street.

3.19 Mr. McAnerney has submitted new plans for the re-location of his Temporary Pavement Café to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.

3.20 Mr McAnerney is engaging with DfI and Building Control staff to ensure that all documentation and technical information is in place.

3.21 At the time of writing this report, final agreement is not in place regarding the relocation.

|            |  |
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| 3.22       | <p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> |
| 3.23       | <p>There are no issues associated with this report.</p>  |
| <b>4.0</b> | <p><b>Documents Attached</b></p> <p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p>  |



Direction of travel marked... →  
 Areas for 'cyclists only' marked...   
 Location of planters marked... 

| NO. | REVISION | DATE |
|-----|----------|------|
|-----|----------|------|

Appendix 1

\*Based upon Ordnance Survey of Northern Ireland's data with the permission of the controller of Her Majesty's Stationary Office, © Crown copyright and database rights NIMA ES&LA214'. \*Unauthorised reproduction infringes © Crown copyright and may lead to prosecution or civil proceedings'.

Project **CITY CENTRE**

Title **DELIVERY ARRANGEMENTS  
NOVEMBER 2022**

|          |          |      |
|----------|----------|------|
| FILE NO. | DESIGNED | date |
| DRAWN    | CHECKED  | date |
| TRACED   | APPROVED | date |
| Drg. No. | Revision |      |

Scales

Eastern Division

Annex 7  
 Castle Buildings  
 Stormont Estate  
 Belfast  
 BT4 3SQ



Telephone: 0300 200 7893  
 Textphone: 028 90540022



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**KEY:**

-  Covered area in which a Pavement Licence Type 5e is applied for in respect of City Picnic
-  Covered area in which a Pavement Licence Type 5e is being separately applied for in respect of Voodoo

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|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Review of Pavement Café Licence – Voodoo, Fountain Street</b> |
| <b>Date:</b>              | 16th November, 2022  |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435              |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext 3375             |

|   |   |
|---|---|
| <b>Restricted Reports</b>                         |   |
| 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

|                                       |   |
|---------------------------------------|---|
| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | To consider representations from DfI-Roads in relation to Voodoo’s Temporary Pavement Café Licence, which is impacted by the reopening of Fountain Street at its junction with Castle Street. |

|            |   |
|------------|---|
| <b>2.0</b> | <b>Recommendations</b>  |
| 2.1        | Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.  |
| 2.3        | If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice. |

|            |   |
|------------|---|
| 2.4        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.  |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <p data-bbox="272 389 743 423"><b><u>Representations from Dfl - Roads</u></b></p> <p data-bbox="165 459 1471 624">3.1 Dfl-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area. With the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p data-bbox="165 660 1302 694">3.2 A map from Dfl-Roads showing traffic arrangements is attached at Appendix 1.</p> <p data-bbox="165 730 1471 958">3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures which were unavoidable. When the roads were closed it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p data-bbox="165 994 1471 1160">3.4 Returning the road network to pre-Primark fire arrangements, will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. Dfl-Roads advise that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p data-bbox="165 1196 1471 1261">3.5 Dfl-Roads has notified the Council that, in its view, Voodoo's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p data-bbox="165 1296 1471 1361">3.6 Representatives from Dfl-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p data-bbox="272 1397 914 1431"><b><u>Temporary Pavement Café Licensing Scheme</u></b></p> <p data-bbox="165 1467 1471 1599">3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p data-bbox="165 1635 1471 1733">3.8 The Council has granted Voodoo a Temporary Pavement Café Licence in Fountain Street close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p data-bbox="165 1769 1471 1868">3.9 Dfl-Roads has advised the licensee that pavement café space may be available on Castle Street, in the portion that will remain closed to traffic and that it will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p data-bbox="165 1904 1471 1968">3.10 Council officers have met with the licensee for Voodoo and advised him to engage with Dfl-Roads about potential options for relocation of their pavement cafe and that revised site plans</p> |

based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

### **Options available within the scope of the Pavement Café Legislation**

3.11 The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.

3.12 Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.

3.13 To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.

### **Notification of Revocation**

3.14 Should the Committee decide to revoke the licence, the Council is required to notify the Licensee of our intention, stating the grounds for doing so and that representations may be made by the licence holder.

3.15 The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.

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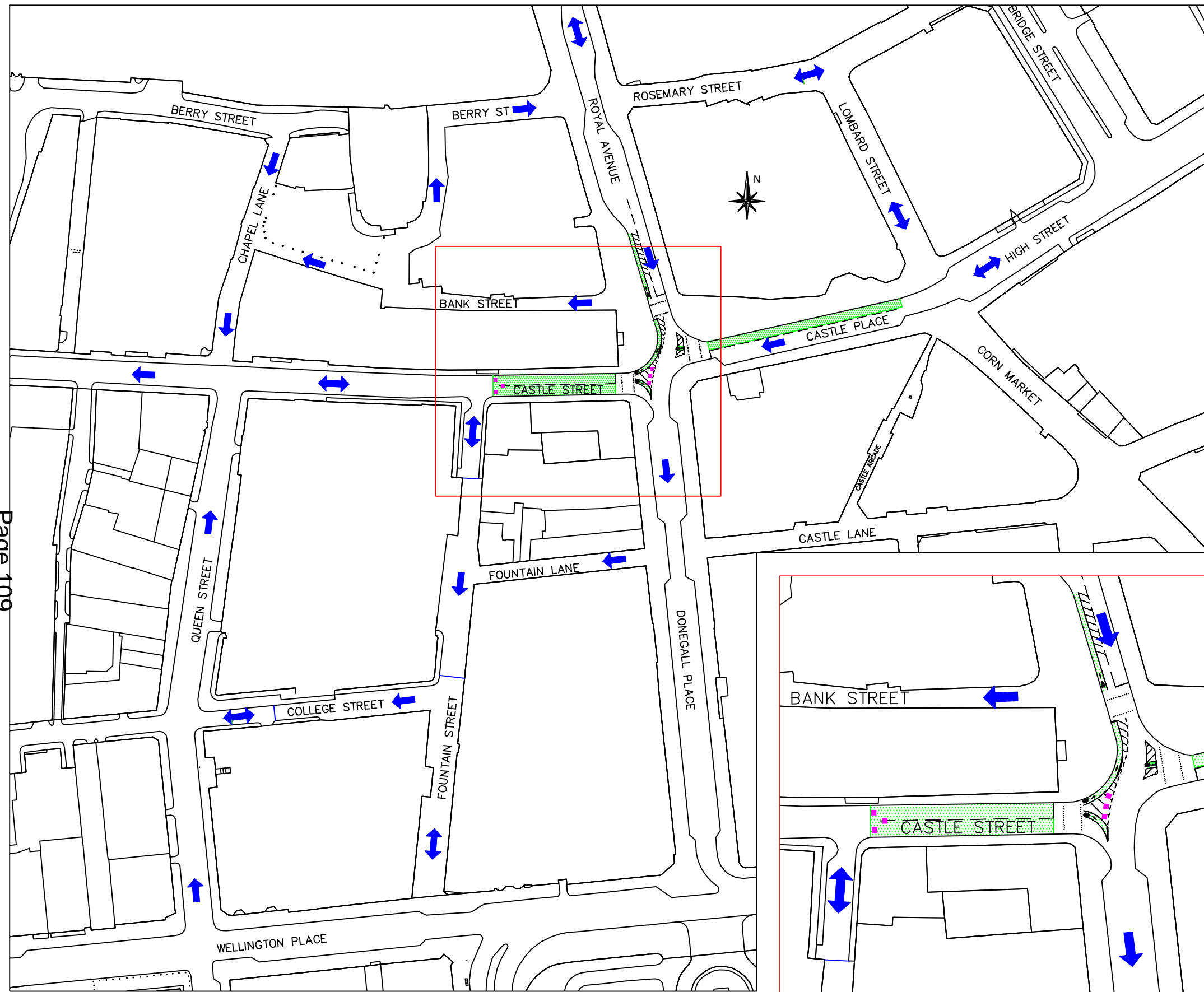
### **Voodoo**

3.18 Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street, Belfast. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street and adjacent to the area used by City Picnic.

3.19 The Committee is advised that Mr. Smyth has another Temporary Pavement Café Licence for Santeria, 19 Fountain Street, Belfast. This Licence is not affected by the reopening of Fountain Street.

3.20 Mr. Smyth has been notified of the concerns of DfI-Roads and his response is included at Appendix 3. In summary, this states that:

|                                     |  |
|-------------------------------------|--|
| <p>3.21</p> <p>3.22</p> <p>3.23</p> | <ul style="list-style-type: none"> <li>• because of the circumstances which all businesses have been faced with, they have reorientated their offer to make full use of their pavement cafe area and this has been a big help to their business</li> <li>• DfI-Roads is denying the organic growth of the City that local business inspire</li> <li>• he is seeking more time to develop possible alternative plans, and that</li> <li>• he is seeking the Council's help with the development of a satisfactory plan.</li> </ul> <p>Mr. Smyth and/or his representatives will be available at your meeting to discuss concerns in relation to the relocation of his Pavement Café.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p> |
| <p><b>4.0</b></p>                   | <p><b>Documents Attached</b></p>   |
|                                     | <p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p> <p>Appendix 3 - Response from the licensee in relation to DfI - Roads</p>   |



Direction of travel marked... →  
 Areas for 'cyclists only' marked...   
 Location of planters marked... 

| NO. | REVISION | DATE |
|-----|----------|------|
|-----|----------|------|

Appendix 1

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Project **CITY CENTRE**

Title **DELIVERY ARRANGEMENTS  
 NOVEMBER 2022**

|          |          |      |
|----------|----------|------|
| FILE NO. | DESIGNED | date |
| DRAWN    | CHECKED  | date |
| TRACED   | APPROVED | date |
| Drg. No. | Revision |      |

Scales

Eastern Division

Annex 7  
 Castle Buildings  
 Stormont Estate  
 Belfast  
 BT4 3SQ



Telephone: 0300 200  
 7893  
 Textphone: 028 90540022



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**KEY:**

-  Covered area in which a Pavement Licence Type 5e is applied for in respect of City Picnic
-  Covered area in which a Pavement Licence Type 5e is being separately applied for in respect of Voodoo

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|                    |   |
|--------------------|---|
| Subject:           | <b>Application for the Provisional Grant of an Amusement Permit – Elite Gaming, Little Vegas (NI) Ltd, 163 Stranmillis Road</b> |
| Date:              | 16th November, 2022   |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, ext: 2435   |
| Contact Officer:   | Laura Hillis, Principal Building Control Surveyor, ext: 2469  |

|   |   |
|---|---|
| <b>Restricted Reports</b>                         |   |
| 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

|                                       |   |
|---------------------------------------|---|
| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|            |   |                                 |  |
|------------|---|---------------------------------|--|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |                                 |  |
| 1.1        | To make a final determination on an application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order). |                                 |  |
|            | <b>Premises and Location</b><br>Elite Gaming<br>163 Stranmillis Road<br>Belfast, BT9 5AJ  | <b>Ref. No.</b><br>WK/202002652 | <b>Applicant</b><br>Little Vegas (NI) Limited<br>Unit 7 and 8 Ardboe Business Park<br>Kilmascally Road,<br>Dungannon,<br>Co. Tyrone BT71 5BJ |

| <b>2.0</b> | <b>Recommendations</b>  |
|------------|---|
| 2.1        | <p>In considering the application for the Provisional Grant of an Amusement Permit, the Committee shall have regard to the Order and Belfast City Council's Amusement Permit Policy, as follows:</p> <ul style="list-style-type: none"> <li>a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and</li> <li>b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,</li> <li>c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly</li> <li>d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and</li> <li>e) Representation, if any, as a result of the public notices of advertisement.</li> </ul> |
| 2.2        | <p>The Committee is then required to make a decision based on the following options set out under the Order.</p> <p>You must refuse the application unless satisfied that:</p> <ul style="list-style-type: none"> <li>a) The applicant is a fit person to hold an Amusement Permit; and</li> <li>b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</li> </ul>  |
| 2.3        | <p>Thereafter:-</p> <ul style="list-style-type: none"> <li>1) You may refuse the application after hearing any representations from third parties, or</li> <li>2) You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</li> <li>3) You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</li> </ul>  |
| 2.4        | <p>If, upon hearing the applicant, the Committee is minded to grant the permit provisionally, it is requested to consider delegating authority to the Director of Planning and Building Control, in consultation with the City Solicitor, to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p>  |
| 2.5        | <p>Should the Committee refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant</p>   |

|            |   |
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|            | may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.  |
| <b>3.0</b> | <b>Background</b>   |
| 3.1        | The Committee, at its meeting on 17th August 2022, agreed, after hearing from the applicant and their representative, that it was minded to refuse the application for the provisional grant of an Amusement Permit for the ground and first floors of 163 Stranmillis Road.  |
| 3.2        | This decision was taken on the basis that the application did not comply with the criterion of the Council's Amusement Permit Policy, in that the first floor of the proposed premises was immediately adjacent to residential use property.  |
| 3.3        | A copy of the minute and the report from 17th August is attached at Appendix 1.   |
| 3.4        | The Order requires that the Committee, when minded to refuse an application, must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.   |
| 3.5        | The applicant subsequently confirmed their desire to avail of the opportunity to make further representation and will be in attendance at your meeting together with their representatives.   |
| <b>4.0</b> | <b>Key issues</b>   |
| 4.1        | The Directors of Little Vegas (NI) Limited are Conor Francis Forbes, Aine Forbes, Ciara Anne Forbes and Shea Michael Forbes.  |
| 4.2        | A statement in support of the application has been provided for consideration and is included at Appendix 2.  |
| 4.3        | The key matters outlined in the statement are that: <ul style="list-style-type: none"> <li>• Planning permission for the amusement premises (covering all floors) was granted in February 2012.</li> <li>• The Health and Environmental Services Department was consulted on that 2012 permission and considered the proposal acceptable in the express context of the adjoining business and residential uses. Therefore, in the context of the original grant, and the Council's consideration of same, are identical.</li> <li>• The amusement permit was first granted in 2013. There have been no objections to any of the renewals of the permit since 2013.</li> <li>• The criterion (d) (ii) guidance cannot be considered as determining, because to do so ignores the same factual context that saw the planning permission granted in 2012.</li> <li>• A fresh Noise Impact Assessment ("NIA") has been carried out for the proposal, and the expert advice is that there will be no noise disturbance.</li> <li>• Notwithstanding the findings of the expert noise consultants, as a goodwill gesture, the applicant proposed additional noise attenuation to ensure no adverse impact.</li> </ul> <p><b><u>Amusement Permit Policy</u></b></p> |
| 4.4        | The Belfast City Council Amusement Permit Policy, ratified at Council on 1st May 2013, outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.   |

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| 4.5 | As outlined at the meeting on 17th August, it was concluded that whilst the location of the permit application satisfies most criteria in the Amusement Permit Policy it is not considered to meet criteria (dii). This criterion relates to the proximity of proposed premises immediately adjacent to residential use. Having regard to the potential impact on residential amenity, the Permit Policy advises a precautionary approach by discouraging the opening of amusement arcades in such locations.  |
| 4.6 | <p>In response to the applicant's appeal submission, the following points are made:</p> <ul style="list-style-type: none"> <li>• Unlike planning policy, the Permit Policy places greater emphasis on the nature and operations of an amusement centre. These premises are currently open from 3.00pm until 3.00am Monday to Sunday – as indicated on the premises' front door. Members may wish to consider the practicality of restricting first floor operations to 10.00pm.</li> <li>• Impact on residential amenity does not solely relate to noise levels emanating from inside a property, it also relates to the level of activity generated by a business and, in particular, noise nuisance outside the premises.</li> </ul> |
| 4.7 | Notwithstanding the above, the applicant has provided a noise impact assessment which outlines that noise levels are within recognised limits and should not adversely affect the amenity of residents in the adjacent property.   |
| 4.8 | The Committee is reminded that, in addition to the above legal requirements and assessment criteria, it may take into account any matter which is deemed relevant. The Committee may depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.  |
| 4.9 | A copy of the Council's Amusement Permit Policy is included in the submission from the applicant attached in Appendix 2.   |
| 5.1 | <p><b><u>Financial and Resource Implications</u></b></p> <p>Administration of Amusement Permit applications is included in current budgetary estimates.</p>  |
| 6.1 | <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None.</p>   |
| 7.0 | <p><b>Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 - Minute and Committee report of 17th August 2022</li> <li>• Appendix 2 - Applicant's statement in support of the application.</li> </ul>   |

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| <b>Subject:</b>           | <b>Schedule of Meetings 2023</b>         |
| <b>Date:</b>              | 16th November, 2022                      |
| <b>Reporting Officer:</b> | Vicki Smyth, Democratic Services Officer |
| <b>Contact Officer:</b>   | Vicki Smyth, Democratic Services Officer |

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| <b>Restricted Reports</b>                         |   |
| <b>Is this report restricted?</b>                 | 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

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| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | To advise the Committee of the dates and times of the meetings of the Licensing Committee between January and December, 2023. |
| <b>2.0</b> | <b>Recommendation</b>   |
|            | The Committee is requested to approve the schedule of meetings for the Licensing Committee, as set out below.                 |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <u>Key Issues</u>   |
| 3.1        | The monthly meeting of the Licensing Committee is normally held at 5.00 pm on the 3rd Wednesday of each month.                |

|     |   |
|-----|---|
| 3.2 | <p>Accordingly, the following dates have been identified for meetings of the Licensing Committee for the period from January to December, 2023:</p> <ul style="list-style-type: none"> <li>• Wednesday, 18th January</li> <li>• Wednesday, 15th February</li> <li>• Wednesday, 15th March</li> <li>• Wednesday, 12th April</li> <li>• Wednesday, 14th June</li> <li>• Wednesday, 16th August</li> <li>• Wednesday, 20th September</li> <li>• Wednesday, 18th October</li> <li>• Wednesday, 15th November</li> <li>• Wednesday, 13th December</li> </ul> <p>(All meetings will commence at 5.00 pm)</p> <p><b><u>Financial and Resource Implications</u></b></p> |
| 3.5 | <p>None associated with this report.</p> <p><b><u>Equality or Good Relations Implications</u></b></p>   |
| 3.6 | <p>None associated with this report.</p>  |
| 4.0 | <p><b>Documents Attached</b></p> <p>None.</p>   |



|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Licence Fees for Sex Establishments</b>            |
| <b>Date:</b>              | 16th November, 2022                                   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435   |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext. 3375 |

|  |   |
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| <b>Restricted Reports</b>                                |   |
| <b>Is this report restricted?</b>                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>If Yes, when will the report become unrestricted?</b> |   |
| After Committee Decision                                 | <input type="checkbox"/>  |
| After Council Decision                                   | <input type="checkbox"/>  |
| Sometime in the future                                   | <input type="checkbox"/>  |
| Never  | <input type="checkbox"/>  |

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| <b>Call-in</b>                               |   |
| <b>Is the decision eligible for Call-in?</b> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>  |
| 1.1        | Under Article 4 and Schedule 2 of The Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order), the Council has powers relating to the Licensing of Sex Establishments. Paragraph 19, Schedule 2 provides that an applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council. |
| 1.2        | Unlike the Street Trading Act (NI) 2001 and the Licensing of Pavement Cafés Act (NI) 2014, there is no procedure prescribed in the Order which the Council must follow in determining the Licence fee.   |
| 1.3        | The current Sex Establishment Licence fees were set by the Committee in June, 2016 and it was agreed that a review of the fees be conducted each year.   |

|                        |   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|------------------------|---|------------------------|---------------|--|--|--------------------|---------------|--|--|---------------------|---------------|--|--|--------------------|-------------|
| <b>2.0</b>             | <b>Recommendation</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 2.1                    | The Committee is asked to agree that the current fees, reviewed in November 2021, remain unchanged.   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 2.2                    | Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation as to the appropriate fees for sex establishments licences will be subject to ratification by Council.   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| <b>3.0</b>             | <b>Main Report</b>  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        | <b><u>Key Issues</u></b>  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 3.1                    | After reviewing the current fees, as agreed by Committee in November 2021, these were deemed to be proportionate to the cost of the processes associated with administering a Sex Establishment Licence.  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 3.2                    | It is therefore proposed that the fees set previously remain as shown below.  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        | <table border="1"> <tr> <td><b>Application Fee</b></td> <td><b>£3,200</b></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td><b>Renewal Fee</b></td> <td><b>£1,430</b></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td><b>Transfer Fee</b></td> <td><b>£1,125</b></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td><b>Licence Fee</b></td> <td><b>£500</b></td> </tr> </table> | <b>Application Fee</b> | <b>£3,200</b> |  |  | <b>Renewal Fee</b> | <b>£1,430</b> |  |  | <b>Transfer Fee</b> | <b>£1,125</b> |  |  | <b>Licence Fee</b> | <b>£500</b> |
| <b>Application Fee</b> | <b>£3,200</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        |   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| <b>Renewal Fee</b>     | <b>£1,430</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        |   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| <b>Transfer Fee</b>    | <b>£1,125</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        |   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| <b>Licence Fee</b>     | <b>£500</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        | <b><u>Financial and Resource Implications</u></b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 3.3                    | The Sex Establishment Licence fees will ensure the cost of the operational and administration processes are proportionate to the licensing scheme.  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| 3.4                    | There are no issues associated with this report.  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
| <b>4.0</b>             | <b>Documents Attached</b>   |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |
|                        | None  |                        |               |  |  |                    |               |  |  |                     |               |  |  |                    |             |

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