## **Public Document Pack**

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



12th January, 2022

### MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Microsoft Teams on Wednesday, 19th January, 2022 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) Application for the Grant of a Stationary Street Trading Licence Dargan Crescent (at Musgrave Cash and Carry Site) (Pages 1 10)
- (b) Applications approved under Delegated Authority (Pages 11 14)
- (c) Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (Pages 15 30)
- (d) HMO Licences issued under Delegated Authority (Pages 31 34)

# Agenda Item 2a

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



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



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



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



# Agenda Item 2b

### LICENSING COMMITTEE



Subject:		Applications approved under Delegated Author	rity		
Date	<b>)</b> :	19th January, 2022			
Rep	orting Officer:	Stephen Hewitt, Building Control Manager, ext. 243	35		
Con	tact Officer:	James Cunningham, Senior Licensing Officer, ext.	3375		
Rest	ricted Reports				
Is th	is report restricted	1?	Yes	No	X
	If Yes, when will the report become unrestricted?  After Committee Decision  After Council Decision  Sometime in the future				
	Never	in the fatale			
Call-	in				
Is th	e decision eligible	for Call-in?	Yes X	No	
1.0	Purpose of Reno	rt/Summary of Main Issues			
1.0	ruipose oi Kepo	TVSullillary of Mail Issues			
1.1	for exercising all	e of Delegation, the Director of Planning and Buildir powers in relation to the issue, but not refusal, one relating to the issue of licences where adverse re	f Permits a	nd Lic	ences,
2.0	Recommendation	1			
2.1		requested to note the applications which have beation, as set out below.	een approve	ed und	ler the

### 3.0 Main Report

### **Key Issues**

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

Premises and Location	Type of Application	Applicant
Balmoral Golf Club, 518 Lisburn Road, Belfast, BT9 6GX	Renewal	Miss Kim Axon
Belvoir Park Golf Club, 73-75 Church Road, Newtownbreda, Belfast, BT8 7AN	Renewal	Mr. Steven Keown
Church House, 2-10 Fisherwick Place, Belfast, BT1 6DW	Renewal	Mr. Liam McDonagh, Presbyterian Church in Ireland
Concorde Community Centre, 36 Alliance Road, Belfast, BT14 7JB	Renewal	Ms. Catherine Taggart, Belfast City Council
The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ	Renewal	Ms. Janine Kane, JK Pubs Ltd

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were issued since the last Committee meeting:

Premises and Location	Type of Application	Applicant
Jet Amusements, 32-46 Castlereagh Road, Belfast, BT5 5FP	Renewal	Mr. James Johnston
Onassis Amusements, 2nd Floor, 25-41 Botanic Avenue, Belfast, BT7	Renewal	Mr. John Burns, Hazeldene Enterprises Ltd
Twilight Zone, 100-150 York Street, Belfast, BT15 3HF	Renewal	Eze Gaming Ltd

- 3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991, there were no Cinema Licences issued since the last Committee meeting.
- 3.4 Under the terms of the Petroleum Consolidation Act 1929, the following Petroleum Licences were issued since the last Committee meeting:

Premises and Location	Type of Application	Applicant
Gilnahirk Filling Station, 109-123 Gilnahirk Road, Belfast, BT5 7QL	Renewal	Mr. Davey McAuley, Property Management Services Ltd.
Mace Mount Alverno, 703 Springfield Road, Belfast, BT12 7FP	Renewal and Transfer	Mr. Brendan Nugent, BN Hire Ltd

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

Location	Type of Application	Commodity	Hours Licensed	Applicant
Falcon Road	Stationary	Hot food and non- alcoholic beverages	Mon – Sat 12:00 – 21:00	Mr. Richard Fleming
Ballymacarret, Sydenham, Strandtown, Bloomfield, Ballyhackamore, Knocknagoney, Ballynafeigh, Castlereagh, Cregagh, Windsor and Newtownbreda	Mobile	Ice cream, confectionery and non-alcoholic beverages	Mon - Sun 11:00 – 21:00	Mr. John Gibson

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

Location	Type of Activity	Date and Hours permitted	Applicant
Polfoot City Contro	Christmas	20 and 21 November 2021	Kevin Grant
Belfast City Centre	Event	16:00 – 21:00	Belfast City Council

3.7 Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, the following Pavement Café Licences were issued since the last Committee meeting:

Premises	Location	Type of Application	Applicant
Allen's Tours 29 Donegall Road, Belfast, BT12 5JJ	Adjacent	Grant	Benn Allen Allen's Tours
The Royal Bar 31-33 Donegall Road, Belfast, BT12 5JJ	Adjacent	Grant	Ronald Brown The Royal Bar
McDonald's 2-4 Donegall Place, Belfast, BT1 5BA	Adjacent	Grant	Katrina Fox Paul Connan Ltd
Union Street Bar 8-14, Union Street, Belfast, BT1 2JF	Adjacent	Grant	Sean Corr Anthology NI Ltd.
The Morning Star 17-19 Pottinger's Entry, Belfast, BT1 4DT	Adjacent	Grant	Corinne McAlister The Morning Star Public House Ltd.
Oliver's Restaurant 403-405, Upper Newtownards Road, Belfast, BT4 3LH	Adjacent	Grant	Peter McCloskey
Freshly Chopped 2-6 Donegall Square West, Belfast, BT1 6JA	Adjacent	Grant	Na Li CTN Belfast Ltd
Patisserie Valerie Castle Lane, Belfast, BT1 5DB	Adjacent	Grant	Chris Telford
AM:PM 38-44 Upper Arthur Street, Belfast, BT1 4GH	Adjacent	Grant	Eamon McCusker

Chubby Cherub Deli 49A Upper Arthur Street, Belfast, BT1 4GI	Adjacent	Grant	Eamon McCusker
Duke of York 7-11 Commercial Court, Belfast, BT1 2NB	Adjacent	Grant	Paul O'Hare Commercial Court Inns Limited
Ibis Hotel 100 Castle Street, Belfast, BT1 1FH	Adjacent	Grant	Frankie McDonald
Mickey's Deli 6 Bridge Street, Belfast, BT1 1LU	Adjacent	Grant	Michael Curran
Muriel's 12-18 Church Lane, Belfast, BT1 4QN	Adjacent	Grant	Janine Kane JK Pubs Limited
The Northern Whig 2-10 Bridge Street, Belfast, BT1 1LU	Adjacent	Grant	Stephen Magorrian Northern Whig Trading Limited
The Deer's Head 1-3 Lower Garfield Street, Belfast, BT1 1FP	Adjacent	Grant	David Neely Jar (Ire) Ltd.

## **Financial and Resource Implications**

3.8 None

## **Equality or Good Relations Implications/Rural Needs Assessment**

3.9 There are no issues associated with this report.

# Agenda Item 2c



### LICENSING COMMITTEE

Subject	::	Ireland) 2021				
Date:		19th January, 2022				
Reporting Officer: Stephen Hewitt, Building Control Manager (ext: 2435)						
Contac	t Officers:	Nora Largey, Divisional Solicitor, Regulatory and Planning (e	xt: 6049)			
Restric	ted Reports					
ls this ı	report restricted?	Yes N	lo 🗸			
lf	Yes, when will the	report become unrestricted?				
	After Committe					
	After Council D					
	Sometime in the	ne tuture				
	Nevel					
Call-in						
Is the d	lecision eligible for	r Call-in? Yes	No			
1.0	Purpose of Repor	rt/Summary of Main Issues				
		•				
1.1	locations for dates	Article 44A extension liquor licence applications for non-Cs in February prior to the Committee meeting on 16th Februantine's night, are dealt with.				
2.0	Recommendation	ns				
2.1	any Article 44A ex including 16th Febr	asked to consider if authority should be delegated to officers to xtension applications for non-City centre locations for dates ruary 2022 in a similar way to that previously agreed for Biddy D he meeting on 15th December 2021.	up to and			
2.2		be on the proviso that such applications did not relate to premi- ntertainment had been subject to significant objections or pros				

2.3	In such instances, the application would be presented to the Committee for consideration.						
3.0	Background						
3.1	At the meeting on 15th December, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021. The outcome is set out below:						
	Pubs and Hotels - City Centre Locations						
3.2	The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:						
	<ul> <li>to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and</li> </ul>						
	ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00 am on some of the dates to which the extension applications relate.						
3.3	It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.						
	Pubs and Hotels - Non-City Centre Locations						
	Biddy Duffy's, 133 Andersonstown Road/ Horatio Todd's, 406 – 408 Upper Newtownards Road						
3.4	The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 31st January 2022 and that each applicant be requested:						
	<ol> <li>to agree to withdraw all Article 44A extension applications beyond 31st January, to allow officers to provide at the Committee meeting in February an update on any issues which had arisen from the operation of the premises during the month of January, given that both premises were located in close proximity to residential accommodation; and</li> </ol>						
	ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.						
	Pubs and Hotels - Non-City Centre Locations Generally						
3.5	The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between this meeting and 31st January 2022 officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, as long as they did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.						
3.6	In such instances, the application would be presented to the Committee for consideration.						

	Police Service of Northern Ireland Authorisations for Additional Hours							
3.7	The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:							
	a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),							
	b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and							
	c. Building Regulation or other Council statutory enforcement issues.							
3.8	The minute from the meeting of 15th December is attached.							
4.0	Key issues							
4.1	Members will be aware that new Coronavirus restrictions came into force on 26th December 2021 which, amongst other measures, required nightclubs to close and prohibited dancing in all other licensed premises.							
4.2	Should these restrictions be lifted prior to the Committee meeting on 16th February, there is a possibility that a number of pubs and hotels in non-City centre locations may wish to apply for an Article 44A order for additional permitted hours to serve alcohol until 2.00 am for St. Valentine's night and/or the weekend nights leading up to it.							
4.3	As your decision in relation to any Article 44A extension applications for non-City centre locations only covers the period to 31st January 2022, that would preclude officers from making any delegated decision in relation to applications associated with St. Valentine's night or any other application for dates from 1st February to 16th February.							
4.4	Given the additional impact on the hospitality sector that the latest restrictions have created and the fact that any venues that have applied for extension licences will have had limited opportunity to utilise them to date, the Committee may wish to consider reviewing how any extension applications for dates prior to your meeting on 16th February, and in particular St. Valentine's night, are dealt with.							
	Financial and Resource Implications							
	None.							
	Equality or Good Relations Implications/Rural Needs Assessment							
	None.							
7.0	Document Attached							
	Minute of 15th December - the Licensing and Registration of Clubs (Amendment) Act (NI) 2021.							
<u> </u>								



### **LICENSING COMMITTEE**

### Minute of Meeting of 15th December, 2021

## <u>Licensing and Registration of Clubs (Amendment)</u> <u>Act (Northern Ireland) 2021</u>

The Building Control Manager submitted for the Committee's consideration the following report:

### "1.0 Purpose of Report/Summary of Main Issues

1.1 To provide the Committee with an update on the recent changes to the liquor licencing laws in Northern Ireland and to establish a position in relation to any objections which the Council may wish to lodge in relation to applications arising from the amended legislation.

### 2.0 Recommendation

2.1 Having considered the key issues outlined, the Committee is recommended to review the options outlined in the undernoted sections of the report and establish a position in relation to any objections which the Council may wish to lodge arising from notification of various liquor licence applications arising from the amended legislation.

### 3.0 Background

- 3.1 The Committee, at its meeting on 20th October, agreed to defer consideration of a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 to a special meeting and agreed also that, in the interim, applications which had been notified to the Council would be dealt with under delegated authority, thereby permitting the Strategic Director of Place and Economy, in consultation with the City Solicitor, to lodge objections to notices of applications received under liquor licensing legislation. The Member who proposed the special meeting is content, due to the lack of business, for the issue to be considered at this meeting.
- 3.2 The report from the meeting of 20th October has been circulated to the Committee.
- 3.3 The Licensing (Northern Ireland) Order 1996 (the Licensing Order) sets out the general licensing systems, including procedures governing the granting or renewal of licences by county/magistrates' courts, permitted hours for the sale of alcoholic drinks, conduct of premises, conditions pertaining to the presence of children in licensed premises, and enforcement. The Registration of Clubs (Northern Ireland)

Order 1996 does the same for the supply of alcoholic drinks in private members' clubs.

3.4 Enforcement of all matters relating to the sale and supply of alcohol is the responsibility of the PSNI.

### 4.0 Key issues

#### Legislation

4.1 The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 amends the Licensing Order and the Registrations of Clubs (NI) 1996.

The key changes, which will take effect in phases, include:

- All additional restrictions on opening hours over Easter weekend will be removed;
- Opening hours on Sunday evenings will be the same as any other night;
- Pubs and Hotels can apply to open until 2 am up to 104 nights per year (instead of 1a.m.);
- Smaller pubs will be able to open to 1 am up to 104 nights per year;
- Drinking-up time will be increased to 1 hour (allowing pubs to stay open until 3 am);
- There will be flexibility around opening hours for bars at major events;
- A new category of licence will be created for local producers of craft beers, ciders and spirits (allowing drink producers to obtain a licence to sell off-sales alcohol and, in limited circumstances, open taprooms so customers can buy drink alcohol on site);
- Cinemas will be able to apply for a liquor licence and serve drink to customers;
- Sporting clubs will be able to use their grounds for functions up to 6 times per year;
- Registered clubs will be able to open to 1am up to 104 nights per year;
- Self-service of alcohol and sales by vending machines will be prohibited;

- Restrictions will be placed on off-sales drinks promotions; and
- Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks.

### **Implications for the Council**

- 4.3 There are a number of changes which came into force on 1st October 2021 which will impact on matters relating to entertainments licensing. It is, therefore, important that the Committee establish a position in relation to those matters and, if necessary, clarify circumstances regarding any objections the Council may wish to lodge to liquor licence applications.
- 4.4 Notwithstanding the financial pressures the hospitality sector was already facing, the impact of COVID has been unprecedented and the Council will seek, where possible, to assist the recovery of the sector. However, it is recognised that this must be balanced against the right of local residents not to be subject to unacceptable disturbance.
- 4.5 In the following sections the changes to the legislation are outlined, along with how this impacts on existing and future entertainments licences. Options in relation to these matters are then provided for consideration.
- 4.6 The new Article 44A gives a court power to extend later opening until 2.00 am in pubs or hotels which are structurally adapted to provide entertainment and/or substantial refreshment and which already hold a licence for later opening under Article 44 of the Licensing Order. The amendments introduced in October extend 'drinking up time' from 30 minutes to an hour. The net effect of these changes is that alcohol can be consumed until 3.00 am in those premises which have both an Article 44 and Article 44A licence.
- 4.7 Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening. For most premises in Belfast they are permitted to sell alcohol to later hours by virtue of providing entertainment. For those who wish to apply for further additional permitted hours they will be required to produce a copy of their entertainments licence for the courts.
- 4.8 A licence granted under an Article 44A may only be issued for a maximum of 104 days in any twelve-month period, except for Christmas Day.

- 4.9 Notice of the application must be published in local newspapers and a notice displayed on or near the premises and served upon both the PSNI and the Council.
- 4.10 The Court can revoke, modify or place terms and conditions on an Article 44A licence for the following reasons,
  - 1. the business was conducted in such a manner to cause undue inconvenience to local residents, or
  - 2. that the hours caused undue inconvenience to local residents, or
  - 3. that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

### **Issues for Consideration**

- 4.11 Whilst most city centre pubs have entertainment licences to 3.00am, this does not always extend to every night of the week and for pubs located in residential areas many of them only have entertainment licences to 1.00 am.
- 4.12 As a notice party to Article 44A extension applications the Council should be sensitive to potential nuisance issues for local residents, particularly where there have been objections to Entertainment licences in the past and restricted licences arising.
- 4.13 However, it is also the case that these application must be published in local newspapers and a notice displayed on or near the premises thereby providing local residents with the opportunity to make their own representations to the courts on any applications for later hours.

### **Pubs and Hotels – City Centre Locations**

4.14 Since your meeting in October a number of Article 44A extension applications have been received by the Council and, in responding to these, Council officers have had regard to the following:

- location of the premises,
- the proximity of residential areas,
- any restrictions placed upon the premises by virtue of its Entertainment Licence,
- any history of complaints regarding the operation of the premises.
- Building Regulation issues, and
- Complaints regarding anti-social behaviour in and around the premises.
- 4.15 Most of the applications received to date have related to city centre venues. These premises fall into two categories:
  - 1. Those that have entertainments licences which permit entertainment to 3.00am every night of the week, and
  - 2. Those that have entertainments licences which permit entertainment to 3.00am only on specified nights of the week.
- 4.16 Members are reminded that, in all these cases, where the applicant wishes to provide entertainment later than 1.00 am, these licences will have been subject to consideration and approval by the Licensing Committee.
- 4.17 The response offered under delegated authority by the Council to these applications has been:
  - 1. To offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and
  - 2. To confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

### Pubs and Hotels - non-City Centre Locations

- 4.18 Since the Committee meeting in October, the Council has been consulted on two applications for premises outside the city centre and, given their proximity to residential areas, officers advised the Court that it is considered more appropriate for Committee to determine how best to respond to such applications and asked that any hearing is postponed until such times as the Committee has had an opportunity to consider these applications.
- 4.19 Members are therefore requested to consider a suitable response for the Article 44A applications in respect of the undernoted two premises.

### Biddy Duffy's, 133 Andersonstown Road.

### **Entertainments Licence**

- 4.20 The entertainments licence is held by Mr. Peter Teague and the areas where entertainment may be provided are the:
  - Ground Floor, with a maximum capacity of 50 persons.
  - First Floor, with a maximum capacity of 120 persons.
- 4.21 The days and hours during which entertainment may be provided are:
  - Monday to Thursday: 11.30 am to 1.00 am the following morning,
  - Friday and Saturday: 11.30 am to 2.00 am the following morning, and
  - Sunday: 12.00 pm to midnight.
- 4.22 There is also a special licence condition that Entertainment is permitted to 2.00 am on all Bank and Public Holidays.

## Article 44A application for an Order for Additional permitted hours

- 4.23 The Article 44A extension application is to serve alcohol until 2.00am on 52 Saturdays in the period from 27th November 2021 to 26th November 2022. In addition, an application has been made for another 52 extensions to 2.00 am from 26th November 2021 to 18th November 2022.
- 4.24 Some of these dates fall on Bank or Public holidays and would therefore be dates when entertainment is permitted to 2.00 am. However, other dates include 20th - 23rd December, 29th and 30th December, 13th and 14th February, 16th March, 1st May,

2nd June, 11th July, 30th and 31st October. On these dates, entertainment may only be provided to 1.00 am or, for those dates which fall on a Sunday, to midnight.

4.25 A copy of the Article 44A application has been circulated.

### **Premises Overview**

- 4.26 The premises are located on an arterial route and there is residential accommodation situated to the rear of the property.
- 4.27 The most recent complaint regarding the premises was received in February 2015 and related to the provision of entertainment after 1.00 am. A subsequent application to vary the licence was considered by Members in June 2015 and the hours outlined above in paragraph 4.21 were agreed by the Licensing Committee.
- 4.28 A recent inspection of the premises revealed that some works had been undertaken to the first floor of the premises and the licensee has been asked to submit a Building Regulation application in respect of these works.
- 4.29 There have been no complaints regarding anti-social behaviour nor have any objections been received to the renewal of the licence in the last 10 years.
- 4.30 There are no restrictions in relation to the operation of the premises by virtue of its Entertainment Licence other than those outlined in paragraphs 4.21 to 4.22 above.
- 4.31 Given that the premises are quite close to residential properties Members may wish to consider whether there is potential that the hours applied for, or any period immediately following their termination, may lead to undue inconvenience to persons residing in the vicinity of the premises.

#### Horatio Todds, 406-408 Upper Newtownards Road.

### **Entertainments Licence**

- 4.32 The entertainments licence is held by Wandsworth Pubs Ltd. and the area where entertainment may be provided is the:
  - Ground Floor, with a maximum capacity of 300 persons.
- 4.33 The days and hours during which entertainment may be provided are:

- Monday to Saturday: 11.30am to 1.00am the following morning, and
- Sunday: 12.30 pm to midnight.

## Article 44A application for an order for additional permitted hours

- 4.34 The Article 44A extension application is to serve alcohol until 2.00 am on 52 Saturdays in the period from 11th December 2021 to 10th December, 2022. In addition, application has been made for another 52 extensions to 2.00 am between 10th December 2021 and 25th November 2022, some of which fall on Fridays and Bank or Public holidays.
- 4.35 However, all of these are days where entertainment may only be provided to 1.00 am or, for those dates which fall on a Sunday, to midnight.
- 4.36 A copy of the Article 44A application has been circulated.

### **Premises Overview**

- 4.37 The premises are located on an arterial route and there is residential accommodation situated to the rear of the property.
- 4.38 There have been no complaints regarding the premises nor have any objections been received to the renewal of the licence in the last 10 years.
- 4.39 There are no outstanding Building Regulation matters in respect of the premises.
- 4.40 There are no restrictions in relation to the operation of the premises by virtue of its Entertainment Licence other than those outline in 4.33 above.
- 4.41 Given that the premises are quite close to residential properties Members may wish to consider whether there is potential that the hours applied for, or any period immediately following their termination, may lead to undue inconvenience to persons residing in the vicinity of the premises.

### **Police authorisations for Additional Hours**

- 4.42 The new legislation also introduces new, or amends existing, powers for police authorisations for additional hours which,
  - allows pubs which have an Article 44 licence to apply to PSNI for ad-hoc late opening (11.00 pm - 1.00 am) up to 20 times per year for a day not covered by the article 44 Order.
  - increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 licence) can apply for late opening (11.00 pm - 1.00 am) from 20 to 104 times per year, and
  - increases the number of occasions registered clubs can apply for late opening (11.00 pm - 1.00 am) from 85 to 104 times per year.
- 4.43 The applicant must display notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.
- 4.44 The process whereby PSNI has considered extension licence applications for small pubs and registered clubs has been in place for some considerable time and, in granting those extensions, there have been limited evidence that this has led to any significant problem in relation to complaints being received by the Council.
- 4.45 There is also provision for complaints from PSNI, Council or any person owning or residing in premises within the vicinity, to be made to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Upon receipt of such a complaint the Court can revoke, modify or impose additional terms and conditions as it thinks fit.
- 4.46 Unlike applicants for an Article 44A licence, those applying to the police for additional hours authorisations will not always hold an entertainments licence. The Council will therefore not always have the same amount of information on those venues.

### **Recommendations:**

The Committee is asked to determine its position in respect of the following:

### **City Centre Pubs and Hotels**

5.1 Members are asked to agree that officers deal with city centre applications under delegated authority, as set out in paragraph 4.17, if the provision of entertainment at the premises has not been subject to significant objection or prosecution in the past. Where there is such a history those applications will be brought to Committee to determine.

### Biddy Duffy's and Horatio Todds Article 44A Applications

- 5.2 Taking into account the information provided in relation each premises, the Committee is asked whether it wishes to:
  - a. Offer no objection.
  - b. Offer no objection but advise the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on any of the dates to which the extension applications relate.
  - c. Offer no objection provided that the applicant agrees to a special condition being attached to their entertainments licence which prohibits the provision of entertainment later than 2.00am unless there is an entertainment licence in place which expressly permits same.
  - d. Object to all of the Article 44A extension applications until such times as the applicant has made an application to vary their entertainment licence to permit entertainment until 3.00am so that issues around noise disturbance, anti-social behaviour, impact upon local residents and amenity etc, can be properly assessed.

### <u>Decision for Members on non-City Centre Pubs and Hotels</u> <u>Generally</u>

- 5.3 The Committee is asked to agree that officers deal with noncity centre applications under delegated authority in a similar manner to the applications in respect of Biddy Duffy's and Horatio Todds.
- 5.4 This is if the provision of entertainment at the premises has not been subject to significant objection or prosecution in the

past. Where there is such a history those applications will be brought to Committee to determine.

## <u>Decision for Members on Police authorisations for Additional Hours</u>

- 5.5 Taking into account the information provided Members are asked to agree that officers deal with these applications under delegated authority and will not make representation in respect of these applications unless there is reason to do so by virtue of any:
  - a) restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence);
  - b) complaints regarding the operation of, or anti-social behaviour in and around, the premises; and
  - c) Building Regulation or other Council statutory enforcement issues.

### **Financial and Resource Implications**

- 6.1 None
- 7.1 <u>Equality or Good Relations Implications/</u> <u>Rural Needs Assessment</u>

None."

### Pubs and Hotels - City Centre Locations

The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:

- to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. every night of the week, and
- ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00 a.m. on some of the dates to which the extension applications relate.

It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

### Pubs and Hotels - Non-City Centre Locations

### Biddy Duffy's, 133 Andersonstown Road/ Horatio Todd's, 406 – 408 Upper Newtownards Road

The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 31st January, 2022 and that each applicant be requested:

- i. to agree to withdraw all Article 44A extension applications beyond 31st January, to allow officers to provide at the Committee meeting in February an update on any issues which had arisen from the operation of the premises during the month of January, given that both premises were located in close proximity to residential accommodation; and
- ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

### Pubs and Hotels - Non-City Centre Locations Generally

The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between this meeting and 31st January, 2022, officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, as long as they did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.

In such instances, the application would be presented to the Committee for consideration.

### <u>Police Service of Northern Ireland</u> Authorisations for Additional Hours

The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:

- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence);
- b. complaints regarding the operation of, or anti-social behaviour in and around, the premises; and
- c. Building Regulation or other Council statutory enforcement issues.

# Agenda Item 2d

### LICENSING COMMITTEE



Sub	ject:	Houses in Multiple Delegated Authority	Occupation	(HMO)	Licences	Issued	Under
Date	<b>)</b> :	19th January, 2022					
Rep	orting Officer:	Kevin Bloomfield, NIHN	/IO Manager				
Con	tact Officer:	Vivienne Donnelly, City Kevin Bloomfield, NIHM		nager			
Rest	ricted Reports						
Is th	is report restricted	d?			Yes	No	X
	If Yes, when will	the report become unr	estricted?		_		
		mittee Decision					
		cil Decision					
	Sometime i Never	in the future					
	Never				L		
Call-	in						
Is th	e decision eligible	for Call-in?			Yes	X No	
1.0	Purpose of Repo	rt/Summary of Main Iss	sues				
1.1	responsible for ex HMO Licences, e representations had of Delegation are		elation to the is ting to the issu	sue and ue of HN	variation, b	out not ref s where a	usal, of adverse
2.0	Recommendation	n					
2.1	The Committee is Delegation.	requested to note the lic	ences which ha	ave been	issued und	ler the Sc	heme of

## 3.0 Main Report

## Key Issues

3.1 Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during December 2021:

			HMO Policy Area or
Premise Name	Licensee	Ward	Development Node
24 Palestine Street	Mr. John Leo Mc Gurk	CENTRAL	HOLYLAND HMO 2/22
			MEADOWBANK HMO
6 Chadwick Street	Mr. Samuel Hardy	WINDSOR	2/15
OF Malassa Otassa	Mar. A delete a MacOass	MINIDOOD	EDINBURGH ST HMO
65 Melrose Street	Mr. Adrian McCoy	WINDSOR	2/08 EDINBURGH ST HMO
33 Melrose Street	Mrs. Patricia Collins	WINDSOR	2/08
47 Lower Windsor	Wild. I diricia Comits	WIINDOOK	MEADOWBANK HMO
Avenue	Mr. Alyn McKee	WINDSOR	2/15
Flat 2, 9 Camden			FITZWILLIAM HMO
Street	L+E Properties Limited	WINDSOR	2/10
Flat 1, 15 Ulsterville			ULSTERVILLE HMO
Avenue	Mr. Martin King	WINDSOR	2/21
Flat 2, 15 Ulsterville	Ma Mantin Kina	WINDOOD	ULSTERVILLE HMO
Avenue Flat 3, 9 Camden	Mr. Martin King	WINDSOR	2/21 FITZWILLIAM HMO
Street	L+E Properties Limited	WINDSOR	2/10
Flat 1, 9 Camden	L+L Floperties Limited	WINDSOR	FITZWILLIAM HMO
Street	L+E Properties Limited	WINDSOR	2/10
			STRANMILLIS HMO
1 Landseer Street	Mrs. Edel Scullion	CENTRAL	2/19
22 Fitzroy Avenue	Mr. Adrian McQuillan	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 48 Eglantine			
Avenue	Mr. Philip Diamond	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 48 Eglantine			
Avenue	Mr. Philip Diamond	WINDSOR	EGLANTINE HMO 2/09
49 Elaine Street	McSorley Pharmacy Limited	CENTRAL	STRANMILLIS HMO 2/19
23a Chlorine	Limited	CENTRAL	2/19
Gardens	Mrs. Maura O'Donnell	STRANMILLIS	STRANMILLIS
Apartment 1, 6			
Eglantine Avenue	Mr. James Harkness	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 31 Agincourt			
Avenue	Dromcarrick Limited	CENTRAL	HOLYLAND HMO 2/22
20 Wellesley	Murdock Property		
Avenue	Services Limited	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 33 Agincourt	Derrylodge Property Management Ltd	CENTRAL	HOLYLAND HMO 2/22
Avenue 160 Duncairn	wanayement Ltu	CENTRAL	TIOL LAIND HIVIO 2/22
Gardens	Mr. Liam McElhinney	NEW LODGE	NEW LODGE
15 Wolseley Street	Kendale Limited	CENTRAL	HOLYLAND HMO 2/22
23 Donnybrook	Nenuale Limiteu	OLIVINAL	EDINBURGH ST HMO
Street	Dr. Ciara Brennan	WINDSOR	2/08
35 Ulsterville			ULSTERVILLE HMO
Gardens	Mrs. Jayne Hughes	WINDSOR	2/21
79 Upper			
Newtownards Road	Mr. Geoffrey Cairns		None

1a Stranmillis			STRANMILLIS HMO
Gardens	Mr. Neil Rafferty	CENTRAL	2/19
			MEADOWBANK HMO
14 Chadwick Street	Mrs. Agnes McDonnell	WINDSOR	2/15
22 Ireton Street	Mr. John Cahill	CENTRAL	HOLYLAND HMO 2/22
22 Hotori Gtroot	IVII. GOTIII GATIII	OLIVITORE	MEADOWBANK HMO
33 Surrey Street	Lancullen Ltd	WINDSOR	2/15
143 Great Northern	Editodiicii Eta	WINDOOK	2,10
Street	Mr. Ryan Hamilton	WINDSOR	ADELAIDE HMO 2/01
Street	Wit. Tyair Flairiitori	WINDSOR	MEADOWBANK HMO
4 Chadwick Street	Mr. Morton Johnston	WINDSOR	2/15
4 Chadwick Street	Wir. Worton Johnston	WINDSOK	STRANMILLIS HMO
42 Ctroppellio Dorle	Duama aguniak Limaita d	CENTRAL	
13 Stranmillis Park	Dromcarrick Limited	CENTRAL	2/19
103 Dunluce	NA CONTRACTOR	WINDOOD	ULSTERVILLE HMO
Avenue	Mr. Sean Wylie	WINDSOR	2/21
1		05115041	LOWER ORMEAU HMO
150 Ormeau Road	Mr. Joseph Gibson	CENTRAL	2/13
			MEADOWBANK HMO
58 Chadwick Street	Mr. Kevin Fredlander	WINDSOR	2/15
			ULSTERVILLE HMO
10 Ashley Mews	Mrs. Anne McCaughey	WINDSOR	2/21
			STRANMILLIS HMO
21 Riverview Street	Mr. Peter Quinn	STRANMILLIS	2/19
61 Palestine Street	Mr. Jeremy Barnes	CENTRAL	HOLYLAND HMO 2/22
69 Jerusalem Street	Mr. Steven Carlin	CENTRAL	HOLYLAND HMO 2/22
			MEADOWBANK HMO
8 Surrey Street	Ms. Fiona Mannion	WINDSOR	2/15
16 Damascus Street	Mr. Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
	,		STRANMILLIS HMO
25 Ridgeway Street	Mr. Conal Treacy	STRANMILLIS	2/19
	,		STRANMILLIS HMO
90 Sandhurst Drive	Mr. Stephen Austin	STRANMILLIS	2/19
98 Wellesley			
Avenue	Dr. Shaista Khan	WINDSOR	EGLANTINE HMO 2/09
18 Stranmillis			STRANMILLIS HMO
Gardens	Mr. John Francis Martin	CENTRAL	2/19
24140110	com rando martin	J = 111101E	STRANMILLIS HMO
39 Ridgeway Street	Mr. Daniel Brennan	STRANMILLIS	2/19
55 Magoway Officer	Stranmilis Investments	O I I W II WII LLIO	STRANMILLIS HMO
9 Landseer Street	Ltd	CENTRAL	2/19
Flat 2, 23 Lawrence	Liu	OLIVITAL	2/10
Street	Douglas Huston	CENTRAL	HOLYLAND HMO 2/22
		İ	
56 Malone Avenue	Mr. Kevin Hart	WINDSOR	EGLANTINE HMO 2/09

### **Financial and Resource Implications**

3.2 None

### **Equality or Good Relations Implications/Rural Needs Assessment**

3.3 There are no issues associated with this report.

