

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

20th June, 2018

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Conor Room - City Hall on Wednesday, 20th June, 2018 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. Delegated Matters
 - (a) Licences and Permits issued under Delegated Authority (Pages 1 - 6)
 - (b) Application for the Variation of a Seven-day Annual Indoor Entertainments Licence - Botanic Inn, 23-27 Malone Road (Pages 7 - 20)
 - (c) Application for Extended Hours - Lower Crescent Park (Pages 21 - 30)
 - (d) Application for Extended Hours - Woodvale Park (Pages 31 - 42)
 - (e) Application for Extended Hours - Falls Park (Pages 43 - 54)

- (f) Applications for the Renewal and Variation of Seven-Day Annual Indoor and Outdoor Entertainments Licences - Thompson's Garage, 3 Patterson's Place (Pages 55 - 68)
- (g) Application for the Grant of an Amusement Permit - Players, 22 Shaftesbury Square (Pages 69 - 84)
- (h) Application for the Grant of an Amusement Permit - Players, Unit 5-6, 133-137 Lisburn Road (Pages 85 - 102)
- (i) Application for the Grant of a Seven-Day Annual Entertainments Licence - Beckett's Bar, 241 Stewartstown Road (Pages 103 - 132)



Subject:	Licences/Permits issued under Delegated Authority
Date:	20 th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

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

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

1.0	Purpose of Report/Summary of Main Issues
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 Entertainments Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendation
2.1	The Committee is requested to note the applications which have been approved under the Scheme of Delegation.

3.0	Main Report																																																																
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting:</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Type of Application</th> <th>Hours Licensed</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Bank Square, Chapel Lane, Belfast</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Bank Square, Chapel Lane, Belfast</td> <td>Renewal (marquee)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Brantwood Football and Recreation Club, Jellicoe Avenue, Belfast, BT15 3FZ</td> <td>Renewal</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr. Noel Holmes</td> </tr> <tr> <td>Cotton Court, Waring Street, Belfast, BT1 2ED</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3BG</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3BG</td> <td>Renewal (marquee)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Donegall Quay, Lagan Lookout and Lagan Weir, Belfast.</td> <td>Renewal (outdoor)</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Department for Communities</td> </tr> <tr> <td>Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr. Patrick Magee</td> </tr> <tr> <td>Horatio Todd's, 406-408 Upper Newtownards Road, Belfast, BT4 3EZ.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Wandsworth Pubs Ltd.</td> </tr> <tr> <td>John Hewitt Bar, 51 Donegall Street, Belfast, BT1 2FG</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr. David Moore</td> </tr> <tr> <td>Kelly's Cellars, 32 Bank Street, Belfast</td> <td>Renewal</td> <td>Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00</td> <td>Ms. Elizabeth Mulholland</td> </tr> <tr> <td>Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 02.00</td> <td>Mr. Bernard Lavery</td> </tr> <tr> <td>Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB</td> <td>Renewal</td> <td>Sun - Sat: 08.00 - 01.00</td> <td>Mr. Ciaran McAuley</td> </tr> <tr> <td>McEnaneys, 1-3 Glen Road, Belfast, BT11 8BA</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Sky Blue Pubs NI Ltd.</td> </tr> <tr> <td>Mount Masonic Social Club, 45 Park Avenue, Belfast, BT4 1PU</td> <td>Renewal</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr. Randal Armstrong</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	Bank Square, Chapel Lane, Belfast	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Bank Square, Chapel Lane, Belfast	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities	Brantwood Football and Recreation Club, Jellicoe Avenue, Belfast, BT15 3FZ	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Noel Holmes	Cotton Court, Waring Street, Belfast, BT1 2ED	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Custom House Square, Belfast, BT1 3BG	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Custom House Square, Belfast, BT1 3BG	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities	Donegall Quay, Lagan Lookout and Lagan Weir, Belfast.	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities	Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Patrick Magee	Horatio Todd's, 406-408 Upper Newtownards Road, Belfast, BT4 3EZ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Wandsworth Pubs Ltd.	John Hewitt Bar, 51 Donegall Street, Belfast, BT1 2FG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. David Moore	Kelly's Cellars, 32 Bank Street, Belfast	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Ms. Elizabeth Mulholland	Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS	Renewal	Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 02.00	Mr. Bernard Lavery	Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Ciaran McAuley	McEnaneys, 1-3 Glen Road, Belfast, BT11 8BA	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Sky Blue Pubs NI Ltd.	Mount Masonic Social Club, 45 Park Avenue, Belfast, BT4 1PU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Randal Armstrong
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Oh Yeah Music Centre, 15-21 Gordon Street, Belfast, BT1 2LG	Renewal	Sun: 08.00 - 00.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 02.00	Oh Yeah Music Centre Ltd
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Tom McNaught
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 23.00	Stillery Inns Ltd
Shaftesbury Recreation Centre, 97 Balfour Avenue, Belfast, BT7 2EW	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Gerard Rice
Shandon Park Golf Club, 73 Shandon Park, Belfast, BT5 6NY	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Dominic Doherty
Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Ltd
SS Nomadic, Hamilton Dock, Queens Road, Belfast	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Titanic Belfast Ltd
St Malachys College Old Boys Assoc, 442 Antrim Road, Belfast	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Conor Cassidy
Stormont Hotel, 587 Upper Newtownards Road, Belfast, BT4 3LP	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Jonathan Topping
Albany and Miel Et Moi, 701-703 Lisburn Road, Belfast, BT9 7GU	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Calla House Ltd
The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Tobar Inns Ltd
The Metropolitan Arts Centre, 10 Exchange Street West, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Paul McIlwaine
The Parador, 471-473 Ormeau Road, Belfast, BT7 3GQ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Blaney Inns Ltd
The Skainos Centre, 239 Newtownards Road, Belfast, BT4 1AF	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Garry Robb
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (indoor)	Sun - Sat: 08.00 - 01.00	Titanic Belfast Ltd

Premises and Location	Type of Application	Hours Licensed	Applicant
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (marquee)	Sun: 11.30 - 23.00	Titanic Belfast Ltd
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Titanic Belfast Ltd
Writers Square, Donegall Street, Belfast, BT1 1ZZ	Renewal (marquee)	Sun - Sat: 11.30 - 23.00	Department for Communities
Writers Square, Donegall Street, Belfast, BT1 1ZZ	Renewal (outdoor)	Sun - Sat: 11.30 - 23.00	Department for Communities

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 198,5 the following Amusement Permits were issued since your last meeting:

Premises and Location	Type of Application	Hours Licensed	Applicant
Jet Amusements, 32-46 Castlereagh Road, Belfast, BT5 5FP.	Renewal	Sun - Mon: 00.00 – 00.00	Mr. James Johnston
Funtime Amusements, 91 Castle Street, Belfast, BT1 1GJ.	Renewal	Sun - Sat: 00.00 - 00.00	P & F Amusements
Twilight Zone Amusement Centre, 191 Kingsway, Dunmurry, Belfast, BT17	Renewal	Sun - Sat: 00.00 - 00.00	EZE Gaming Ltd

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

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Duncrue Crescent 45ft from junction with Duncrue Road	Stationary	Hot food and non-alcoholic beverages	Mon – Fri: 07.00 – 16.00	Mr. James Thompson

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

Location	Type of Activity	Date and Hours permitted	Applicant
Oxford Street.	Filming	3rd June: 6am to 10am	Ms. Lynda Shannon
Upper and Lower Crescent.	Filming	3rd June: 6am to 8pm	Mr. Chris Myers

	<u>Financial and Resource Implications</u>
3.5	None
	<u>Equality or Good Relations Implications</u>
3.6	There are no equality and good relations issues.
4.0	Documents Attached
	None

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Subject:	Application for the Variation of a Seven-day Annual Indoor Entertainments Licence - Botanic Inn, 23-27 Malone Road
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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

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

1.0	Purpose of Report/Summary of Main Issues				
1.1	<p>To consider whether to accept late objections to an application for the variation of the hours during which entertainment may be provided at the Botanic Inn to 3 a.m. on Saturday nights.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; width: 50%;">Premises and Locations</th> <th style="text-align: left; width: 50%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td> <td>Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td> </tr> </tbody> </table>	Premises and Locations	Applicant	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU
Premises and Locations	Applicant				
Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU				
1.2	The variation application for the Botanic Inn for the extension of hours of entertainment to 3.00 a. m. was received on 22nd November, 2016.				

2.0	Recommendations
2.1	As the objections against the application were received outside the 28-day statutory period, you are required to determine if you wish to exercise your discretion to consider them and, if so, give the objectors and the applicant an opportunity of appearing before and being heard by the Committee.
2.2	Should you exercise your discretion, you are required to set a suitable date and time to receive the persons who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the applications.
2.3	If you decide not to take the late representation into account, then the application will be brought before you at a future meeting for your consideration, as all applications for the extension of hours of entertainment beyond 1.00 a.m. must be brought before the Committee for consideration. Additionally, you will also consider the objections of the Lower Malone Residents' Association arising from the decision to take them into account at your meeting on 19th April 2017.
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>Members are reminded that, at your meeting on 18th January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections:</p> <ol style="list-style-type: none"> 1. has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period?; 2. does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period/; 3. how far outside the 28-day period were the representations received?; 4. the proximity of the objectors to the premises; 5. the number of other representations received outside the 28-day period; 6. whether there are any other material considerations which would warrant consideration of the objection. <p>3.2 A factor Members may also wish to take into consideration is the previous history of objection, Committee hearings and Court cases associated with these premises and the fact that the Entertainments Licence currently has conditions which require the Licensee to attend liaison meetings between Belfast City Council, the Lower Malone Residents Association and the PSNI.</p> <p>3.3 Written representation, objecting to the applications, has been received from a number of sources, which were outside the 28 day statutory period. (See Appendix 1)</p> <p>3.4 All of the above objections were received in April and May, 2018.</p> <p>3.5 A synopsis of the objections received is outlined below:</p> <ul style="list-style-type: none"> • the premises are located near residential streets in the greater University area and Lower Malone. It is totally inappropriate for a pub to open to 3.00 am in this area;

<p>3.6</p>	<ul style="list-style-type: none"> • many streets in the surrounding area are residential in nature and many of the owners have to work the next day and have children trying to sleep; • there has been an ongoing problem with antisocial behaviour in the wider university area; • there is an ongoing concern in Lower Malone with antisocial behaviour and noisy students making their way back to the Elms Village and other student housing in the area. <p>Arising from your decision of 18th January, 2017, we have received correspondence from the objectors explaining the reason for their late objection. They have all stated this was because they were unaware of the application submitted by the Botanic Inn to increase their hours of entertainment until advised by the PSNI via their local residents' group in April 2018.</p> <p>Lower Malone Residents Association</p>
<p>3.7</p>	<p>Members will recall that, at your meeting on 19th April 2017, it was reported that representations had been received from the Lower Malone Residents' Association objecting to this application. The Committee agreed, in view of the explanation which had been provided and relevance of the objection, to exercise its discretion and consider the objections outside the 28-day statutory period at a future meeting of the Committee.</p>
<p>3.8</p>	<p>In the interim period, there has been ongoing mediation between the management of the Botanic Inn and Lower Malone Residents Association, who confirmed that they were happy to withdraw their objection on the basis that the Licence was issued for one night per week for a six month period.</p>
<p>3.9</p>	<p>However, the Lower Malone Residents Association confirmed, on 20th May 2018 that, although they entered into the mediation process with the management of the Botanic Inn, they would like to maintain their original objection. A copy of the original Lower Malone Residents' Association objection is attached at Appendix 2.</p> <p>PSNI</p>
<p>3.10</p>	<p>The Police Service of Northern Ireland originally objected to the 3 a.m. extension, as it was proposed for midweek and it would not have adequate resources to facilitate this. Due to this objection, the applicant proposed changing the proposed 3 a.m. extension to a Saturday night and the Police Service of Northern Ireland confirmed it would have no objection. A confirmation email from the PSNI is attached at Appendix 3.</p> <p><u>Financial and Resource Implications</u></p>
<p>3.11</p>	<p>None.</p> <p><u>Equality or Good Relations Implications</u></p>
<p>3.12</p>	<p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Objection E-mails Appendix 2 – Original objection from Lower Malone Residents' Association Appendix 3 – Email from Police Service of Northern Ireland</p>

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

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Subject:	Application for Extended Hours - Lower Crescent Park
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

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

1.0	Purpose of Report/Summary of main Issues
1.1	To consider a request from the organisers of the FOCAL Festival to operate an outdoor event over three nights within Lower Crescent Park, on Thursday 30th and Friday 31st August and Saturday 1st September 2018, and to permit entertainment to run beyond 11.00 p.m to 1.00 a.m. on each of those nights.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. Agree if any or each of the proposed nights should be permitted to take place beyond the standard hours of licence or; 2. Refuse to extend any or all of the hours as requested.
3.0	Main Report
	<u>Key Issues</u>
3.1	Lower Crescent Park is the responsibility of the Parks Service of the City and Neighbourhood Services Department, which currently holds a Seven-Day Annual Outdoor Entertainments Licence for the park.
3.2	<p>The standard days and hours during which the park is currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 a.m. to 11.00 p.m.

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p>	<p>In addition, the following special conditions are attached to the Entertainments Licence:</p> <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals; 2. the licensee may, three months in advance of a proposed event, apply for additional hours to provide entertainment beyond 11.00pm. Such applications will be considered by the Licensing Committee and any previous noise issues will be taken into account; 3. should an application to provide entertainment beyond 11.00pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements; and 4. all letters forwarded by promoters to residents must advise that, should they have objections or concerns regarding an event providing entertainment beyond 11.00pm, they contact the Building Control Service. <p>The Committee may recall approving in November an application from the organisers of the FOCAL Festival for an event which ran to 1.00 a.m. on 21st, 22nd and 23rd December 2017. This is the third edition of the Focal Festival and is a follow-on from events held in June/July 2017 and December 2017 at the venue.</p> <p>Focal Festival is an independent food and drink festival centred on the celebration and promotion of local food and drink incorporated within an outdoor festival.</p> <p>It is a standard condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p> <p>Members are reminded that the Committee has previously granted extensions for other similar events across the City, including the Cathedral Quarter Arts Festival, the Belfast Beer Festival 2017 and Oktoberfest at Custom House Square and the Belfast City Blues Festival at Writers Square.</p> <p>The Parks Service has also sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 5th June 2018, subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul style="list-style-type: none"> • the promoter resolves all operational issues to the Council's satisfaction; • an appropriate legal agreement is completed, to be prepared by the City Solicitor; and • the promoter meets all statutory requirements of the Building Control Service, including the terms and conditions of the Parks Entertainments Licence and any subsequent decisions made by the Licensing Committee. <p>This decision will be subject to ratification by Council on 2nd July 2018.</p>
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Rationale for Additional Hours

3.10 The applicant has provided the following rational in support of the application to provide entertainment beyond 11.00 p.m. to 1.00 a.m. on 3 consecutive nights:

- People Flow - we are anticipating up to 2,000 guests each day at Focal 2018. With this large number of people leaving at night and in the dark may cause congestion and confusion within the crowd. By extending the licensing hours we can allow people to leave in phases;
- Local Area - As a large scale event with alcohol involved, if everyone has to leave at one time there could be a run on other local establishments, which will no doubt already be pushed to capacity. We would like to allow our security team to work with local bars in order to phase the crowd leaving instead of everyone having to leave at once. This issue has been backed up by several of the nearby establishments;
- Transport - We want to ensure each guest is able to get warm and safe transport home - by having everyone leave in phases we can ensure this happens instead of all wanting taxi's at one time;
- Musicians - We are promoting exclusively Northern Irish emerging talents, supporting every genre from pop, singer-songwriter, DJ, rock and traditional music. By having extended licensing we can showcase 23 artists opposed to 17 and
- Finances - Due to having to hire extra marquees, higher levels of insurance, heating costs and stage costs the festival is costing around 40% more than the last event. By having the extra entertainment licence hours we can keep the festival running longer and recuperate some more of these costs and strive to break even for the festival. We do not do this to make a profit.

3.11 As this is not an application to vary the terms and conditions of the Outdoor Entertainments Licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.

3.12 Officers from the Service have engaged with the organisers and with officers of the Parks Service and are currently working with them to determine an appropriate occupancy for the venue and ensure other arrangements are in place to manage the event safely.

3.13 Representatives of both the Parks Service and event organisers will be available at your meeting should you wish to seek further information about the event.

3.14 A copy of the letter from the event organisers about the festival and their rationale for the request to extend the hours is attached at Appendix 1.

3.15 A location map is attached at Appendix 2.

PSNI

3.16 The PSNI has been consulted in relation to the application. However due to the request to operate beyond 11.00 p.m. being received in June 2018 it has not responded as yet. Therefore, we will advise of the PSNI's response at the Licensing Committee meeting. The Police Service will also be consulted in advance of any proposed event to consider traffic management and wider operational policing issues.

	<u>NIFRS</u>
3.17	As with all such events, a detailed planning meeting will be held, attended by officers of the PSNI and NIFRS, to look at public safety, traffic management, transport and any wider operational issues.
	<u>Health, Safety and Welfare Issues</u>
3.18	Having worked with the event organisers for their June and December festivals, we are satisfied that the space can accommodate the proposed festival and, to date, the organisers have co-operated fully regarding measures to protect public safety and the surrounding area.
	<u>Noise Issues</u>
3.19	The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. in the Park and been provided with a recently submitted noise report which outlines the promoters strategy to mitigate noise disturbance in the surrounding area.
3.20	EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. They are committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
3.21	Given the cumulative impact of three late nights in a row and potential sleep disturbance to nearby residents, Officers are concerned that there is a greater potential for complaints after 11.00 p.m. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 p.m.
3.22	Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11 p.m. the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.
3.23	2 noise complaints were received in relation to the festival in December 2017, and 3 arising from the event hosted in June 2017.
3.24	The complaints have been brought to the attention of the event organisers and will be taken into account in preparation for this event. No formal action was undertaken in respect of the noise complaints.
3.25	When all reports and supporting information have been developed they will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.
3.26	The organiser will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place. They will also be advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.
	<u>Financial and Resource Implications</u>
3.27	Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.

3.28	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Rationle</p> <p>Appendix 2 – Location map</p>

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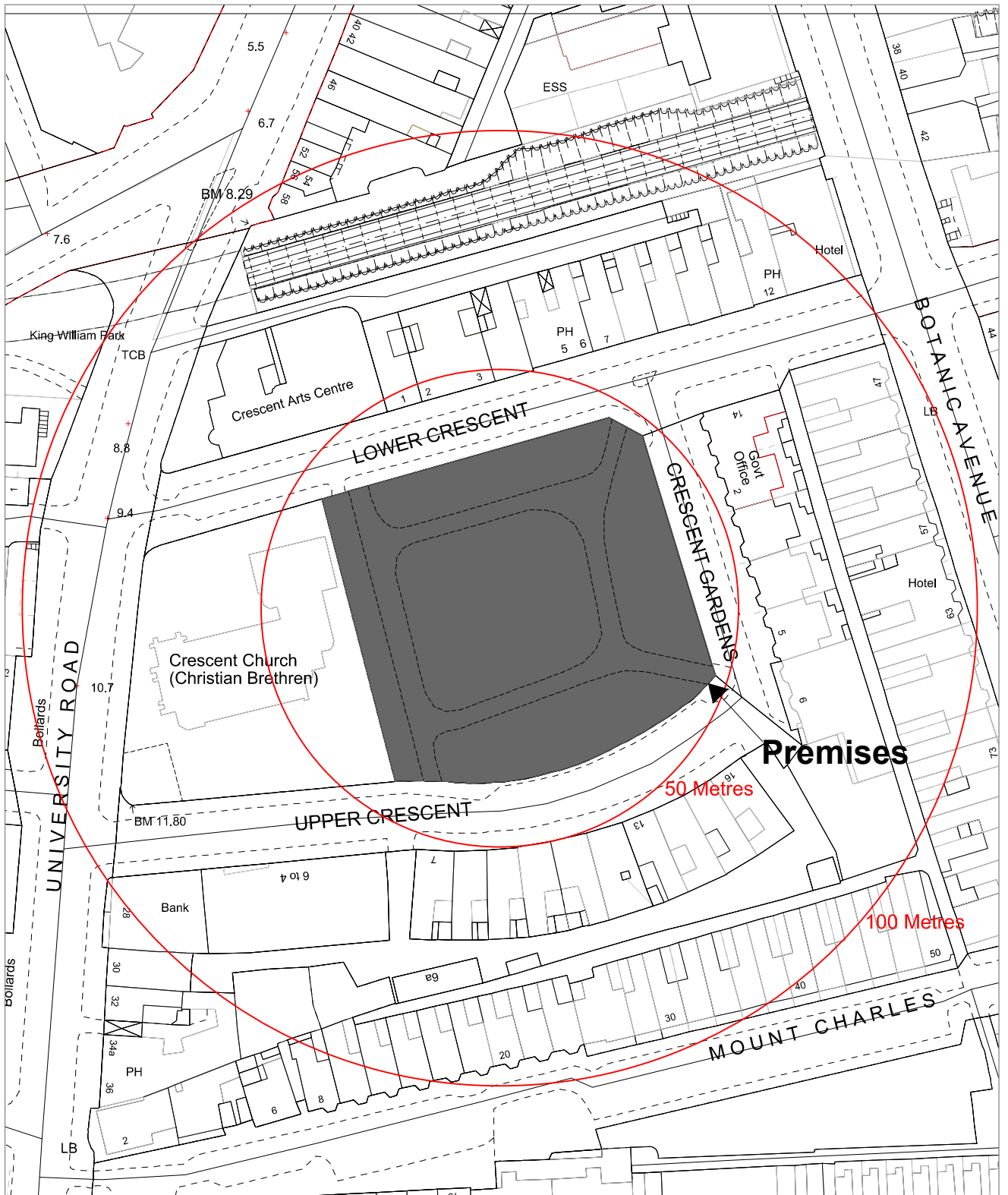
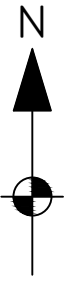
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Building Control Service

Belfast Mapping Data v3.0
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Appendix 2



DRAWN BY MT
DATE 02/08/2016

Page 29
Crescent Park
Crescent Gardens

SCALE 1:1250

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Subject:	Application for Extended Hours - Woodvale Park
Date:	20 th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a request from Twaddell and Woodvale Residents Association to hold an outdoor musical event at Woodvale Park on 9th and 11th July 2018 and to permit entertainment to run beyond 11.00 p.m. on both nights.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received, you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. agree if the events on the 9th and 11th July 2018 should be permitted to take place beyond the standard hours of licence to 1.00 am or 2. refuse to extend the hours as requested.

3.0	Main Report
	<p data-bbox="272 226 427 255"><u>Key Issues</u></p> <p data-bbox="165 293 1474 454">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Indoor Licence, for a Marquee, has been granted for Woodvale Park and both have been used to hold events in the past. The licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">3.2 The days and hours during which entertainment may be provided both outdoors and in a marquee are Monday to Sunday from 11.30 a.m. to 11.00 p.m.</p> <p data-bbox="165 595 1474 663">3.3 In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ol data-bbox="288 696 1390 1267" style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. 2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. 3. any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements. <p data-bbox="165 1301 1474 1435">3.4 The Twaddell and Woodvale Residents' Association has been an active participant in the bonfire programme for a number of years. In 2007, it was involved in the design of the Bonfire Beacon as an alternative to the traditional 11th July bonfire and it has successfully run this event from 2008, attracting over 1,000 people.</p> <p data-bbox="165 1469 1474 1626">3.5 The Council's People and Communities Committee, at its meeting on 8th May, granted authority to Twaddell and Woodvale Residents' Association to hold a three-day programme of cultural celebration in Woodvale Park in July, subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that the event organiser:</p> <ul data-bbox="320 1671 1474 1839" style="list-style-type: none"> • ensures that all health and safety requirements are met to the Council's satisfaction, including an event management plan, risk assessments and public liability insurance; and • meets all statutory requirements, including entertainments licensing. <p data-bbox="165 1872 1474 1973">3.6 It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p>

3.7	Members are reminded that, last year, the Committee considered an extension beyond the standard hours of 11.00 p.m. to 1.00 a.m. for this event at Woodvale Park and, after consideration, agreed to grant the request.
3.8	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 p.m. for other events and festivals, including at your meeting in March, the Cathedral Quarter Arts Festival.
3.9	The Committee has also granted extensions for other events and venues across the City, including Lower Crescent Park.
<u>Rationale for Additional Hours</u>	
3.10	The organisers have not yet finalised the details for the event but have confirmed that their event will commence on Monday 9th and run to Wednesday 11th July 2018.
3.11	Acts for this year's event are still being finalised but it is anticipated that the event on 9th July will be split into two clear segments, a matinee event for families running from 3 p.m. to 5 p.m. and an evening event for over 16-year olds, involving a live concert featuring a range of UK and European electronic music artists.
3.12	The event on 11th July will involve a range of international artists, including live bands and singers, as well as a range of family orientated activities and music.
3.13	The organisers have requested that you give consideration to permitting entertainment on Monday 9th and the last night of their programme of celebrations on 11th July 2018 to run beyond 11.00 p.m. to a maximum on 1.00 a.m.
3.14	As this is not an application to vary the terms of the Outdoor Entertainments Licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.
3.15	A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to beyond 11 p.m. is attached at Appendix 1.
3.16	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.17	A location map is attached at Appendix 2.
<u>PSNI</u>	
3.18	The PSNI has been consulted regarding the event and the request to operate on 9th and 11th July to 1.00 am. It has confirmed that it has no objections to this proposal and that, in previous years, it appears to have been well run and beneficial to the area.
3.19	A copy of its correspondence is attached at Appendix 3.
<u>Health, Safety and Welfare Issues</u>	
3.20	Officers have engaged with the organisers and officers of the Parks Service and are currently working with them to agree the details of their Event Management Plan and the layout plan for the site. We will continue this work to determine an appropriate occupancy for the event and ensure other arrangements are in place to manage the event safely.

3.21	<p>Officers from the Service have carried out inspections for previous events to celebrate the 11th night and have found that the organisers have adhered to the health, safety and welfare management requirements during that time.</p> <p><u>Noise Issues</u></p>
3.22	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the event and the request to operate to beyond 11.00 p.m. on both nights. It has confirmed that no complaints were received in relation to last year's event on the 11th July.</p>
3.23	<p>EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.</p>
3.24	<p>An appropriate noise report will be developed in conjunction with the Council's Parks Service and EPU will work with the organiser to ensure noise break out and disturbance is kept to a minimum and that the agreed noise limit is in line with the relevant Code of Practice.</p>
3.25	<p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 p.m.</p>
3.26	<p>Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that, for events continuing after 11 p.m., the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.</p>
3.27	<p>Officers will also ensure the organiser produces a suitable resident's notification letter and will agree the extent of its distribution prior to the event taking place.</p>
	<p><u>Financial and Resource Implications</u></p>
3.28	<p>Officers will be required to carry out inspections at the event, but this is catered for within existing Service budgets.</p>
	<p><u>Equality and Good Relations Implications</u></p>
3.29	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Rationale for requesting the extended hours</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>

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of the Local Government Act (Northern Ireland) 2014.

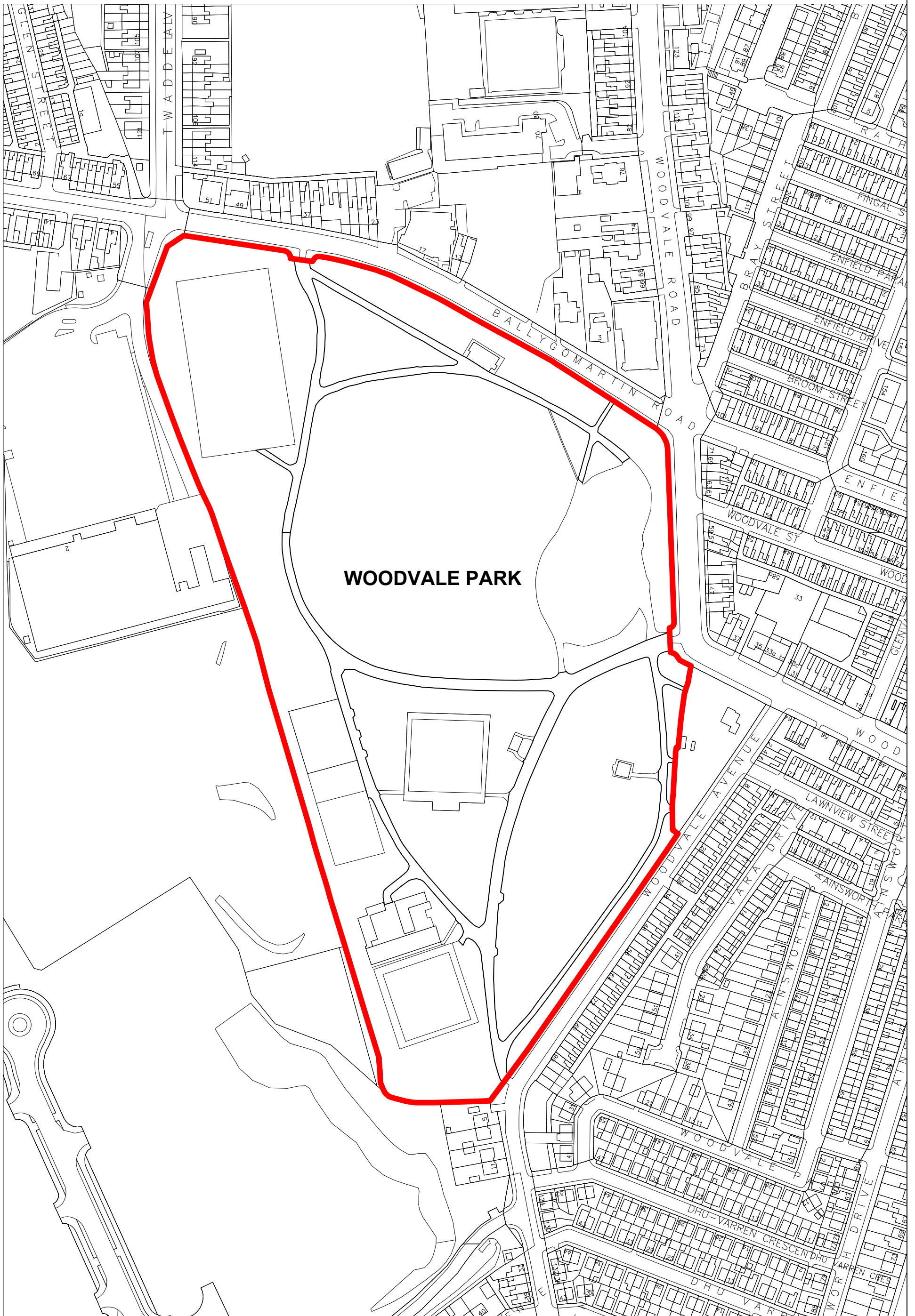
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WOODVALE PARK

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Subject:	Application for Extended Hours - Falls Park
Date:	20 th June, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

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

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

1.0	Purpose of Report/Summary of main Issues
1.1	To consider a request from the organisers of Féile an Phobail to hold a four-day music event within Falls Park, running from Wednesday 8th to Sunday 12th August 2018, and to permit the entertainment to run beyond 11.00 pm on all occasions.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received, the Committee is required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. agree if any or all of the four events should be permitted to take place beyond the standard hours of licence to 1.00 a.m. on all 4 occasions; 2. refuse to extend any or all of the hours as requested.

3.0	Main Report
	<p data-bbox="272 226 427 255"><u>Key Issues</u></p> <p data-bbox="165 293 1474 456">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold numerous events in the past; primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">3.2 The days and hours during which entertainment may be provided both outdoors and in a marquee, are Monday to Sunday from 11.30 a.m. to 11.00 p.m.</p> <p data-bbox="165 600 1474 667">3.3 In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul data-bbox="325 696 1390 1263" style="list-style-type: none"> • maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals; • prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council; • any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event; and • should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements. <p data-bbox="165 1301 1474 1435">3.4 The organisers have not yet finalised all of the artists to perform at this year's event but they have confirmed that the genre and type of entertainments will be similar to previous years. However, Olly Murs has been identified as the headline act to perform on 11th August. Musical performances are also scheduled for 8th, 10th, and 12th August.</p> <p data-bbox="165 1473 1474 1570">3.5 The People and Communities Committee, at its meeting on 5th June, agreed the use of the park for this event subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul data-bbox="325 1608 1474 1868" style="list-style-type: none"> • The Event Organisers resolve all operational issues to the Council's satisfaction. • An appropriate legal agreement is prepared by the Town Solicitor. • The Event Organisers meet all statutory requirements including Public Liability Insurance cover, Health and Safety, Food Safety and licensing responsibilities. • The Event Organisers obtain licences for the sale of alcohol, in a timely manner through the appropriate channels. • The timely payment of the agreed charges and bonds as required in the legal agreements. <p data-bbox="165 1906 1474 1935">3.6 This decision will be subject to ratification by Council on 2nd July.</p>

3.7	It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
3.8	As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
3.9	Members may recall that, last year, you agreed to grant the organisers permission to operate all of their eleven nights of the event at the venue beyond the standard hours of 11.00 p.m. to 12.00 a.m.
3.10	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 p.m. for other events and festivals including the Cathedral Quarter Arts Festival at your March meeting.
3.11	The Committee has also granted extensions for other events and venues across the City, including Lower Crescent Park.
Rationale for additional hours	
3.12	The organisers have confirmed that this is the 30th year of the event, which has always been staged as a community event for the people. The event has grown over the years from being held over 2 to 3 days to a full festival running over 10 or 11 days, offering a mixture of entertainments, social hubs, artistic performances, sports activities to multi-cultural and educational events. This year's festival will run from 2nd -12th August.
3.13	The event organisers have cited that, after significant engagement with the local community and stakeholders, the entertainment aspect of the festival within Falls Park has been consolidated from 11 nights of entertainment to 4 nights of entertainment.
3.14	The event organisers have also indicated that, although the application is to provide 4 nights of entertainment to 1.00 a.m., it is envisaged that entertainment will only run to 1.00 a.m. on 8th August. Entertainment on the remaining evenings will finish before this time.
3.15	The ability to operate beyond the permitted hours to 1.00 a.m. allows the organisers to develop their plans around some of the diversionary activities they propose to put in place to help with the ongoing antisocial behavior issues and to take kids off the streets by giving them somewhere safe to go to. In addition to the entertainment and social aspect of the event, there are proposals to introduce activities involving sport and discussion for the youth to engage with.
3.16	As reported at 3.4, acts for this year's festival are still being finalised, but a number of international artists that will appeal to all age groups are booked and a full running order should be completed during the month of June.
3.17	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.18	A copy of the letter from the organisers, outlining the background to the festival and reasons for requesting the extended hours to 1.00 a.m., is attached at Appendix 1.
3.19	A location map is attached at Appendix 2.

	<u>PSNI</u>
3.20	The PSNI has been consulted in relation to the event and has confirmed that the organisers have been in regular contact with it regarding it and their proposal to operate each night beyond the permitted hours to 1.00 a.m. It has also been working with them regarding traffic management and an Occasional Liquor Licence application.
3.21	As a result, the PSNI has offered no objection to the event and the proposal to operate beyond the permitted hours. A copy of its comments is attached at Appendix 3.
	<u>Health, Safety and Welfare Issues</u>
3.22	Officers have engaged with the organisers and officers of the Parks Service and they have provided a draft Event Management Plan and Site Plan. A significant change in the format of the event is the proposal to host all entertainment completely outdoors. Previously entertainment was hosted for the duration of the event within a marquee.
3.23	Event organisers continue to engage with the Service as the proposals in relation to the events develop.
3.24	Officers from the Service have carried out during performance inspections over previous events organised by Féile an Phobail and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of events during that time.
	<u>Noise issues</u>
3.25	The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. on the identified nights in Falls Park. An acoustic report has not been provided to the Unit at this stage. The proposed event space still remains the subject of ongoing construction works. When construction works have been completed the site will be available for analysis by the organisers Acoustic Consultant.
3.26	EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
3.27	Given the cumulative impact of four late nights so close together and potential sleep disturbance to nearby residents, officers are concerned that there is a greater potential for complaints after 11.00 p.m. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
3.28	Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11pm the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.
3.29	Last year there were 27 noise complaints in relation to Falls Park over the course of the festival. 25 of these complaints were received between 11.00 p.m. and 1.00 a.m. A measurement taken inside a complainant's bedroom at 11.19 pm with the window open was 42db LAeq. This significantly exceeded the World Health Organisation (WHO) guidelines of 30 dB(A).

3.30	Loud bass beat could be heard in the surrounding area. The complainants commented that they were unhappy with the 1.00 a.m. finish.
3.31	The complaints were brought to the attention of the event organisers both at the time of the events and in discussions with the organisers in preparation for this year's Feile. No formal action was undertaken in respect of the noise complaints.
3.32	When all reports and supporting information have been developed they will be considered by officers to ensure that the technical requirements are in accordance with all relevant legislation and guidance. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises and have been advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.
3.33	The organisers will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place.
<u>Financial and Resource Implications</u>	
3.34	Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.
<u>Equality and Good Relations Implications</u>	
3.35	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
<p>Appendix 1 – Rationale for requesting the extended hours</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>	

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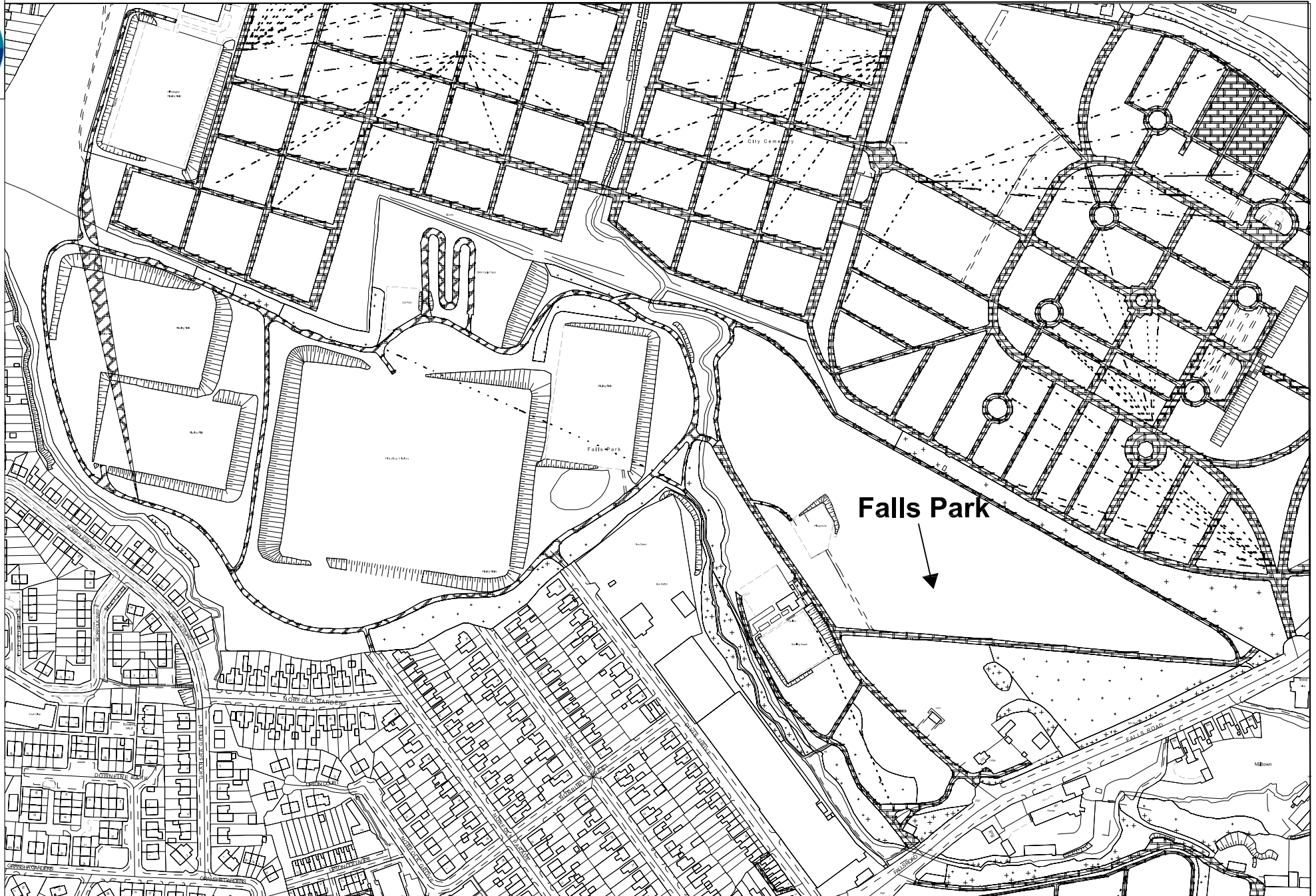
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Page 51



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DATE 11/05/15

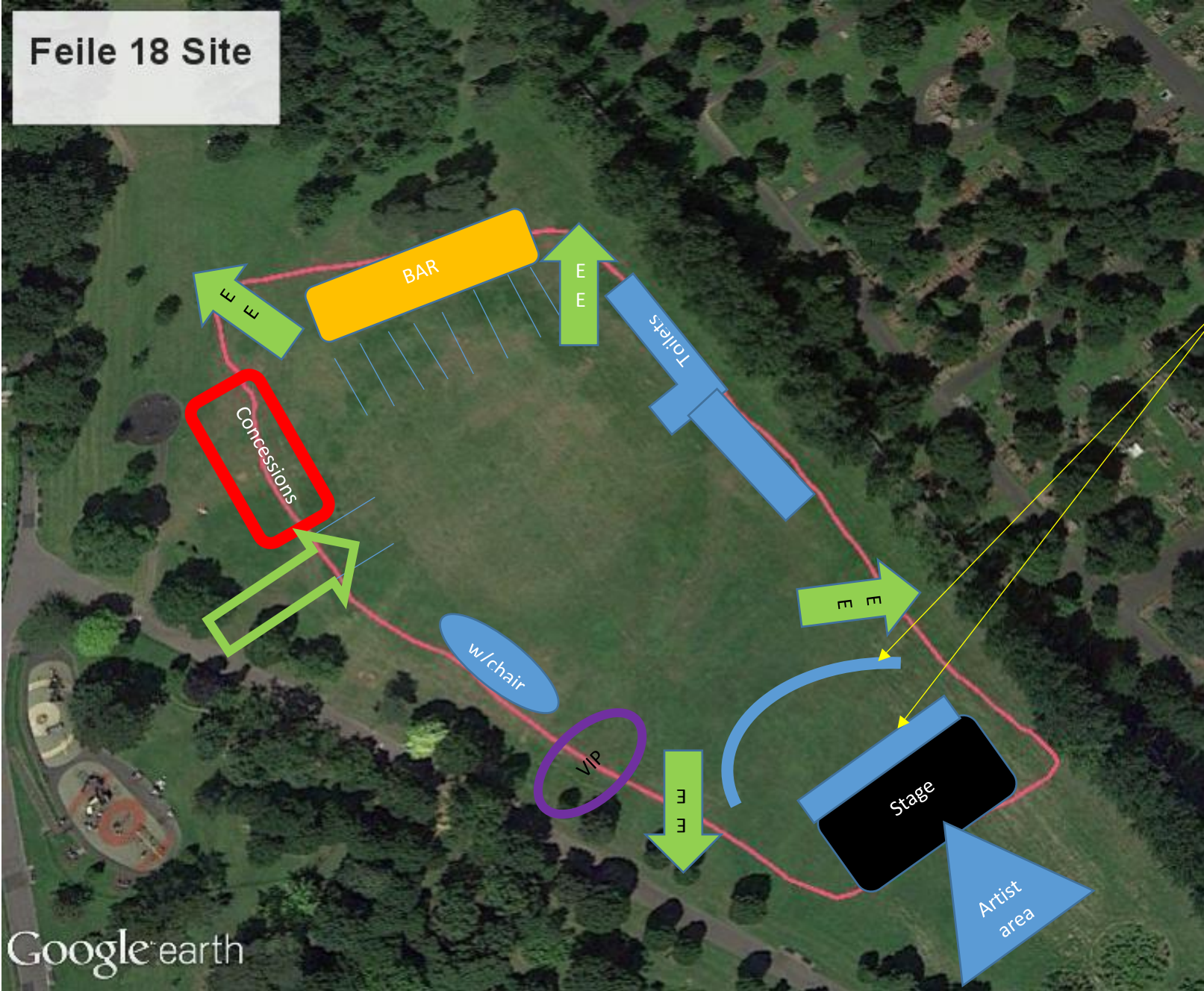
Falls Park
Falls Road

SCALE 1:1250

Building Control Service

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Feile 18 Site



Mojo to create a golden circle (needed due to pressure of 10,000 crowd)

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

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Subject:	Applications for the Renewal and Variation of Seven-Day Annual Indoor and Outdoor Entertainments Licences - Thompson's Garage, 3 Patterson's Place
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

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

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

1.0	Purpose of Report/Summary of Main Issues				
1.1	<p>To consider applications for the renewal and variation of both the Seven-Day Annual Indoor and Outdoor Entertainments Licence for Thompsons Garage, based on the Council's Standard Conditions.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; text-align: center;">Premises and Location</td> <td style="width: 50%; text-align: center;">Applicant</td> </tr> <tr> <td style="text-align: center;">Thompson's Garage 3 Patterson's Place Belfast BT1 4GW</td> <td style="text-align: center;">Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL</td> </tr> </table>	Premises and Location	Applicant	Thompson's Garage 3 Patterson's Place Belfast BT1 4GW	Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL
Premises and Location	Applicant				
Thompson's Garage 3 Patterson's Place Belfast BT1 4GW	Mr. Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL				
1.2	The nature of the variation to the Indoor Entertainment Licence is to increase the occupancy of the indoor area from 430 persons to 480 persons.				

1.3	The nature of the variation to the Outdoor Entertainments Licence is to extend the hours of when entertainment may be provided from 11pm to 1am and increase the occupancy of the outdoor area from 185 persons to 200 persons.
1.4	A location map is attached at Appendix 1.
2.0	Recommendations
2.1	Notwithstanding the opportunity to refuse the applications on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.2	Taking into account the information presented and any representations received you are required to consider the applications in light of the previous convictions and to: <ol style="list-style-type: none"> 1. approve the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences, or 2. approve the applications for renewal with Special Conditions, or 3. refuse the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences.
2.3	Should you be of a mind to approve the application to renew the Licences you are then required to determine, subject to all technical requirements being met, either to: <ol style="list-style-type: none"> 1. approve the variation of the Licence to increase the occupancy capacity for the Indoor Entertainments Licence; and 2. approve the variation of the Licence to increase the occupancy capacity and the extension of hours for the Outdoor Entertainments Licence; or 3. agree the applications for the variation of the 7-Day Annual Indoor and Outdoor Entertainments Licence with Special Conditions, or 4. refuse any or all of the variation applications.
2.4	If the applications are refused, or Special Conditions are attached to the Licences to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.
2.5	Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the existing Licence will continue with its present Conditions until the Appeal is determined.
3.0	Main Report
	<u>Key Issues</u>
	<u>Details of the Premises and Proposals</u>
3.1	The areas currently licensed to provide indoor entertainment are: <ul style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 240 persons. • Mezzanine Floor, with a maximum capacity of 190 persons.

3.2	The days and hours during which the premises are currently licensed to provide indoor entertainment are:
	<ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 3.00 am the following morning
3.3	The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.
3.4	A new roof has been constructed over the second floor to form a VIP bar with an external balcony. This area was previously an outdoor smoking area. This area was not included on the Entertainments Licence but there was a special condition attached to the Licence restricting the occupancy of the area to 50 persons.
3.5	The applicant has applied to vary the existing Indoor Entertainments Licence to include this new VIP bar with an addition occupancy of 50 persons.
3.6	Layout plans of the proposed 2 nd floor VIP area are attached at Appendix 2.
3.7	The area currently licensed to provide outdoor entertainment is:
	<ul style="list-style-type: none"> • Outdoor Area, with a maximum capacity of 185 persons.
3.8	The days and hours during which the premises are currently Licensed to provide outdoor entertainment are:
	<ul style="list-style-type: none"> • Monday to Saturday 11.30 am to 11.00 pm, and • Sunday 12.30 pm to 11.00 pm.
3.9	Entertainment is provided to the outdoor area in the form of solo performers, live bands or a DJ through the in-house speaker system.
3.10	The applicant has applied to extend the hours of the existing Outdoor Entertainments Licence from 11.00pm to 01.00am and to increase the occupancy from 185 to 200 persons.
3.11	Layout plans of the proposed outdoor area are attached as Appendix 3.
	<u>Previous convictions</u>
3.12	The application is being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985 at Belfast Magistrates' Court, on two occasions: 13 May 2014 and 24 May 2016.
	First Conviction
3.13	The first conviction, on 13 May 2014, arose following breaches of the Terms and Conditions of the Entertainments Licence in that they failed to manage the permitted occupancy and migration between licensed areas. They also failed to ensure that the permitted numbers for the Smoking Area were limited to 50 persons as the area was overcrowded.
3.14	As a result, Mr Stephen Boyd and Endless Music Limited were fined a total of £800 and ordered to pay court costs of £69.

Second Conviction

- 3.15 The second conviction, on 24th May 2016, arose following breaches of the Terms and Conditions of the Entertainments Licence in that the 2nd Floor of the premises was found to be in excess of the permitted occupancy.
- 3.16 As a result, Endless Music Limited was fined £750 and ordered to pay court costs of £66.
- 3.17 Following these offences, officers met with Mr Boyd and his representatives to review all their procedures to ensure that appropriate measures were in place to prevent a recurrence.
- 3.18 Members may recall that details of the first conviction was brought to your attention previously and both convictions were considered at your meetings in April, May and October, 2017 in relation to the application for the renewal of the Indoor Entertainments Licence and the grant of the Outdoor Entertainments Licence and, after consideration, you agreed to grant all licences.
- 3.19 The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.

Representations

- 3.20 Notice of the application has been advertised and no written representation has been lodged.

PSNI

- 3.21 The PSNI has been consulted and has confirmed that it has no objection to the applications. A copy of its correspondence is attached at Appendix 4.

NIFRS

- 3.22 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objection to the applications.

Health, safety and welfare inspections

- 3.23 The request for additional occupancies are minor in nature and can be accommodated without having any adverse effect on the means of escape from the premises in the event of an emergency.
- 3.24 Members are advised that Officers have carried out a total of two During Performance Inspections over the past 12 months. On each occasion, all technical matters were satisfactory, and the appropriate measures and management procedures were being implemented effectively.
- 3.25 The premises have also been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.

Noise issues

- 3.26 No noise complaints have been received in the last 12 months.

<p>3.27</p> <p>3.28</p> <p>3.29</p> <p>3.30</p>	<p>Given the nature of the outdoor entertainment at the venue an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU). At the time of writing this report, EPU comments were not available, therefore, we will advise of their comments at the Committee meeting.</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><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment, but this is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Location map</p> <p>Appendix 2 – Plans of the Indoor Area</p> <p>Appendix 3 – Plans of the Outdoor Area</p> <p>Appendix 4 – PSNI Correspondence</p>

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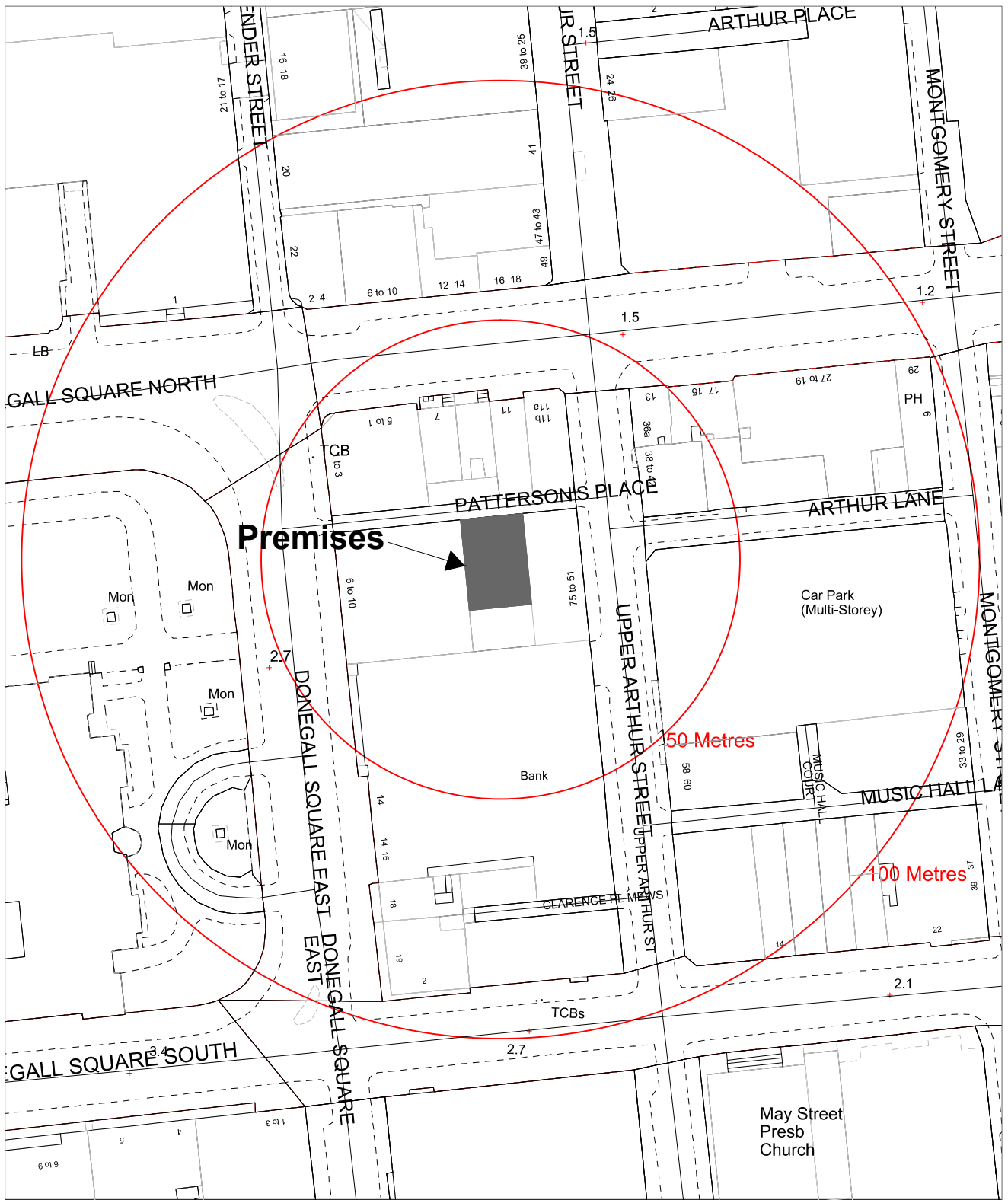
Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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Appendix 1



100 METRES



Premises

50 Metres

100 Metres

DRAWN BY MT
DATE 12/01/2016

Page 61
Thompsons Garage
3 Pattersons Place

SCALE 1:1250

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Subject:	Application for the Grant of an Amusement Permit - Players, 22 Shaftesbury Square
Date:	20 th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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

1.0	Purpose of Report or Summary of Main Issues				
1.1	<p>To consider an application from Ms. Yuliya Rodgers of Play SS Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 50%;">Premises and Location</td> <td style="width: 50%;">Applicant</td> </tr> <tr> <td>Players Ground Floor 22 Shaftesbury Square BT2 7DB</td> <td>Ms. Yuliya Rodgers Play SS Limited</td> </tr> </table>	Premises and Location	Applicant	Players Ground Floor 22 Shaftesbury Square BT2 7DB	Ms. Yuliya Rodgers Play SS Limited
Premises and Location	Applicant				
Players Ground Floor 22 Shaftesbury Square BT2 7DB	Ms. Yuliya Rodgers Play SS Limited				
1.2	A location map is attached at Appendix 1.				
2.0	Recommendations				
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> a) the fitness of the applicant to hold a Permit having regard to their character, reputation and financial standing, 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, c) representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and d) representation, if any, as a result of the public notices of advertisement. 				

2.2	The Committee is then required to make a decision, based on the following options set out under the Order.
2.3	<p>The Committee must refuse the application unless satisfied that:</p> <ul style="list-style-type: none"> a) the applicant is a fit person to hold an Amusement Permit; and 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.
2.4	<p>Thereafter, the Committee:</p> <ol style="list-style-type: none"> 1. may refuse the application after hearing any representations from third parties, or 2. 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 3. 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.
2.5	<p>In the case of premises which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition
2.6	Should you be of a mind to refuse the application for the grant of an Amusement Permit or grant the Permit subject to any discretionary Conditions you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.7	If, subsequent to hearing the applicant, you refuse the application for the grant of an Amusement Permit or decide to grant the application subject to discretionary Conditions the applicant may appeal that decision to the County Court.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case. Therefore, an application must be made for the grant of an Amusement Permit.
3.3	An application for the grant of an Amusement Permit for this premises was previously brought to the Licensing Committee for consideration on 19 August 2015 and the Committee granted the application.

3.4	<p>Members are advised that a permit for this premises was first granted on the 1st October 1996.</p>
	<p>Applicant</p>
3.5	<p>The applicant intends to operate the premises with the same number of machines and operating hours as was previous granted at the premises. The hours are 9.00 a.m. to 3.00 a.m., Monday to Sunday.</p>
3.6	<p>The application is for a total of 30 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.</p>
3.7	<p>Ms Yuliya Rodgers from Play SS Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.</p>
	<p>Health, Safety, Welfare and Technical Requirements</p>
3.8	<p>Officers of the Service have met with the applicant who has confirmed that no changes are being made to the arcade that would require a Building Regulations application.</p>
	<p>Planning Matters</p>
3.9	<p>A planning application was made to the Planning Service on 30th March 1989 for a change of use from an off-licence to an Amusement Arcade on the ground floor and this was granted on 5th June 1989.</p>
3.10	<p>A copy of the Planning Permission is attached at Appendix 2.</p>
3.11	<p>Members are advised that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.</p>
3.12	<p>The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.</p>
	<p>Amusement Permit Policy</p>
3.13	<p>Members are reminded that an Amusement Permit Policy was ratified at Council on 1 May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.</p>
3.14	<p>The key Policy objectives are to:-</p> <ol style="list-style-type: none"> 1. promote the retail vibrancy and regeneration of Belfast; 2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. support and safeguard residential communities in Belfast; 4. protect children and vulnerable persons from being harmed or exploited by gambling; 5. respect the need to prevent gambling from being a source of crime and disorder.
3.15	<p>The Policy consists of two components which are considered below:</p>

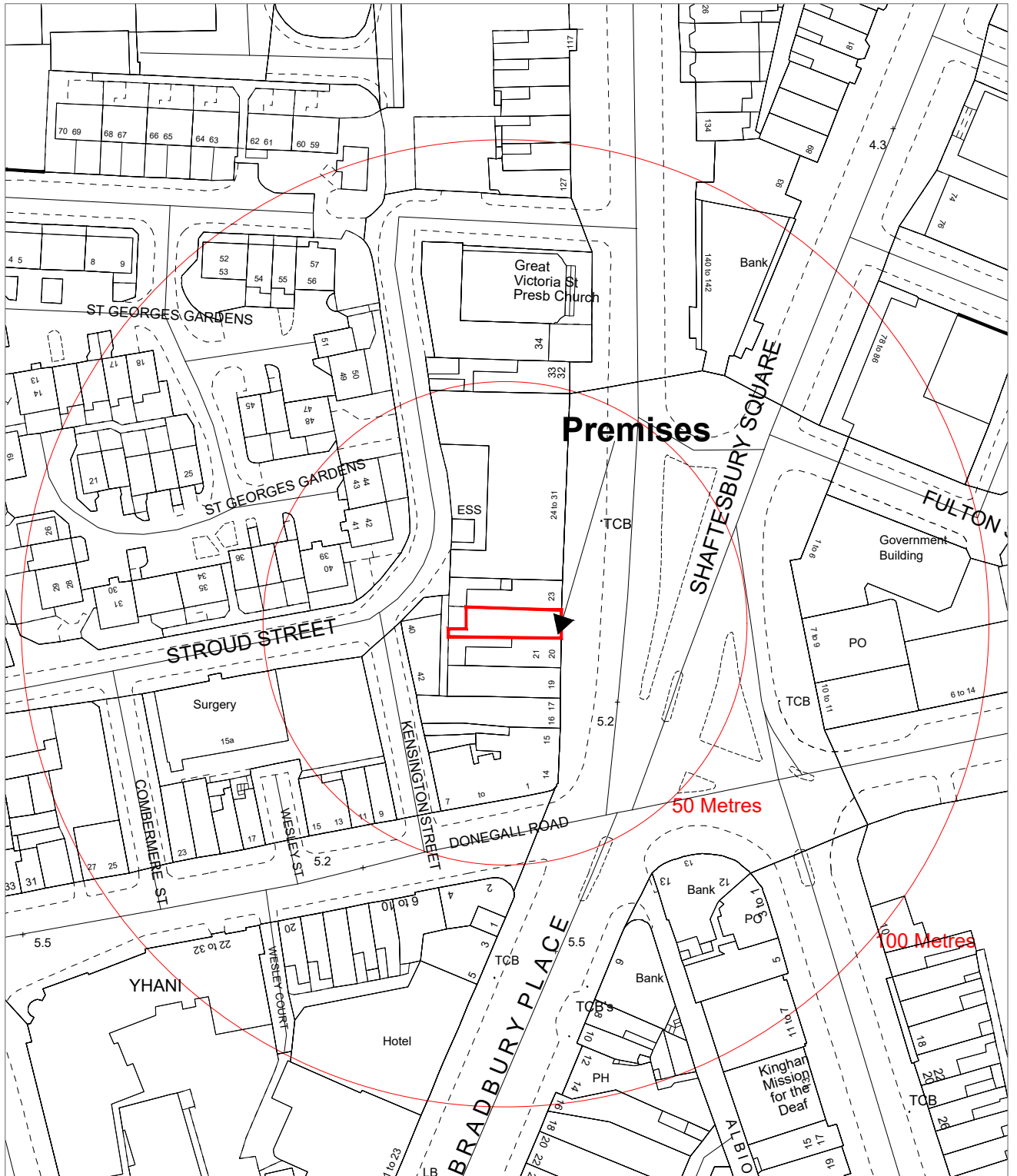
	<p><u>1. Legal requirements under the 1985 Order</u></p>
3.16	<p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) the character, reputation and financial standing of the applicant:</p>
3.17	<p>References and additional supporting information for those associated with the application are attached at Appendix 3.</p> <p>(b) the nature of the premises and activity proposed:</p>
3.18	<p>To ensure that the nature of the premises proposed is suitable for this location, Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.</p> <p>(c) Opinions of the Police Service</p>
3.19	<p>The PSNI has been consulted in relation to the application and has not offered any objection to the application. A copy of its correspondence is attached at Appendix 4.</p> <p>(d) Submissions from the general public:</p>
3.20	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p>
	<p><u>2. Assessment criteria for suitability of a location</u></p>
3.21	<p>There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below, as they relate to this application.</p> <p>(a) Retail vibrancy and viability of Belfast:</p>
3.22	<p>The application premises on the ground floor of No.22 Shaftesbury Square are located outside of the Retail Core of Belfast City Centre, but within the limit of the City Centre as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). Because these locations accommodate a mix of uses the principle of opening an amusement centre here is open to consideration, subject to the satisfaction of all other relevant criteria and considerations.</p>
3.23	<p>The premises are bordered on one side by the former NI Supporters' Club and on the other side by a vacant retail unit.</p> <p><i>Application complies with this criterion.</i></p> <p>(b) Cumulative build-up of amusement arcades in a particular location:</p>
3.24	<p>The Oasis amusement centre nearby means that there are two operators in this commercial frontage. Strictly speaking, therefore, it could be argued that this application runs contrary to the cumulative build up criterion of the Permit Policy, which seeks to limit the number of amusement centres to one per commercial frontage. This criterion strives to avoid a clustering of these uses in the interest of promoting the retail vibrancy and regeneration of Belfast, which is the first key objective of the Permit Policy.</p>
3.25	<p>However, there are countervailing considerations which also have to be taken into account, notably:</p>

	<ul style="list-style-type: none"> • the premises currently operates as an amusement arcade and • there is a history of planning permissions on the site relating to its use as an amusement arcade.
3.26	<p>On balance, therefore, given its prior established use as an amusement arcade, there are exceptional circumstances surrounding this permit application which weigh against refusing the application on cumulative build up grounds.</p> <p>(c) Impact on the image and profile of Belfast:</p>
3.27	<p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered to be tourism assets of the City.</p>
3.28	<p>However, the premises are located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. This is one of 11 Gateway locations at the edge of Belfast City Centre which, as noted in BMAP, presents the visitor with an initial impression that can influence their overall perception of the City. BMAP also considers these locations to be suitable for landmark development capable of raising the profile of Belfast.</p>
3.29	<p>Notwithstanding the above, appreciable weight needs to be attached to the important fact that the premises currently trade as an amusement arcade and has been there for a number of years.</p> <p>(d) Proximity to residential use:</p>
3.30	<p>(i) - predominantly residential in character</p> <p>The ground floor premises form part of a commercial block located within the City Centre. The commercial frontage consists largely of licensed uses, retail units, offices and vacant commercial units. It can therefore be described as an area of mixed use and is not predominantly residential in character.</p>
3.31	<p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>There is no residential property above the premises or to its side. The residential area known as St Georges’ Gardens is located to the rear of the application property but is separated from it by a road and is not therefore immediately adjacent to it.</p> <p><i>Application complies with this criterion.</i></p> <p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p>
3.32	<p>There are no schools or youth centres within 200m of the application premises. Hartington Court, off the Dublin Road, houses a ‘general needs’ population but it is not considered a residential institution for vulnerable people.</p> <p><i>Application complies with this criterion.</i></p> <p>Conclusion</p>
3.33	<p>In many respects, the fact that there has been an established amusement arcade here for over twenty years constitutes exceptional circumstances for the determination of the suitability of the location for a permit. Essentially this is more akin to a transfer of a permit, however there is no mechanism under this legislation for transfer so the application must fall under the granting criteria. Accordingly, despite finely balanced issues raised by two of the policy criteria, the suitability of this location for an amusement arcade still can be determined acceptable under the Council’s Amusement Permit Policy.</p>

3.34	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p>
3.35	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Location Map</p> <p>Appendix 2 – Copy of the Planning Permission</p> <p>Appendix 3 – References and additional supporting information</p> <p>Appendix 4 – PSNI Comments</p>



Building Control Service



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Subject:	Application for the Grant of an Amusement Permit - Players, Unit 5-6, 133-137 Lisburn Road
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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

1.0	Purpose of Report or Summary of Main Issues				
1.1	<p>To consider an application from Ms. Yuliya Rodgers, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 50%;">Premises and Location</td> <td style="width: 50%;">Applicant</td> </tr> <tr> <td>Players Unit 5-6 133-137 Lisburn Road BT9 7AG</td> <td>Ms. Yuliya Rodgers Play LR Limited</td> </tr> </table>	Premises and Location	Applicant	Players Unit 5-6 133-137 Lisburn Road BT9 7AG	Ms. Yuliya Rodgers Play LR Limited
Premises and Location	Applicant				
Players Unit 5-6 133-137 Lisburn Road BT9 7AG	Ms. Yuliya Rodgers Play LR Limited				
1.2	A location map is attached at Appendix 1.				
2.0	Recommendations				
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> a) the fitness of the applicant to hold a Permit having regard to their character, reputation and financial standing, 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, c) representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and d) representation, if any, as a result of the public notices of advertisement. 				

2.2	The Committee is then required to make a decision based on the following options set out under the Order.
2.3	<p>The Committee must refuse the application unless satisfied that:</p> <ol style="list-style-type: none"> a) the applicant is a fit person to hold an Amusement Permit; and 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.
2.4	<p>Thereafter:-</p> <ol style="list-style-type: none"> 1. you may refuse the application after hearing any representations from third parties, or 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 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.
2.5	<p>In the case of premises, which have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition
2.6	Should you be of a mind to refuse the application for the Grant of an Amusement Permit or grant the Permit subject to any discretionary conditions you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.
2.7	If, subsequent to hearing the applicant, you refuse the application for the Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case. Therefore, an application must be made for the grant of an Amusement Permit.
3.3	An application for the grant of an Amusement Permit for Players was previously brought to the Licensing Committee for consideration on 19th August, 2015 and the Committee granted the application.

3.4	Members are advised that a permit was first granted for these premises on 1 st June, 2004.
	Applicant
3.5	The applicant intends to operate the premises with the same hours of 9.00 a.m. to 3.00 a.m., Monday to Sunday.
3.6	The permit is for a total of 64 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.
3.7	Ms. Yuliya Rodgers from Play LR Limited, and her representative, will be available to discuss any matters relating to the grant of the permit at your meeting.
	Health, Safety, Welfare and Technical Requirements
3.8	Officers of the Service have met with the applicant who has confirmed that no changes are being made to the arcade that would require a Building Regulations application.
	Planning Matters
3.9	A planning application was made to the Planning Service on 14 th June 2004 for a change of use from a Retail Unit to an Amusement Centre on the ground floor and this was granted on 15 th October 2004.
3.10	A copy of the planning permission is attached at Appendix 2.
3.11	Members are advised that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.12	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
	Amusement Permit Policy
3.13	Members are reminded that an Amusement Permit Policy was ratified at Council on 1 st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.
3.14	<p>The key Policy objectives are to:-</p> <ol style="list-style-type: none"> 1. promote the retail vibrancy and regeneration of Belfast; 2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. support and safeguard residential communities in Belfast; 4. protect children and vulnerable persons from being harmed or exploited by gambling; and 5. respect the need to prevent gambling from being a source of crime and disorder.
3.15	The Policy consists of two components which are considered below:

	<p><u>1. Legal requirements under the 1985 Order</u></p>
3.16	<p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) the character, reputation and financial standing of the applicant:</p>
3.17	<p>References and additional supporting information for those associated with the application are attached at Appendix 3.</p> <p>(b) The nature of the premises and activity proposed:</p>
3.18	<p>To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.</p> <p>(c) Opinions of the Police Service:</p>
3.19	<p>The PSNI has been consulted in relation to the application and has not offered any objection to the application. A copy of its correspondence is attached at Appendix 4.</p> <p>(d) Submissions from the general public:</p>
3.20	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p> <p><u>2. Assessment criteria for suitability of a location</u></p>
3.21	<p>There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below, as they relate to this application.</p> <p>(a) Retail vibrancy and viability of Belfast:</p>
3.22	<p>The application premises on the ground floor of No.133 Lisburn Road are located in a commercial block along one of the main arterial routes into Belfast City Centre. Arterial routes are the major access roads and public transport corridors into the City Centre. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses. Because this commercial block comprises a mix of commercial uses at ground and first floor level the accommodation of an amusement centre here is therefore open to consideration.</p>
3.23	<p>In addition, the premises are bordered on one side by a sandwich bar and on the other by a restaurant. Accordingly, the amusement arcade does not break up an otherwise continuous shopping frontage.</p> <p><i>Application complies with this criterion.</i></p> <p>(b) Cumulative build-up of amusement arcades in a particular location:</p>
3.24	<p>This criterion strives to avoid a clustering of these uses in the interest of promoting the retail vibrancy and regeneration of Belfast, which is the first key objective of the Permit Policy. There are no other amusement centres on this commercial block so the amusement arcade does not contribute to a cumulative build-up.</p> <p><i>Application complies with this criterion.</i></p>

3.25	<p>(c) Impact on the image and profile of Belfast:</p> <p>The application premises are not listed as part of the built heritage of Belfast, nor are the premises or adjoining units considered tourism assets of the City. Equally, the premises are not located at a key entrance junction (Gateway) to the City Centre, as identified in BMAP 2015. Taking these considerations on board the amusement arcade would not adversely affect the image and profile of Belfast.</p> <p><i>Application complies with this criterion.</i></p>
3.26	<p>(d) Proximity to residential use:</p> <p>(i) - predominantly residential in character</p> <p>With mainly office use located above the premises and mainly eateries on the ground floor this entire block is predominantly commercial in character.</p>
3.27	<p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>There is no residential property above the premises or to its side. The nearest residential property to the application site, at No.56 Mount Prospect Park, is located to its rear and is not immediately adjacent to it.</p> <p><i>Application complies with this criterion.</i></p>
3.28	<p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p> <p>There are no schools, youth centres or residential institutions for vulnerable people within 200m of the application premises.</p> <p><i>Application complies with this criterion.</i></p>
3.29	<p>Conclusion</p> <p>This premises has operated as an amusement arcade for approximately 14 years and this is more akin to a transfer of a permit, however there is no mechanism under this legislation for transfer so the application must fall under the granting criteria. The location of the premises for an amusement centre however meets the criterion under the Council's Amusement Permit Policy.</p>
3.30	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p>
3.31	<p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Copy of the Planning Permission • Appendix 3 – References and additional supporting information • Appendix 4 – PSNI Comments

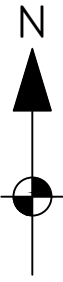
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Building Control Service

Appendix 1

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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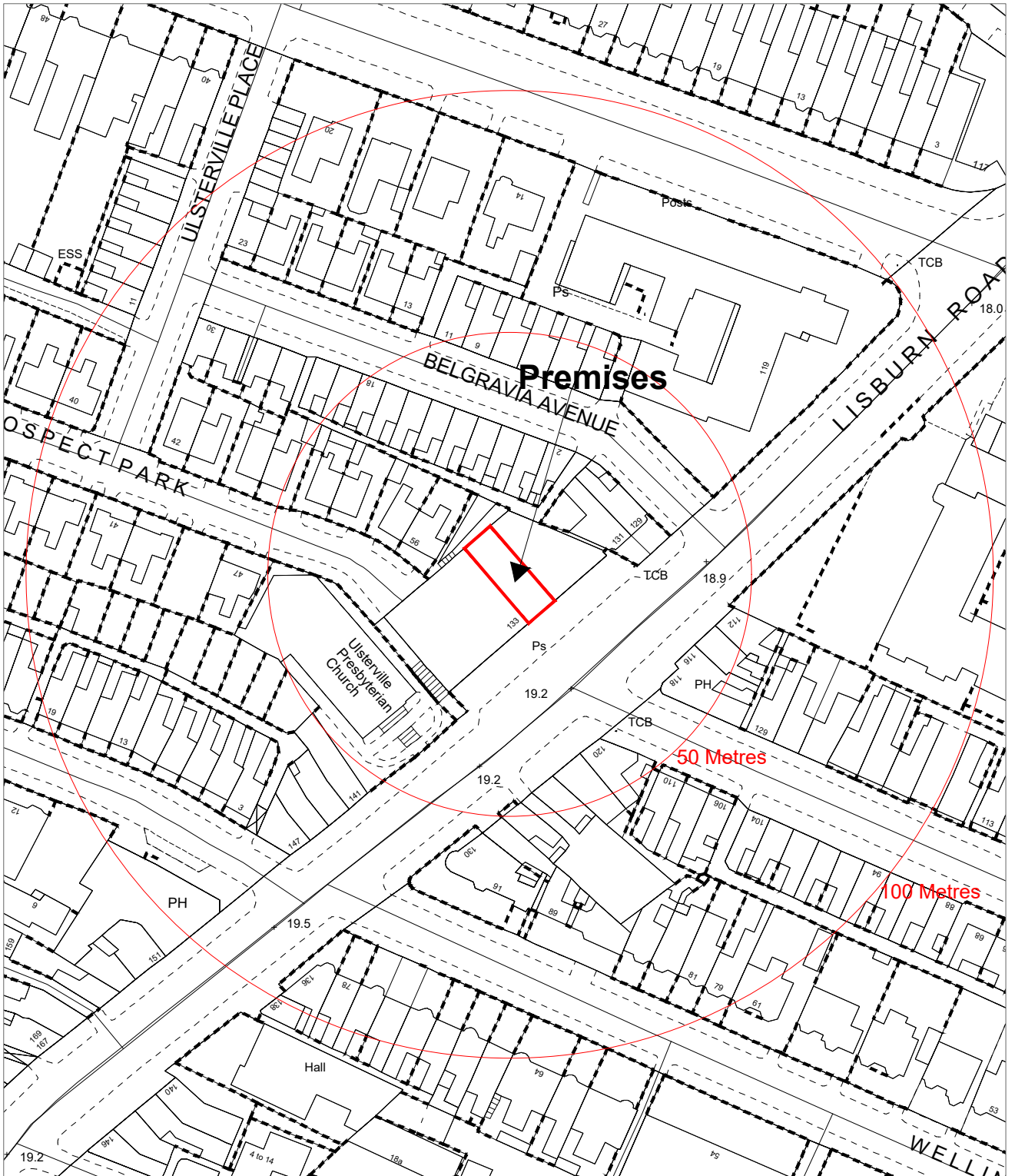


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Subject:	Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Beckett's Bar, 241 Stewartstown Road
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, xt 3375

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

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

1.0	Purpose of Report/Summary of Main Issues				
1.1	<p>To consider an application for the grant of a Seven-Day Annual Indoor Entertainments Licence for Beckett's Bar, 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;"> <tr> <td style="width: 50%; text-align: center;">Premises and Location</td> <td style="width: 50%; text-align: center;">Applicant</td> </tr> <tr> <td style="text-align: center;">Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</td> <td style="text-align: center;">Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.</td> </tr> </table>	Premises and Location	Applicant	Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.
Premises and Location	Applicant				
Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.				
1.2	Members are advised that the premises are located within an area the former of Lisburn City Council which transferred over to Belfast City Council under Local Government Reform (LGR).				

1.3	A location map is attached at Appendix 1.
2.0	<u>Recommendations</u>
2.1	Taking into account the information presented and any representations received you are required to consider the application in light of the legal proceedings against the applicant and determine if you wish to refuse the application on the grounds that the applicant has been convicted of offences under the Order.
2.2	Should Members be satisfied that the application need not be refused you are then required to either: <ol style="list-style-type: none"> 1. approve the application for the grant of the 7-Day Annual licence, or 2. approve the application for the grant with special conditions, or 3. refuse the application for the grant of the 7-Day Annual licence.
2.3	If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.
3.0	Main Report
	<u>Key Issues</u>
	<u>Details of the Premises and Proposals</u>
3.1	Currently the premises operates as a Public Bar and Lounge Bar on the Ground Floor and a First Floor Function Room.
3.2	This premises previously held an Entertainments Licence issued by Lisburn City Council. The applicant/licensee was John Hughes and that licence expired on 31st December, 2010. A copy of the Licence is attached at Appendix 2.
3.3	The areas where it is proposed to provide indoor entertainment are the: <ul style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 220 persons. • Ground Floor Lounge, with a maximum capacity of 160 persons. • First Floor Function Room, with a maximum capacity of 110 persons.
3.4	The days and hours during which entertainment is proposed to be provided are: <ul style="list-style-type: none"> • Monday to Saturday: 12.30 pm to 1.00 am the following morning and • Sunday: 12.30 pm to 12.00 midnight.
3.5	Layout plans of the proposed premises are attached at Appendix 3.
	<u>Previous Application</u>
3.6	Members are advised that, at your meeting on 17th February 2016, the Committee previously considered an application from Sharp NI Ltd. for the grant of an indoor Entertainments Licence for Beckett's Bar.

3.7	<p>At that meeting, the Committee, in its capacity as Licensing Authority, refused the application for the licence on the grounds that:</p> <ul style="list-style-type: none"> (i) it was clear that the application involved Mr. Eugene Hughes and that he was operating the premises, which related to his fitness to hold an Entertainments Licence; (ii) issues had been encountered at other premises operated by the Hughes family in terms of liquor and entertainments licensing; and (iii) both the applicant and Mr. Eugene Hughes had been convicted of providing entertainment without a valid Entertainments Licence.
3.8	<p>Details of the offences leading to the conviction and the information under consideration by Committee are contained in the minutes of the meeting of 17th February 2016 (Appendix 4)</p>
3.9	<p>The applicant subsequently appealed that decision. The appeal was adjourned a number of times for various reasons and more recently pending the outcome of a prosecution case, taken by the Council, that Sharp NI Ltd and Eugene Hughes had, on the 1 May 2017, provided entertainment without a licence.</p>
3.10	<p>That case was heard at Lisburn Magistrates' Court on 15th May 2018. District Judge Watters dismissed the case as she was not satisfied that the prosecution had provided sufficient evidence of a monetary charge for the event.</p>
3.11	<p>Subsequently, the applicant's legal representative advised that their client indicated that he would be prepared to withdraw the Appeal against the decision of the council not to award an Entertainments Licence if his new application is brought before the Licensing Committee for consideration. Upon consideration of all of the issues involved the City Solicitor agreed to that course of action.</p>
<p><u>Previous convictions</u></p>	
3.12	<p>In addition to the above, the application is being placed before the Committee because both Sharp NI Ltd. and Mr Eugene Hughes were, on 16 February 2016, convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985, for providing entertainment without a valid Entertainments Licence on 10 July 2015.</p>
3.13	<p>As a result, both Sharp NI Ltd. and Mr Hughes were fined a total of £1,000 each and ordered to pay court costs of £166 and an offender levy of £15.</p>
3.14	<p>The applicant and/or their representatives will be available to discuss any matters relating to the application at your meeting.</p>
<p><u>Representations</u></p>	
3.15	<p>Notice of the application has been advertised. An objection was lodged on behalf of the Irish News on 14th November 2017 but was withdrawn upon payment of the outstanding monies owed to the objector for the costs of the advert.</p>
<p><u>PSNI</u></p>	
3.16	<p>The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 5.</p>

	<u>NIFRS</u>
3.17	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections.
	<u>Health, Safety and Welfare Inspections</u>
3.18	In preparation for the appeal hearing, officers from the Service undertook an inspection of the premises on 26 th October, 2016 and encountered a number of problems which raised serious concern about safety management arrangements. In particular, the first floor lounge area was draped in large amounts of polythene and fabric sheeting in preparation for a children's Halloween event which was completely inappropriate in the way it was fixed and with no evidence that it was treated to be flame-proof should it come into contact with a heat source.
3.19	These concerns were communicated directly to Counsel for the appellant to ensure that the event did not take place.
3.20	The premise has since been subject to further inspections as part of the licensing application process and many previous safety issues such as those identified in our inspection in July 2015, when the applicant was prosecuted for providing entertainment without a licence, have now largely been rectified and management procedures have been checked and are satisfactory.
3.21	At the time of writing this report there are some outstanding technical requirements to address and, should Members be minded to grant a licence, delegated authority is sought for the licence to be issued by Building Control upon satisfactory completion of these matters.
3.22	If the Entertainment Licence is granted, the premises will be inspected as part of our During Performance Inspection regime and will be subject to monitoring to ensure the applicant adheres to their licence conditions.
	<u>Noise Issues</u>
3.23	The Environmental Protection Unit (EPU) has been consulted in relation to the application and no noise complaints have been received in the last 12 months.
3.24	Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Financial and Resource Implications</u>
3.25	Officers carry out during performance inspections on premises providing entertainment, but this is catered for within existing budgets.
	<u>Equality and Good Relations Implications</u>
3.26	There are no equality or good relations issues associated with this report.
4.0	<u>Documents Attached</u>
	Appendix 1 – Location Map Appendix 2 – Lisburn City Council Entertainments Licence Appendix 3 – Plans of the Indoor Area Appendix 4 – Minutes of the meeting of 17th February, 2016 Appendix 5 – PSNI Comments



Building Control Service

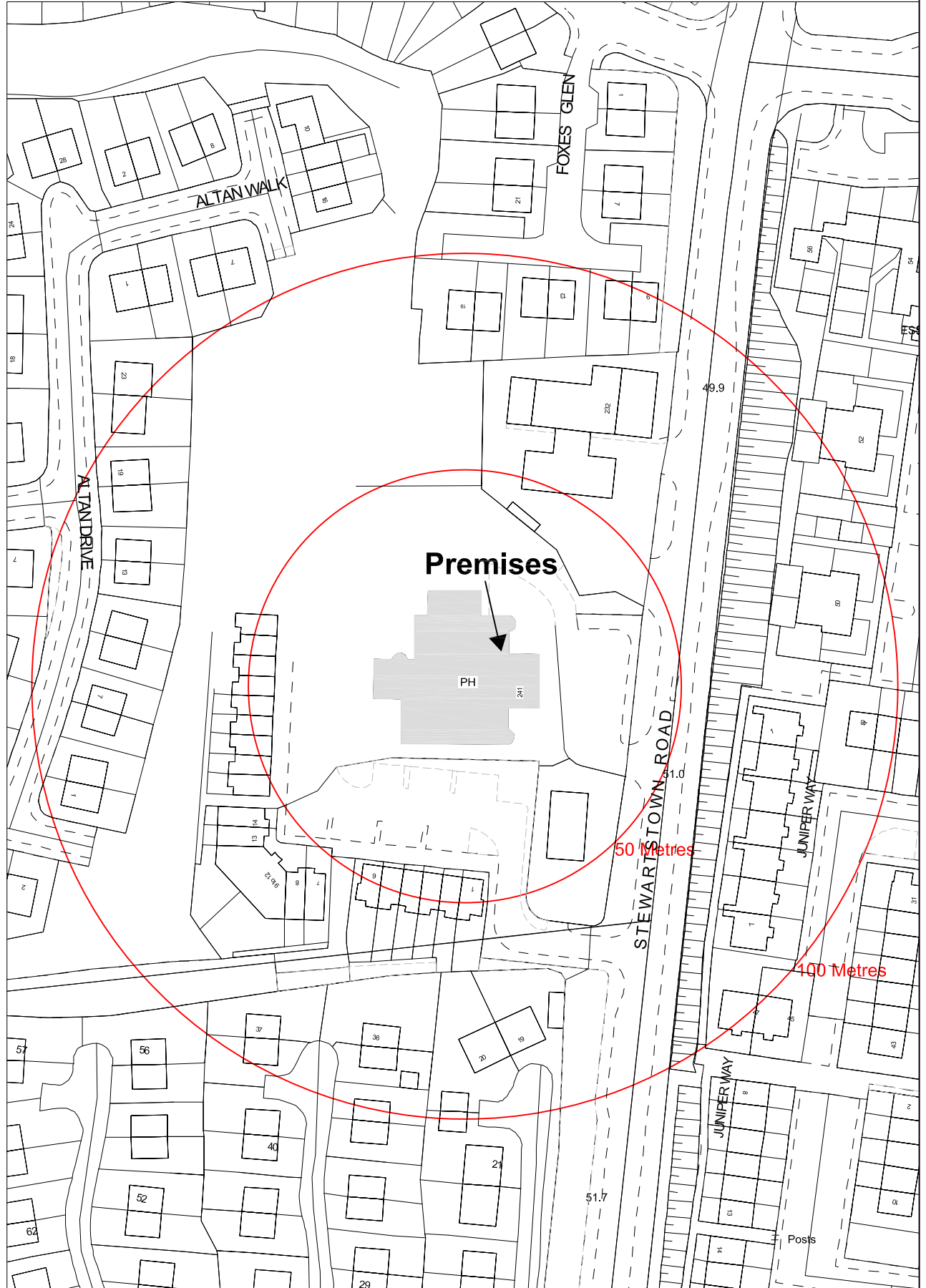


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Extract of Minutes

Licensing Committee

17th February, 2016

**Application for the Grant of a Seven-day Annual Entertainments Licence –
Beckett's Bar, 241 Stewartstown Road**

The Committee considered the undernoted report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 Members will recall, from your meeting on 20th January, that you considered a request from the applicant to address the Committee regarding your decision of 16th December to defer consideration of the application for Beckett's Bar until the outcome of pending legal proceedings and the applicant had had the opportunity to fully consider the Council's response to three subject access requests.**
- 1.2 The Committee was informed that all subject access requests had subsequently been withdrawn. After agreeing to the applicant's request and hearing from Mr Eugene Hughes, husband of the applicant, you affirmed your decision of 16th December to defer consideration of the application until the outcome of the pending legal proceedings.**
- 1.3 At the time of the January meeting, the summonses had been issued and the matter was due to be heard on 9th February. However, they were unable to be served on the applicant.**
- 1.4 The summonses have since been served on and the case has been listed for hearing on 16th February in Lisburn Magistrates Court.**
- 1.5 The applicant has advised that, due to the amount of trade which they have lost, the cancellation of bookings and loss of potential earnings, it has placed a significant pressure upon the business to remain financially viable and in operation. They further advise that the granting of an Entertainments Licence is crucial to the continued operation of the business and, without one, a significant number of jobs would be put at risk.**
- 1.6 The applicant has respectfully requested that the Committee now consider their application, taking into account the outcome of the Court proceedings of 16th February 2016.**
- 1.7 Members are reminded that the application for the grant of a Seven-day Annual Entertainments Licence for Beckett's Bar was received on 15th July 2015, based on the Council's**

standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

Premises and Location	Ref. No.	Applicant
Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	WK/2015/00780	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR

2.0 Recommendations

2.1 Taking into account the information presented and any representations received you are required to consider the application in light of the legal proceedings. Officers will update you on the outcome of the court hearing listed for the 16th February at your meeting and should the matter be concluded, you are required to make a decision to either:

- 1. approve the application for the grant of the Seven-day Annual Entertainments Licence, or**
- 2. approve the application for the grant with special conditions, in addition to the standard conditions, or**
- 3. refuse the application for the grant of the Seven-day Annual Entertainments Licence.**

2.2 If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.

3.0 Main report

Key Issues

3.1 As this matter has been placed before the Committee on two previous occasions, the main content and key issues of the report has not altered and is attached at Appendix 1. It is appreciated that the amount of information relating to this application is extremely large and complex however it is important that the Committee is fully advised of all information held by officers. Officers have advised the applicant that this is the basis for the volume of information in the previous reports but that it is for the Committee to determine whether information about the Hughes family and its corporate structures is relevant to its decision, and in particular the issues of fitness and credibility.

3.2 After the December Committee papers were received, additional information was provided by the applicant in form of a number of emails and a second Court Judgement. Officers were not

aware of this decision until after the Committee papers were published for December's Committee.

- 3.3 A copy of the emails and Judgement was forwarded to the Committee by Democratic Services on 16th December. A further copy, together with a brief summary of their content, has been circulated.
- 3.4 As appears within those emails, the applicant has challenged the validity and relevance of some of the points documented within the Committee report and has alleged that Council Officers engineered the report and supporting information to castigate the character of her husband Eugene Hughes.
- 3.5 The applicant also claimed that officers failed to inform the Committee that there was a second Judgement from The Right Honourable Justice Deeny which involved the same bank, KBC Bank Ireland PLC, and the same company, Omara Ltd. Carol Hughes further claimed that the Hughes Family position against the bank was clarified and they were exonerated by the Judgement (Page 4 Paragraph 1). She has further claimed that the Hughes family were already taking legal action against this Bank in 2010 over misrepresentation and mis-selling and that the bank appointed an Administrator to frustrate this. No detail as to the outcome of that legal action has been provided.
- 3.6 The initial Judgement, which was contained within December's Committee papers, relates to whether the bank consented to the sub-lease of premises and the transfer of the premises' liquor licence. The second Judgement relates to setting aside a statutory demand issued on foot of debts allegedly incurred by John and Eugene Hughes in the form of personal guarantees for loans. Members are also advised that the second Judgement was concerned with whether the debt allegedly owed was disputed on substantial grounds and was not an adjudication on the substantive issue of the debt itself.
- 3.7 Members may also note the difference in format between the initial Judgement and the second one provided by the applicant. Officers believe it may be a transcription of a recording, although Members may wish to seek clarification in that regard."

APPENDIX 1

“1.0 Purpose of Report/Summary of main Issues

1.1 Members will recall that, at your meeting on 12th November, you agreed, in view of the public safety concerns which had been raised by the Head of Building Control, and by the Divisional Solicitor’s representation in terms of the management of other premises operated by the applicant’s family, to consider this application at your December meeting. It was agreed also, in light of the Head of Building Control’s comments under public safety, that the Northern Ireland Fire and Rescue Service (NIFRS) and the applicant be invited to attend.

1.2 An application for the grant of a Seven-day Annual Entertainments Licence for Beckett’s Bar was received on 15th July 2015, based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

Premises and Location	Ref. No.	Applicant
Beckett’s Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	WK/2015/00780	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR

1.3 Members will be aware that the premises are located within an area of the former Lisburn City Council which transferred over to Belfast City Council under Local Government Reform (LGR).

2.0 Recommendations

2.1 Taking into account the information presented and any representations received you are required to consider the application in light of the pending legal proceedings and to:

- 1. approve the application for the grant of the Seven-day Annual Entertainments Licence, or**
- 2. approve the application for the grant with special conditions, in addition to the standard conditions, or**
- 3. refuse the application for the grant of the Seven-day Annual Entertainments Licence.**

2.2 If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council’s decision within 21 days of notification of that decision to the Recorders Court.

3.0 Main report

Key Issues

- 3.1** Prior to this application being made, it came to our attention that entertainment was being advertised at the premises. This was despite the fact that, when dealing with the transfer of premises into Belfast under Local Government Reform, the Service undertook considerable engagement with all those premises transferring, including Beckett's Bar.
- 3.2** As part of our engagement and management of premises coming into Belfast under LGR, on 5th June 2015, an officer of the Service hand delivered a welcome letter and application pack at a meeting with the management of the premises to help explain our application process and procedures.
- 3.3** During this visit, it was explained that Beckett's Bar no longer held an Entertainments Licence and we advised that no entertainment was to be held on the premises until such times as a valid Licence was in place, otherwise legal proceedings may be initiated.
- 3.4** Subsequent meetings and discussions were held between an officer of the Service, Mr. Eugene Hughes and the Bar Manager, Mr. Mark Skillen, on 10th, 18th, 23rd and 29th June 2015. Further discussions were again held on 2nd, 3rd and 6th July 2015.
- 3.5** On each of these occasions, we advised that we had observed entertainments being advertised on the Beckett's Bar Facebook page, despite there being no Entertainments Licence in force. They were reminded of our application process and we stressed the importance of not providing entertainment until a valid Entertainments Licence was issued.
- 3.6** Despite our warnings, it was further observed that outdoor entertainment was being advertised at the premises and was proposed to take place on 10th July 2015.
- 3.7** Accordingly, officers of the Service conducted a monitoring inspection at the premises on 10th July 2015 and witnessed entertainment taking place both outside, within the car park and on the first floor of the main premises, without valid Entertainments Licences being in place.
- 3.8** In addition to entertainment being provided without a licence, on inspection of the premise the officers noted the following problems:
- fire doors to the First Floor main stairwell/exit were being held open with fire extinguishers allowing fire/smoke potentially to spread within the building;

- items of equipment from the music event held within the car park were stored on the Ground Floor area of the main stairwell/exit route. This would have prevented effective means of escape from the premises;
- the escape stairs to the front of the building were obstructed with disused catering equipment at ground floor level which would have prevented effective means of escape from the premises;
- the final exit door from the front escape stair at Ground Floor level was locked by means of a padlock and chain attached to the doors panic bar and the handrail of the stairs. This would have prevented effective means of escape from the premises;
- the front escape stair had considerable pieces of broken glass and other items discarded throughout the area;
- the front escape stair also had no lighting available to show the changes in level to the exit route. This would also have prevented effective means of escape from the premises;
- the emergency exit signage/lighting was not maintained/illuminated as required in order to facilitate escape from the area and premises;
- an area of the fire resistant ceiling to the Ground Floor Store/Keg area had been removed. Stores should be enclosed in 30 minute fire resisting construction to prevent the fire spreading into other areas of the premises;
- the Fire Alarm Panel was showing a number of faults;
- no Rules of Management (ROM) or other similar and equivalent documentation were available when requested;
- no pre-event checks had been carried out and a checklist was not available for inspection; and
- the fire extinguishers had not been serviced since 2012 and 2013.

3.9 As part of the investigation into the matter and to give the applicant an opportunity to provide an explanation in relation to the offences, we sent the applicant a letter in accordance

with the Codes of Practice issued pursuant to the Police and Criminal Evidence (NI) Order 1989 (PACE).

- 3.10 Subsequently, the applicant responded to the letter with an explanation for the breach. In brief, they explained that due to senior members of staff being away on holiday, less experienced staff allowed entertainment to take place in their absence.
- 3.11 The matter has now been referred to Legal Services with a recommendation to prosecute the applicant for providing entertainment without a valid Entertainment Licence.
- 3.12 Members are advised that officers of the Service have continued to engage with the applicant's husband and representative, Eugene Hughes, and can confirm that they have ceased advertising entertainment and continue to operate as a public bar only. The applicant has requested that the Council consider granting the premises an Entertainments Licence prior to the outcome of any legal proceedings in order for them to be able to provide entertainment.
- 3.13 The applicant also cites that jobs may be at risk as they may not be able to remain open and viably operate without the ability to provide entertainment.
- 3.14 Members are reminded that the normal process for dealing with Entertainments Licence applications, which are not the subject of objections, is that these will be granted as provided for in the Council's Scheme of Delegation.
- 3.15 Whilst it must be stressed that the applicant has not been convicted of any offence, in light of the fact that a file has been passed to legal services with a recommendation to prosecute and the applicant has requested the application is determined now, officers felt it was appropriate to refer the application to the Committee for consideration.

Premises

- 3.16 Currently, the premises mainly operate as a Public Bar and Lounge Bar on the Ground Floor. The applicant has advised the Service that the First Floor is not used for entertainment.
- 3.17 This premises previously held an Entertainments Licence issued by Lisburn City Council, The applicant/licensee was John Hughes and it expired on 31st December 2010.
- 3.18 The current application is to provide entertainment in the Ground Floor Lounge Bar. The applicant applied for a maximum occupancy of 150 persons, however, this area can accommodate approximately 250 persons. Lisburn City Council also licensed the area for 250 persons.
- 3.19 The days and hours during which entertainment is proposed to be provided are:

- Monday to Saturday: 12.30 p.m. to 1.00 a.m. the following morning and
- Sunday: 12.30 p.m. till midnight

Previous Applications

- 3.20 Members may be aware that the Licensing Committee has considered previous applications from other members of the applicant's family, namely Mr. Eugene Hughes, Mr. John Hughes and Mrs. Margaret O'Reilly (formerly Margaret Anne Hughes). Mrs. Carol Hughes is the wife of Eugene Hughes. John Hughes, Eugene Hughes and Margaret O'Reilly are siblings.
- 3.21 The family have been responsible for other premises within Belfast and the FORMER Lisburn area, such as;
- McEnaney's Bar, Glen Road,
 - The Fiddlers Inn, Kennedy Way;
 - The Blackstaff Bar, Springfield Road,
 - The Sitting Room, Castle Street,
 - Tony Romas, University Road,
 - The Brook Lodge Bar, Twinbrook and
 - Colin Mill Lodge, Poleglass.
- 3.22 Members may recall that Castle Street Inns Ltd, which operated The Sitting Room, The Blackstaff Bar, Beckett's Bar and The Brook Lodge Bar went into administration in January 2011. Omara Ltd, which operated McEnaney's Bar and Colin Mill Lodge, also went into administration in February 2011. Both of those companies were operated by members of the Hughes family.
- 3.23 Both companies were involved in protracted disputes with the administrators, KPMG. Members may recall that, just before going into administration, Omara Ltd allegedly entered into a sub-lease with Fernmount Trading Ltd in respect of both McEnaney's Bar and Colin Mill Lodge. Fernmount Trading Ltd then entered into a further sub-lease with Kiltiernan Enterprises Ltd in respect of McEnaney's Bar and Cedarpark Enterprises Ltd in respect of Colin Mill Lodge.
- 3.24 Emmanuel Hughes, who is the brother of Eugene and John, was a director of Fernmount Trading Ltd. The company is now dissolved after being struck off for not providing accounts.
- 3.25 The sole director of Kiltiernan Ltd was Emmanuel Hughes. That company is also dissolved after being struck off for not providing accounts.
- 3.26 The director of Cedarpark Enterprises Ltd at that time was Margaret O'Reilly and she is still currently listed as a director of the company. Eugene Hughes was subsequently appointed as a director on 1st February 2014.

- 3.27** It would appear that the administrators did not accept that the sub-lease entered into with Fernmount Trading Ltd was lawful. This gave rise to the protracted dispute referred to above which ultimately led to the administrator issuing High Court proceedings for forfeiture of the premises.
- 3.28** As appears from the Judgment, the transfer of the lease to Fernmount allegedly occurred on 1st October 2010. It made no reference to the liquor licence and it was not until the pleadings were being lodged in the forfeiture proceedings that Fernmount produced a letter dated 21st November 2010 which declared that Omara Ltd also agreed to transfer the liquor licence. It was accepted by all parties to those proceedings that the premises were both trading without the benefit of the liquor licence until the PSNI intervened in October 2011. There had been no payment of rent since the administrator was appointed.
- 3.29** The court noted that the purported lease had been entered into only 2 months before the administrator was appointed. The administrator also advised the court that the lease had ‘been drafted apparently from a website and not through any lawyers’. Whilst the court did not expressly comment on whether the leases were genuine, it did conclude that the company had not obtained the consent of the bank in respect of the lease or any sub lease. It also found that the letter purporting to prove the transfer of the liquor licence was not bona fide (paragraph 17).
- 3.30** When concluding the case, the Judge ruled that he found Eugene Hughes a ‘wholly unconvincing and imponderable witness who attempted to mislead the court on a number of salient issues’.
- 3.31** Sharp (NI) Ltd currently leases Beckett’s Bar from Fernmount Trading (NI) Ltd. Carol Hughes is currently listed as the sole director of Sharp (NI) Ltd. Margaret O’Reilly was also previously listed as a director of that company but resigned on the 1st April 2014. However, Margaret O’Reilly and Carol Hughes are still currently listed as directors of Fernmount Trading (NI) Ltd.
- 3.32** In 2012, the Licensing Committee refused an application from Margaret O’Reilly for the grant of an Entertainments Licence for The Fiddlers Inn. The application was refused on the following grounds:
- the granting of the Licence would be likely to give rise to noise, nuisance and disturbance, anti-social and criminal behaviour and littering;
 - the Committee is not satisfied that the premises would be operated in a safe manner; and
 - the applicant is not a fit person to hold such a Licence.

- 3.33** Members may recall that the application had drawn objections from many residents and businesses in the area, including the PSNI.
- 3.34** Margaret O'Reilly lodged an appeal with the Recorders Court on the 21st May 2012 against the Council's decision to refuse the application. The appeal was part heard on the 19th December 2012 before being withdrawn.
- 3.35** The Council also experienced extensive issues regarding McEnaney's Bar throughout the period of its dispute with the administrator and legal proceedings were initiated as a result of noise issues with a generator being used to provide electricity at the premises. There were also food safety and hygiene concerns with food being prepared and served on the premises and allegations of illegal entertainment being held on the premises without a valid Entertainments Licence. The applicant for previous Entertainments Licences at McEnaney's was John Hughes and there had also been previous prosecution papers issued against John Hughes as a result of providing entertainment without a licence in 2009, although they were never served. He was convicted of erecting a smoking shelter at the premises without planning permission.
- 3.36** Members will note that in 2010 John Hughes was granted an Entertainments Licence for Beckett's Bar by Lisburn City Council. This was the last Entertainments Licence issued in respect of the premises as they closed in 2011 due to the parent company, Castle Street Inns Ltd going into administration. KPMG eventually gained control of the premises in July 2012 and it was subsequently sold to Fernmount Trading (NI) Ltd who in turn entered into a lease with Sharp NI Ltd (the applicant).
- 3.37** An application for the grant of an Entertainments Licence was then received by Lisburn City Council on 17th November 2014 in the name of Eugene Hughes of Sharp (NI) Ltd, although he is not a director of that company. The application was never completed and was subsequently returned due to non-payment of the required fee.
- 3.38** Members may also be aware that on 26th September 2000, Lisburn City Council served a contravention notice regarding the structural make-up of the ceiling to the nightclub area of the premises. This was following the collapse of the ceiling on 15th September 2000.
- 3.39** We understand that a prosecution also arose from that incident regarding a Health and Safety matter under the Health and Safety at Work (NI) Order 1978 for failure to provide a safe working environment for employees and members of the public. Lisburn City Council was unable to provide further

details in relation to same but we have requested the information from Lisburn Court Office and officers are awaiting a response.

- 3.40 However, records show that additional information was eventually provided to the Lisburn City Council Building Control Department confirming that the proposed new ceiling detail complied with the relevant technical requirements of the Building Regulations. A Completion Certificate was subsequently issued on 19th December 2000.

Representations

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

PSNI

- 3.42 The PSNI has been consulted and has confirmed that it has no objection to the application.

NIFRS

- 3.43 The NIFRS has been consulted and had initially confirmed that, due to complaints received in relation to fire safety deficiencies of the premises Fire Risk Assessment from Lisburn City Council on 17th December 2014 and the recent deficiencies observed by Belfast City Council on 10th July and on 29th October 2015, it wished to object to the grant of the Entertainments Licence for the premises.
- 3.44 The NIFRS carried out an audit of the premises on the 10th November 2015 and although 3 contraventions were observed, the NIFRS confirmed that it wished to withdraw their objection.
- 3.45 As requested at your meeting on 12th November 2015, an Officer from the NIFRS will be available at this meeting to answer any queries which you may have in relation to the application and premises.

Health, Safety and Welfare Inspections

- 3.46 Whilst inspecting the premises and collating the required paperwork regarding the current application for Beckett's Bar, Building Control officers have dealt specifically with Eugene Hughes. Previously, Eugene Hughes was the General Manager of Beckett's Bar. When carrying out the entertainment licensing grant inspection, Council officers were accompanied by the Bar Manager, Mark Skillen.
- 3.47 Officers of the Service have never met the applicant, Carol Hughes.

- 3.48** On 29th October 2015 an Officer inspected the area of the premises where entertainment is proposed to be provided and found that it satisfied the technical requirements necessary to enable an Entertainments Licence to be issued. However no fire safety management documentation was available, such as the fire safety log book and evacuation procedure. Also, no evidence was provided confirming that the advice provided in the Fire Risk Assessment had been completed.
- 3.49** The Council officer carrying out the grant inspection met with Mark Skillen in the public bar. Members should note that the applicant has not applied for an Entertainments Licence for this area; however whilst he was in the Bar, the officer noted that one of the means of escape led to an enclosed yard. At the time of the inspection, the officer could not identify an escape route from this enclosed yard and passed his findings on to the NIFRS, as noted above.
- 3.50** On 10th November 2015, John Hughes contacted the Service by telephone to confirm that the NIFRS was currently on site and had told him that they were now going to withdraw their objection, as the problems we had identified on 29th October 2015 were now addressed. At that time, we had not received any form of contact from the NIFRS to confirm this, either by phone or email. John Hughes also questioned why we would then still have to take their application through Committee.
- 3.51** On 11th November 2015, a further email was sent by John Hughes to officers of the Service informing us that, from speaking with the fire authorities, it had sent an email withdrawing its objection to their application. He also requested a copy of that email to be forwarded to him and Eugene Hughes.
- 3.52** The Service received the email in question from the NIFRS withdrawing its objection and duly forwarded it to John Hughes. However, on 12th November 2015, John Hughes replied and stated that he had again spoken to the fire authorities and there was a further email sent confirming the withdrawal of its objection. He then requested us to confirm if this was the case.
- 3.53** We had not received any such further email from the NIFRS and we thus informed John Hughes of that fact.
- 3.54** During that time, a member of the Hughes family was also in contact with Democratic Services requesting the same correspondence regarding the NIFRS.

Subject Access Requests (SARs) under the Data Protection Act 1998

- 3.55** Members should be aware that, following your meeting on 12th November 2015, the Council received Subject Access

Requests from Carol Hughes, Eugene Hughes and John Hughes. All three refer to the Committee meeting on 12th November 2015 and remarks which were made about the Hughes family.

- 3.56 Carol Hughes has requested any information which the Council holds in relation to her or her business and both Eugene Hughes and John Hughes have requested the Council to disclose any record held on them.
- 3.57 We are coordinating the responses to these requests across the Council and are liaising with the Council's Records Manager in the process.

Office Meeting

- 3.58 An office meeting was arranged and held on 19th November 2015 between Officers of the Service and Eugene Hughes in order to discuss the outstanding technical requirements for the application and premises.
- 3.59 The applicant, Carol Hughes, was invited but confirmed prior to the meeting that she was unable to attend and that her husband, Eugene Hughes could attend.

Subsequent Inspections

- 3.60 A follow up inspection was carried out by the Service on 26th November 2015, which revealed that all of the required fire safety management procedures were being implemented effectively.
- 3.61 All of the required certification in support of the application has also now been received.
- 6.62 Four monitoring inspections have been carried out since the alleged offence was detected and no entertainment was witnessed taking place on each occasion.

Noise Issues

- 3.63 The Environmental Protection Unit (EPU) has been consulted in relation to the application and it has confirmed that no complaints have been received since 1st April 2015 relating to noise break out from the premises or due to patron dispersal.

Applicant

- 3.64 As part of the new Committee Protocol, the applicant has been asked to submit a Representation Form answering a number of questions to provide the Committee with as much

information as possible about the application, the premises and how it may relate to other applications the Council has previously considered from the Hughes family.

- 3.65 The submission also includes representations from clubs and organisations that have used Beckett's Bar for their respective functions. It also consists of responses to a number of questions we have posed which we consider relates to the application.**
- 3.66 The applicant, or their representative, will be available at your meeting to answer any queries you may have in relation to the application.**

Financial and Resource Implications

- 3.67 Officers regularly carry out inspections on premises but this is catered for within existing budgets.**

Equality or Good Relations Implications

- 3.68 There are no equality or good relations issues associated with this report."**

The Divisional Solicitor informed the Members that the legal case had been heard on 16th February and that the business operator, Sharp N.I., together with Mr. E. Hughes, the manager of the premises, had pleaded guilty to the offence of providing entertainment on 10th July, 2015 without a valid Entertainments Licence. Each had been fined £1,000 and ordered to pay costs of £166 and an offender levy of £15. The defendants' case had centred upon the fact that the entertainment which had taken place on 10th July had been organised without their knowledge, as they had been away from the premises on that weekend, and it had been highlighted that they had incurred a significant loss due to the absence of an Entertainments Licence. She confirmed that she had made the Court aware that the entertainment had been advertised on the venue's Facebook page as far back as June, 2015 and that tickets were being sold in the off-licence area of the premises.

The Building Control Manager provided an overview of the application. In response to a question from a Member, he confirmed that officers had, both before and after 10th July, 2015, held a number of meetings around entertainments licensing, which had involved primarily Mr. E. Hughes, and not, as far as he was aware, the applicant, Mrs. C. Hughes. In terms of the fire safety offences which had been identified on the aforementioned night, he stressed that they were of such significance that, should the premises have held an Entertainments Licence, the Building Control Service would have recommended a series of prosecutions under the entertainments licensing legislation and could have gone as far as seeking the Committee's approval to suspend the Licence. He added that a representative of the Northern Ireland Fire and Rescue Service was in attendance, should the Committee wish to obtain clarification around those issues.

The Committee agreed that it would be beneficial to hear from the representative and, accordingly, Group Commander G. Somerville was welcomed by the Chairperson.

Group Commander Somerville informed the Members that, from 2010, fire safety legislation had changed to the extent that employers and people in control of premises

were required to manage fire safety by taking all reasonable steps to reduce the risk of fire and ensure that people could escape safely in the event of an emergency. Premises were required to hold a current fire risk assessment and to address any significant findings arising from that assessment and the Northern Ireland Fire and Rescue Service undertook regular audits to confirm compliance with the fire safety legislation. In addition, the Fire and Rescue Service had signed a Memorandum of Understanding with local councils, which allowed the councils to undertake fire safety inspections as part of their routine licensing inspection regime and reduced the burden on licensees, as they now needed to liaise only with council officers. However, should a fire safety issue be identified by a council which necessitated the assistance of the Fire and Rescue Service, a fire safety complaint would be generated by the Service.

Group Commander Somerville then reviewed the five complaints which had, over the past ten years, been received in relation to Beckett's Bar. He reported that the first two complaints, which had been received in March, 2006 and in July, 2010, had related to the use of fire doors and had resulted in verbal advice being provided to management. On 10th December, 2014, a complaint had been received from Lisburn City Council which had identified possible fire safety concerns. Following an initial visit, a full fire safety audit had been undertaken early in January, 2015, which had found, amongst other things, that the fire risk assessment and the fire safety policy had not been available, fire extinguishers had not been tested and there had been inadequate fire safety training. A Notice of Deficiencies had been issued, although he confirmed that had not been followed up as it was regarded by the Fire and Rescue Service as being one of the lowest levels of non-compliance.

He reported further that, on 28th July, 2015, he had met with Councils officers to discuss the fire safety issues which they had detected on 10th July around blocked fire exits, fire doors being locked shut or propped open and a fault in the fire alarm system, which the Council had been seeking to ensure would be remedied. On 30th October, the Fire and Rescue Service had received a further complaint from the Council regarding the means of escape from a bar, which had been rectified by fitting an easy opening device to a door. Based upon that and the previous history of the premises, he had submitted an objection to the grant of the Entertainments Licence, until such time as the Fire and Rescue Service had had an opportunity to carry out a full fire safety inspection of the premises. That had been undertaken on 10th November, following which a further Notice of Deficiencies had been issued to address issues with fire doors, the electrical cupboard and evacuation drills. However, as those were deemed to be insufficient grounds on which to object to the grant of the Entertainments Licence, he had advised the Council subsequently that the Fire and Rescue Service had withdrawn its objection.

Group Commander Somerville concluded by stating that the recent complaints had demonstrated that the licensee had not taken reasonable steps earlier to comply with legislative requirements and had adopted a poor attitude towards fire safety. It had only been through the intervention of the Fire and Rescue Service and the Council that corrective action had been taken to bring Beckett's Bar up to the required fire safety standard, which had resulted in the withdrawal of the Service's objection to the granting of the Entertainments Licence.

In response to several questions from the Members, Group Commander Somerville confirmed that, had the Fire and Rescue Service, on 10th July, 2015, detected the same issues as the Council, it would, in view of the serious risk posed to patrons in the event of a fire, have initiated legal proceedings against the licensee. He stated that a successful prosecution for fire safety offences normally resulted in a summary conviction, including the imposition of a fine, but could, in more serious cases, mean imprisonment,

although he would have to check the legislation in that regard. He stressed, however, that the withdrawal of the objection for Beckett's Bar had been based upon the fire safety arrangements in place currently and that it was operating and being managed effectively.

The Chairperson thanked Group Commander Somerville for his contribution and welcomed to the meeting Mrs. C. Hughes, the applicant, together with Mr. E. Hughes, her husband.

Mr. Hughes informed the Committee that the event which had taken place on 10th July had been organised by the local community with a view to keeping young people away from a local interface area. An igloo structure had been placed in the car park to facilitate the holding of a foam party and a community worker had been informed that no entertainment was to take place inside the premises and had provided an assurance in that regard. However, when Council officers had observed the structure, the organisers had it removed and had sought and been granted permission by a young employee to move to a room inside the premises. He confirmed that neither he nor his wife had authorised the use of that room and had not been available on that weekend to prevent it from being used, which had accounted for the fire exit being locked. He pointed out that the fire safety log stipulated that that door should be open when the room was being used, which would have been the case under normal circumstances. Mr. Hughes added that the both he and his wife realised the seriousness of the fire safety issues which had been detected previously within the bar and pointed out that inspections which had been undertaken recently had indicated that they were complying with all fire safety legislation. He concluded by stating that the events of 10th July had represented an error of judgment on their part, which had now been addressed with the conclusion of the legal proceedings.

Mrs. Hughes pointed out that she and her husband had had invested significant savings in the business and that the absence of an Entertainments Licence would lead to its closure and have a detrimental impact upon not only on them but on the local community generally, including the sports groups which were based there. She confirmed that she was prepared to take all necessary advice from Council officers to improve the operation and management of the premises and requested that the Committee consider granting the Entertainments Licence.

Mr. and Mrs. Hughes then provided clarification around a number of issues which had been raised by the Members. Mr. Hughes explained that the Facebook page which had been used to advertise the event on 10th July belonged to the community worker, who had acted as the organiser, and that it provided details of other events which were not associated with Beckett's Bar. He explained that Mr. P. Skillen, the bar manager, operated an official Facebook page on behalf of the bar, which was endorsed by the applicant and which had carried details of entertainment taking place within the venue. He confirmed that, upon being advised by the Council, following the event on 10th July, that no entertainment should be taking place without a valid Licence, all advertised events had been cancelled, with the exception of a funfair day and a Hallowe'en party, neither of which required an Entertainments Licence. The only event which had taken place without an Entertainments Licence had been that of 10th July, where the organiser had provided an assurance that no entertainment would be taking place. He pointed out that a significant number of meal bookings had had to be cancelled, particularly over Christmas and St. Valentine's Day, because accompanying entertainment could not be provided. He added that he was the Chairman of a local football club, which was sponsored by the bar, and which necessitated his presence there on a Monday, Wednesday, Saturday and Sunday. In addition, two managers with considerable experience were employed on a full-time basis.

Mrs. Hughes informed the Committee that a number of companies operated by the Hughes family had gone into administration, which had led to a group of bars being forfeited. As a consequence, she and her husband had been faced with losing their home and she had had to use her pension from her previous employment and other savings to establish the current business, with a view to preventing that from occurring. She highlighted the fact that Beckett's Bar was the only licensed business in which she had ever been involved and that it was operated by her and her husband, with no input from either Mr. J. Hughes or Mrs. M. O'Reilly. She explained that the Entertainments Licence was being sought to provide entertainment in the form of, for example, a two-piece band and that it was not the intention to operate as a nightclub.

Mr. Hughes then provided details around the two Court Judgements in which he had been involved and pointed out that Lord Justice Deeny, within the second Judgement, which had come from a higher court, had found in his favour against KBC Bank Ireland PLC and had indicated that the comments made by Lord Justice Gillen within the first Judgement in terms of his character had not impacted upon his credibility. He added that his case had been the only one in Northern Ireland since the economic recession had begun in 2008 which had been brought against a bank by an individual on a personal guarantee which had been won.

The Divisional Solicitor provided clarification on the Court Judgements and advised the Members that both decisions were material to the application, therefore, it was a matter for them to decide if they wished to take them into consideration when determining the application.

Finally, Mr. Hughes confirmed that he would be agreeable to the Entertainments Licence being granted for a period of six months and he and his wife were thanked by the Chairperson.

After discussion, it was

Moved by Councillor Magennis,
Seconded by Councillor Bell,

That the Committee, in its capacity as Licensing Authority, agrees to grant for a period of six months a Seven-day Annual Indoor Entertainments Licence in respect of Beckett's Bar, 241 Stewartstown Road.

Amendment

Moved by Councillor Attwood,
Seconded by Councillor Bunting,

That the Committee, in its capacity as Licensing Authority, agrees to refuse an application for the grant of an Entertainments Licence in respect of Beckett's Bar, 241 Stewartstown Road, on the grounds that:

- (i) it was clear that the application involved Mr. Eugene Hughes and that he was operating the premises, which related to his fitness to hold an Entertainments Licence;
- (ii) issues had been encountered at other premises operated by the Hughes family in terms of liquor and entertainments licensing; and

(iii) both the applicant and Mr. Eugene Hughes had been convicted of providing entertainment without a valid Entertainments Licence.

On a recorded vote, nine Members voted for the amendment and nine against, with the votes being cast as follows:

<u>For 9</u>	<u>Against 9</u>
Councillor Hussey (Chairperson); The Deputy Lord Mayor (Alderman Spence); Alderman L. Patterson; Councillors Armitage, Attwood, Brown, Bunting, Craig and Sandford.	Councillors Bell, Campbell, Carroll, Clarke, Dudgeon, Groves, Jones, Magennis and McConville.

The Chairperson (Councillor Hussey) exercised his second and casting vote in favour of the amendment and it was accordingly carried.

The amendment was thereupon put to the meeting and passed.

Chairperson

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

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