

Licensing Committee

Wednesday, 21st June, 2017

MEETING OF LICENSING COMMITTEE

Members present: Alderman Spence (Chairperson);
The Deputy Lord Mayor (Councillor Copeland);
Aldermen McCoubrey, L. Patterson and Sandford;
and Councillors Armitage, Bell, Boyle, Campbell,
Collins, Dudgeon, Groves, Hutchinson,
McConville and Milne.

In attendance: Mr. S. Hewitt, Building Control Manager;
Mrs. L. McGovern, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of Councillors Carson, Clarke and Heading.

Minutes

The minutes of the meeting of 17th May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Licences/Permits Issued Under Delegated Authority

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

Revocation/Renewal of a Seven-Day Annual Entertainments Licence with a Recent Conviction - The Belfast Barge, Lanyon Quay

The Committee was reminded that, at its meeting on 18th January, it had agreed, as an additional deterrent, that, in future, as soon as a licence holder had been convicted of an offence, they would be invited to appear before the Committee to outline the reasons why their licence should not be revoked.

Accordingly, the Building Control Manager drew the Committee's attention to an inspection which had been undertaken in July, 2016 of the Belfast Barge in Lanyon Quay, whilst entertainment had been taking place. Officers had found that the exit door to the rear of the multi-function space had been obstructed by the band's equipment and that the emergency light above that exit had not been illuminated. In addition, both the external gate on the rear escape walkway and one leaf of the main entrance/exit door had been locked in a closed position and the appropriate pre-entertainment checks had not been carried out. As a result, Lagan Legacy Limited, the licence holder, had on 23rd May, been convicted of the offences and been fined £150 and ordered to pay £76 in costs.

He informed the Committee that, in addition to considering the potential revocation of the Entertainments Licence, it was required to determine an application for the renewal of the licence, to allow entertainment to continue to take place within the multi-function space and the gallery restaurant between 8.00 a.m. and midnight on each day of the week. He reported that no written representations had been received in relation to that application and that neither the Northern Ireland Fire and Rescue Service nor the Police Service of Northern Ireland had offered objections. Since the offences had been detected, officers had met with the management of the premises to review their fire safety procedures and to ensure that appropriate measures had been put in place to ensure the safe evacuation of patrons in the event of an emergency. Two subsequent inspections of the venue had revealed no further issues and officers were satisfied that it was now being managed effectively. The Council's Environmental Protection Unit had indicated also that, since the licence had last been renewed, it had received no complaints regarding noise breakout or patron dispersal.

He pointed out that a representative of the applicant company was in attendance and that, once the Committee had heard his submission, it was required, firstly, to decide if it wished to revoke the barge's Entertainments Licence. Should it decide against that, it was then required to consider the application for the renewal of the licence.

The Chairperson then welcomed to the meeting Mr. J. Crooks, a Director of Lagan Legacy Limited.

Mr. Crooks informed the Members that Lagan Legacy Limited accepted full responsibility for the serious offences which had been detected in July, 2016. He explained that, immediately following that inspection, the company had appointed a new manager, revised its safety procedures and implemented a comprehensive training regime for staff, with a view to ensuring that there would be no further breaches of the Entertainments Licensing legislation.

The Chairperson thanked Mr. Crooks for attending the meeting.

After discussion, the Committee agreed not to revoke the Entertainments Licence for the Belfast Barge, Lanyon Quay and, accordingly, approved the application for the renewal of the licence.

Applications for the Renewal of Seven-Day Annual Entertainments Licences with Previous Convictions – Caulfield’s Bar/Malone Rugby Football Club/Box Nightclub

The Committee considered the following report:

1.0 Purpose of Report/Summary of Main Issues

1.1 To consider applications for Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.

2.0 Recommendations

2.1 Taking into account the information presented, you are required to consider the applications and to:-

- approve the applications, or
- should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.

3.0 Main Report

Key Issues

3.1 Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted, as provided for in the Council’s Scheme of Delegation.

3.2 However, as each applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
Caulfield’s Bar 685 Springfield Road Belfast	Tony Clarke Douglas Adams	Renewal	4th July 2015 Final exit locked shut and an obstructed means of escape	8th March 2016 £200 and £69 Court Costs

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<p>Malone Rugby Football Club</p> <p>8 Gibson Park Avenue Belfast</p>	<p>Raymond Thomas</p> <p>Honorary Secretary</p>	<p>Renewal</p>	<p>22nd August 2015</p> <p>Entertainment taking place without an Ent. Licence</p>	<p>5th April 2016</p> <p>Conditional Discharge</p> <p>£69 Court costs</p>
<p>Box Nightclub</p> <p>Units 1 and 8 Odyssey Pavilion 2 Queens Quay Belfast</p>	<p>Sheridan Nightclubs Limited</p>	<p>Indoor and Outdoor</p> <p>Renewals</p>	<p>25th September 2014</p> <p>Entertainment taking place in an outdoor area without an Outdoor Entertainments Licence</p>	<p>17th November 2015</p> <p>£200 and £69 Court costs</p>

- 3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.
- 3.4 Application History
- 3.5 *Caulfield's Bar*
- 3.6 This is the second time an application for the premises has been considered since the applicant was convicted on 8th March 2016. The last renewal application was brought before the Committee at your meeting on 18 May 2016 and, after consideration, you agreed to renew the licence.
- 3.7 Members are reminded that you have considered applications for other premises for which the applicant is licensee since their conviction for the offences involving Caulfield's Bar, namely, The Suffolk Inn, which you considered at your meeting on 17th August 2016, the Sliabh Dubh, which you considered at your meeting on 21st September 2016 and Failte Restaurant, which you considered on 14th December 2016.
- 3.8 After taking account of the conviction, you agreed to renew each of these licences respectively.
- 3.9 Since the previous renewal the premises have been subject to two during performance inspections as well as the renewal inspection to ensure that there has been no recurrence of the breaches or any other safety issues. As a result, we have found that safety measures and management procedures are being implemented effectively.

3.10 *Malone Rugby Football Club*

- 3.11** This is the second time an application for the premises has been considered since the applicant was convicted on 5th April 2016. The last application was brought before the Committee at your meeting on 20th April 2016 and, after consideration, you agreed to grant the licence.

Since the licence was granted, the premises have been subject to one during performance inspection as well as the renewal inspection to ensure that there have been no issues.

- 3.12** No entertainment was found to be taking place at the time of the during performance inspection but from the renewal inspection we are satisfied that safety measures and management procedures are being implemented effectively.

3.13 *Box Nightclub*

This is the second time applications for the premises has been considered since the applicant was convicted on 17th November 2015. The renewal application for the Indoor Entertainments Licence and Grant application for the Outdoor Entertainments Licence were brought before the Committee at your meeting on 18th May 2016 and, after consideration, you agreed to grant the licences.

Since the granting of those licences, the premises have been subject to four during performance inspections as well as the renewal inspection to ensure that there have been no issues. As a result, we have found that safety measures and management procedures are being implemented effectively.

3.14 Representations

Notice of the applications has been advertised and no written representations have been received.

3.15 PSNI

The PSNI has confirmed that it has no objections to the applications.

3.16 NIFRS

The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.

3.17 Applicants

The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications. Copies of the respective application forms for the premises are attached.

3.18 Financial and Resource Implications

Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.

3.19 Equality and Good Relations Implications

There are no equality or good relations issues associated with this report.”

After discussion, the Committee agreed to renew:

- i. the Seven-Day Annual Indoor Entertainments Licence for Caulfield’s Bar, 685 Springfield Road;
- ii. the Seven-Day Annual Indoor Entertainments Licence for Malone Rugby Football Club, 8 Gibson Park Avenue; and
- iii. the Seven-Day Annual Indoor and Outdoor Entertainments Licences for the Box Nightclub, Units 1 and 8 Odyssey Pavilion, 2 Queen’s Quay.

Application for Extended Hours - Wilgar Rock and Blues Festival and Community Fun Day, Blanchflower Playing Fields

The Building Control Manager informed the Committee that an application had been received from the Wilgar Community Forum requesting that the standard hours on the Seven-Day Annual Marquee Entertainments Licence for the Blanchflower Playing Fields be extended to facilitate the annual Wilgar Rock and Blues Festival and Community Fun Day.

He reported that the licence was held by the Council’s City and Neighbourhoods Services Department and was transferred to organisers for the duration of their event. Under the terms of the licence, entertainment was permitted to take place from Monday to Sunday between the hours of 11.30 a.m. and 11.00 p.m. and special conditions were

attached to each licence in relation to occupancy levels, early consultation with residents and businesses, extended hours and addressing complaints.

He reported that the festival had, for the past five years, been held within the grounds of Dundela Football, Athletic and Social Club. However, this year, the Forum had applied for the use of the Blanchflower Playing Fields, as it considered it to be a more central location and capable of accommodating a higher number of patrons, and had, on 9th May, obtained approval from the People and Communities Committee. This year's event would include a mixture of rock and blues music, artistic performances and children's fun day activities and the organiser had indicated that the extension of the Entertainments Licence till 1.00 a.m. on Friday, 4th and Saturday 5th August and until midnight on Sunday, 6th August would offer an enhanced experience for patrons, many of whom would not have an opportunity to attend similar events or festivals.

The Building Control Manager pointed out that this was the first time in which a musical event would be held within the playing fields and reminded the Committee that it had, at recent meetings, approved similar requests for events taking place in other Council parks and open spaces. Since this application related to the extension of the hours permitted under an existing licence condition, rather than the variation of the Entertainments Licence itself, there had been no requirement for it to be advertised. He confirmed that neither the Northern Ireland Fire and Rescue Service nor the Police Service of Northern Ireland had objected to the application and that they would each be consulted on public safety, traffic management, transport and wider operational issues in the lead up to the festival. The Forum was working with the Building Control Service to agree the appropriate documentation, including a site layout plan and a residents' notification letter, and with the Council's Environmental Protection Unit to formulate an effective noise management plan, with a view to keeping noise disturbance to a minimum. He concluded by pointing out that inspections by officers of previous events which had been organised by the Wilgar Community Forum had revealed no issues.

The Committee agreed that the standard hours on the Seven-Day Annual Marquee Licence for the Blanchflower Playing Fields be extended to enable entertainment to take place until 1.00 a.m. on Friday, 4th and Saturday 5th August and until midnight on Sunday, 6th August, as part of the annual Wilgar Rock and Blues Festival and Community Fun Day, subject to all technical requirements being met to the satisfaction of Council officers.

**Application for Extended Hours –
Belfast Oktoberfest, Custom House Square**

The Building Control Manager informed the Members that Custom House Square was managed currently by the Department for Communities and that it held both a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Marquee Entertainments Licence. Those licences were transferred to promoters, upon request, which permitted them to provide entertainment from Monday to Sunday between the hours of 11:30 a.m. and 11.00 p.m., and had conditions attached in relation to occupancy levels, early consultation with residents and businesses, extended hours and addressing complaints.

He reported that an application had been received from the organisers of the inaugural Belfast Oktoberfest event, seeking approval to have the standard hours on the Seven-day Annual Marquee Entertainments Licence for Custom House Square extended to enable entertainment to take place till midnight on six nights during October, namely, from Thursday, 19th, till Saturday, 21st and from Thursday, 26th till Saturday, 28th.

He explained that the event, which would be taking place over ten nights in total, was held in many cities across the world, with the aim of showcasing a range of German beers, other drinks and foods and live music. The organisers had indicated that the additional hour on each of the six nights would provide patrons with a memorable experience and an opportunity to visit surrounding bars and restaurants after their event had concluded. He reminded the Committee that it had, in recent months, granted approval for a number of events and festivals, such as the Belfast Beer Festival, the Belfast City Blues Festival and the Cathedral Quarter Arts Festival, to operate beyond 11.00 p.m. within the Square.

The Building Control Manager pointed out that, since the application related to the extension of the hours permitted under an existing licence condition, rather than the variation of the Entertainments Licence itself, there had been no requirement for it to be advertised. The Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had offered no objections to the application, however, they would be attending pre-event meetings to comment upon public safety, traffic management, transport and wider operational issues. He added that officers of the Building Control Service had met with the organisers and with representatives of the Department for Communities to discuss the documentation to be submitted and would continue to work with them and other relevant parties to ensure that appropriate measures were put in place to protect public safety. They would ensure also that an appropriate letter would be issued in advance to local residents, providing details of the festival.

In terms of noise issues, the Council's Environmental Protection Unit would be assessing the noise management plan to ensure that local residents and businesses would not experience undue disturbance.

The Committee agreed that the standard hours on the Seven-day Annual Marquee Entertainments Licence for Custom House Square be extended to enable entertainment to take place till midnight on Thursday 19th, Friday 20th, Saturday 21st, Thursday 26th, Friday 27th and Saturday 28th October, as part of Belfast Oktoberfest, subject to all technical requirements being met to the satisfaction of Council officers.

Rescinding of a Designating Resolution for a Street Trading Site - Blackstaff Square

The Committee was reminded that the Street Trading Act (Northern Ireland) 2001 permitted a Council not only to designate specific streets or parts thereof as being suitable for street trading but to rescind a designating resolution which it had made previously.

The Building Control Manager reported that the Department for Communities had written to the Council requesting that a previously designated site located on land which it owned in Blackstaff Square be rescinded. The site, which had recently been vacated by a trader, had, over the years, proven to be problematic in terms of the various developments taking place around it, and was no longer considered to be viable.

He reminded the Committee that, at its meeting on 19th April, it had granted approval to initiate the statutory process for the designation of several new street trading sites and for the variation of the commodities and services at previously designated sites and confirmed that a public notice providing details of those proposals and inviting representations was being finalised. He pointed out that the process for making and for rescinding a designating resolution was identical and that, should the Committee accede to the Department for Communities' request regarding Blackstaff Square, that proposal could be added to the public notice.

The Committee agreed to initiate the statutory process for the rescinding of the designating resolution for the site in Blackstaff Square and noted that it would in due course receive a report on the outcome of the overall consultation process.

Fees for Street Trading Licences

The Building Control Manager reminded the Committee that it had delegated authority to determine certain fees, including those for street trading. He reported that the fees for stationary, mobile and temporary licences had remained unchanged since the Street Trading legislation had been introduced in 2002 and reminded the Committee that, at its meeting on 15th June, 2016, it had approved a list of proposed fees, as a basis for public consultation.

He reminded the Committee further that, at its meetings on 18th January and 19th April, it had deferred consideration of the outcome of that consultation to enable officers to formulate further fee options for licences and to consider an appropriate fee for a licence to cover one day only between Monday and Friday. He provided an overview of the options which had been presented to the Committee on 17th May, which were based primarily on one compliance visit per year, two compliance visits per year and an inflationary increase since 2002, and would enable the Council to recover 61%, 65% and 53% of its costs, respectively. The Committee had again agreed to defer the matter to enable officers to formulate a further option, based around a combination of the latter two options, with a view to keeping the increases for each licence type at a similar level.

Accordingly, he submitted for the Committee's consideration the following table, which set out the current scale of fees for each licence, together with a revised option, in keeping with its decision of 17th May:

	Current Fee	Revised Option
STATIONARY LICENCE		
Application Fee - <i>Non refundable</i>	£ 100	£ 150
Renewal Application Fee - <i>Non refundable</i>	£ 100	£ 150
Licensed for Monday to Friday	£ 629	£ 800
Licensed for Monday to Saturday	£ 800	£ 1,000
Licensed for Monday to Sunday	£ 1,017	£ 1,250
Licensed for Saturday	£ 426	£ 520
Licensed for Sunday	£ 472	£ 580

MOBILE LICENCE		
Application Fee - <i>Non refundable</i>	£ 120	£ 180
Renewal Application Fee - <i>Non refundable</i>	£ 120	£ 180
Licensed for Monday to Friday	£ 429	£ 550
Licensed for Monday to Saturday	£ 628	£ 800
Licensed for Monday to Sunday	£ 882	£ 1,100
Licensed for Saturday	£ 199	£ 300
Licensed for Sunday	£ 254	£ 380

TEMPORARY LICENCE		
Application Fee - <i>Non refundable</i>	£ 120	£ 180
Licensed for Monday to Friday, per day	£ 26	£ 40
Licensed for Saturday	£ 36	£ 50
Licensed for Sunday or Public holiday	£ 45	£ 70

Variation of Licence Particulars	£ 50	£ 100
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The Building Control Manager provided clarification around the revised charges and pointed out that, if approved, the Council should be able to recover approximately 43% of its costs. In terms of offering a one-day stationary or mobile licence to cover a single day between Monday and Friday, he suggested that the Committee might wish to consider charging £300, on the basis that it was one-fifth of the proposed fee of £1,500 for a weekday licence included within the scale of fees which it had, in June, 2016, approved for public consultation.

After discussion, it was,

Moved by Councillor Boyle,
Seconded by Alderman L. Patterson,

That the Committee agrees:

- (i) to adopt the revised scale of fees for Street Trading Licences, as set out within the foregoing table;
- (ii) that a fee of £300 be set for a Stationary or Mobile Street Trading Licence, covering any one day between Monday and Friday; and
- (iii) that the scale of fees be reviewed after a period of one year.

On a vote by show of hands eleven Members voted for the proposal and three against and it was declared carried.

Non-Delegated Matters

Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 – Road Closures for Special Events

“1.0 Purpose of Report/Summary of Main Issues

1.1 The purpose of this report is to consider the scope of the Licensing Committee in the decision making process relating to the making of Orders restricting or prohibiting temporarily the use of a public road in connection with special events and to consider proposed amendments to the Scheme of Delegation.

2.0 Recommendations

2.1 As these decisions are not a delegated function of the Licensing Committee, the Committee is requested to:

- 1.** agree that the Scheme of Delegation be amended, as outlined in paragraphs 3.11 and 3.12, and
- 2.** provide feedback, if necessary, to be incorporated into a subsequent report to the SP&R Committee on the amendments proposed.

2.2 Any decision of Committee in relation to amendments to Standing Orders or the Scheme of Delegation will be subject to ratification by Council.

3.0 Main Report

Key Issues

3.1 The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) gives the Council the power to temporarily prohibit or restrict the use of public roads, to facilitate the holding of a special event, which includes filming.

3.2 Members may recall that the legislation was previously planned to commence in 2013 and, at a meeting of the Licensing Committee on 20th March 2013, it was agreed that the Council be recommended to delegate authority to the Licensing Committee to determine all applications under the Act, this was subsequently adopted by Council at their meeting of 3 April, 2013.

- 3.3** At that time, the Committee undertook to consider all applications whether or not any representations had been received by the Council. Members may wish to reconsider that decision to allow for applications to be dealt with as quickly as possible.
- 3.4** Members were advised, at your meeting in May 2017, that the Department for Infrastructure (the Department) had determined that those aspects of The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) related to the holding of special events on roads will commence on the 4 September 2017.
- 3.5** From then on, any person wishing to close a public road for a special event will be required to apply to the Council and, after public notification and consultation with various statutory bodies including the PSNI and NIFRS and after receiving the consent of the Department, the Council will determine if a Road Closure Order is to be made.
- 3.6** The Act defines special events as any sporting event, social event or entertainment which is held on a public road or the making of a film on a public road.
- 3.7** Officers met recently with Northern Ireland Screen, which is an agency established to maximise the economic, cultural and educational value of the screen industries for the benefit of Northern Ireland. They advised that in 2016 there would have been 16 Road Closure Orders required to facilitate filming in Belfast.
- 3.8** During the meeting, it became clear that, if all Road Closure Order applications had to be determined by the Committee, including those where there is no objection, this could have an impact on filming taking place in Belfast.
- 3.9** The film industry operates on relatively short lead in times prior to filming commencing on site and, whilst they are keen to see the legislation implemented, Northern Ireland Screen are concerned that our estimated turnaround time from application to determination could be 3 months or more if all applications are to be considered by Committee.
- 3.10** It is estimated that, if delegated authority is granted to issue Orders where no objection is received, an application could be determined within approximately 35 days; taking account of a statutory 21 days within which representations may be made.

Scheme of Delegation

- 3.11 To deal with applications to close roads for special events in a timely fashion, it is suggested that the Scheme of Delegation be amended such that the exercise of the following functions, in line with relevant Council policies, is delegated to the Director of Planning and Place:
- 3.12 Exercising all powers in relation to the making of an Order restricting or prohibiting temporarily the use of a public road in connection with special events, excluding provisions relating to:
- applications for an Order where adverse representations are received,
 - the recovery of costs incurred by the Council as a consequence of making an Order, and
 - such other matters as the Director deems appropriate.
- 3.13 Members are advised that the ultimate responsibility for the administration of the making of an Order restricting or prohibiting temporarily the use of a public road in connection with special events will remain with the Committee.
- 3.14 Any decision of the Committee in relation to policy and legislation concerning licensing matters must be ratified by Council.

Financial and Resource Implications

- 3.15 There will be direct financial costs attached to the administration of the new legislation and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implication. This will be determined by the Licensing Committee.
- 3.16 We have not had the opportunity to factor the role and costs of administering this legislation into our budget for the financial year 2017–2018.

Equality or Good Relations Implications

- 3.17 We had previously assessed the equality and good relations implications with the introduction of the legislation and liaised with the Council's Equality and Diversity Officer to

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ensure all potential issues are appropriately addressed. We will continue to do this.”

After discussion, the Committee adopted the recommendations and noted that it would, in due course, receive further reports on fee setting and governance arrangements.

Chairperson