

Licensing Committee

Wednesday, 17th January, 2018

MEETING OF LICENSING COMMITTEE

Members present: Alderman Spence (Chairperson);
the Deputy Lord Mayor (Councillor Copeland);
the High Sheriff (Councillor Howard);
Alderman L. Patterson; and
Councillors Baker, Boyle, Campbell, Carson,
Clarke, Collins, Craig, Dudgeon, Groves, Hussey,
Hutchinson, McConville, McReynolds and Milne.

In attendance: Mr. S. Hewitt, Building Control Manager;
Ms. N. Largey, Divisional Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

An apology for inability to attend was reported on behalf of Councillor Heading.

Minutes

The minutes of the meeting of 13th December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 3rd January, 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.

Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions – Ardoyne Working Men's Club/ Sliabh Dubh/The Corner House/Wolf and Whistle

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

1.1 To consider applications for the renewal of Seven-Day Annual 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:

- 1. approve the applications, or**
- 2. 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
Ardoyne Working Men’s Club 9b Kerrera Street Belfast BT14 7FL	Mr. Brendan Mailey (Secretary)	Renewal	December, 2014 Entertainment being provided without a valid Entertainments Licence being in place	28th July, 2015 £200 and £66 Court costs

<p>Sliabh Dubh</p> <p>79 Whiterock Road Belfast BT12 7FW</p>	<p>Mr. Tony Clarke</p>	<p>Renewal</p>	<p>July, 2015</p> <p><u>Caulfield's Bar</u></p> <p>Final exit locked shut and an obstructed means of escape</p>	<p>8th March, 2016</p> <p><u>Caulfield's Bar</u></p> <p>£200 and £69 Court costs</p>
<p>The Corner House</p> <p>167-177 Oldpark Road Belfast BT14</p>	<p>Mr. Michael Markey</p>	<p>Renewal</p>	<p>February, 2016</p> <p>Entertainment being provided without a valid Entertainments Licence being in place</p>	<p>13th September, 2016</p> <p>Conditional Discharge</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.

Application History

- 3.4 Previous applications for the aforementioned premises were considered by the Committee as follows:

Ardoyne Working Men's Club

- 3.5 This is the third time that an application for the premises has been considered by the Committee since the applicant was convicted on 28th July, 2015.
- 3.6 The previous renewal applications were considered by the Committee, in relation to the conviction on 12th November, 2015 and 14th December, 2016 and, after consideration, it agreed to renew the Entertainments Licence.
- 3.7 Since the previous renewal application, the premises have been subject to one during performance inspection as well as the annual renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.

Wolf and Whistle

- 3.8 This is the second time that an application for the premises has been considered by the Committee since the applicant was convicted on 28th June, 2016.
- 3.9 The previous renewal application was considered by the Committee on 19th October, 2016 and, after consideration, it agreed to renew the Entertainments Licence.
- 3.10 Since you last considered the application, the premises have been subject to three further during performance inspections as well as a renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.

Sliabh Dubh

- 3.11 This is the second time that an application for the premises has been considered by the Committee since the applicant was convicted on 8th March, 2016.
- 3.12 The application is placed before the Committee because the applicant, Mr Tony Clarke, was convicted of offences under the Order at Belfast Magistrates' Court regarding Caulfield's Bar, another premises for which he is the licensee.
- 3.13 The previous renewal application was considered by the Committee on 21st September, 2016 and, after consideration, it agreed to renew the Entertainments Licence.
- 3.14 Since you last considered the application, the premises have been subject to one further during performance inspection as well as a renewal inspection to ensure that there has been no recurrence of these or any other safety issues and management procedures were being implemented effectively.

The Corner House

- 3.15 This is the second time an application for the premises has been considered by the Committee since the applicant was convicted on 13 September 2016.
- 3.16 The previous renewal application was considered by the Committee, in relation to the conviction, on 21 September 2016 and, after consideration, it agreed to renew the Entertainments Licence.

3.17 Since the previous renewal application, the premises have been subject to three further during performance inspection as well as the annual renewal inspection.

3.18 On two of our inspections we found that no entertainment was taking place. The other inspection uncovered no further issues and management procedures were being implemented effectively.

Representations

3.19 Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.

PSNI

3.20 The PSNI has been consulted and has confirmed that it has no objections to the applications. A copy of its correspondences has been circulated to the Committee.

NIFRS

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

Applicants

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

Financial and Resource Implications

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

Equality and Good Relations Implications

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

The Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licences in respect of:

- Ardoyne Working Men’s Club, 9b Kerrera Street;
- Sliabh Dubh, 79 Whiterock Road;

- The Corner House, 167-177 Oldpark Road; and
- Wolf and Whistle, 67-71 Andersonstown Road.

Application for the Variation of an Annual Indoor Entertainments Licence – Love and Death Inc, 10a Ann Street

The Building Control Manager informed the Committee that an application had been received for the variation of a Seven-Day Annual Indoor Entertainments Licence in respect of Love and Death Inc., based upon the Council's standard condition to provide music, singing, dancing or any other entertainment of a like kind.

He reported that entertainment was provided currently on a Monday, Tuesday and Wednesday till 1.00 a.m., on a Thursday, Friday and Saturday till 3.00 a.m. and on a Sunday till midnight, with approval to operate on three nights till 3.00 a.m. having been granted by the Committee on 7th December, 2010. The licensee had now applied to provide entertainment till 3.00 a.m. on the four remaining nights, primarily on the basis that he was investing in the premises and required the additional hours to sustain its viability.

The Building Control Manager confirmed that no written representation had been received in relation to the application and that the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had not objected. In such circumstances, it was normal practice for the Entertainments Licence to be issued under the Council's Scheme of Delegation. However, given that the application related to the extension of the hours of entertainment beyond 1.00 a.m., it was being presented to the Committee for consideration.

He provided details of the eight inspections which had been undertaken since the Entertainments Licence had been renewed in 2016 and of those which had been carried out as part of the current application process and confirmed that all technical requirements and associated procedures had been found to be satisfactory. The premises would continue to be monitored to ensure that the applicant was complying with the Entertainments Licensing legislation. Finally, the Council's Environmental Protection Unit had confirmed that it had, over the past year, received no complaints regarding noise nuisance from the premises.

The Committee agreed to vary the Seven-Day Annual Indoor Entertainments Licence for Love and Death Inc, 10a Ann Street, thereby permitting entertainment to take place till 3.00 a.m. the following morning on each night of the week.

Application for the Grant of Annual Indoor and Outdoor Entertainments Licences – South 13, Boucher Road

The Committee agreed to defer consideration of the above-mentioned applications to enable officers to consider additional information which had come to light earlier in the day.

Chairperson