

# Licensing Committee

Wednesday, 17th October, 2018

## MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Chairperson);  
Aldermen Spence and Copeland; and  
Councillors Boyle, Clarke, Craig, Dudgeon,  
Groves, Hutchinson, McConville, McReynolds  
and Nic Biorna.

In attendance: Mr. A. Thatcher, Director of Planning and Building Control;  
Mr. S. Hewitt, Building Control Manager;  
Miss N. Largey, Divisional Solicitor  
Mr. J. Cunningham, Regulatory Services Manager;  
Mr. H. Downey, Democratic Services Officer, and;  
Miss C. Donnelly, Democratic Services Officer.

### **Apologies**

Apologies for inability to attend were reported on behalf of the High Sherriff (Councillor Howard), Alderman L. Patterson and Councillor Magennis.

### **Minutes**

The minutes of the meeting of 19th September 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 October, 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 interested were reported.

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

### **Applications Approved 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 Seven-Day  
Annual Entertainments Licences –  
Flame Restaurant/Red Devil Bar**

The Committee was reminded that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, it had a duty, when considering any application for the grant, renewal or transfer of an Entertainments Licence, to take into account any convictions of the applicant relating to an offence under the Order which had occurred within a five-year period immediately preceding the date on which the application had been made.

Accordingly, the Building Control Manager drew its attention to applications which had been received for the renewal of the Annual Indoor Entertainments Licences in respect of Flame Restaurant, 46 Howard Street and the Red Devil Bar, 194-198 Falls Road.

He reported that the licensee of Flame Restaurant had, on 3rd February, 2015, been fined £150 and instructed to pay costs of £69, following an inspection by Council officers, which had found that entertainment was being provided without an Entertainments Licence. In terms of the Red Devil Bar, the licensee had, on 11th February, 2014, been convicted of having a locked roller shutter on a final exit and of failing to have the log book for recording pre-event checks available for inspection and been fined £500 and ordered to pay £69 in costs.

He pointed out that the Committee had, in subsequent years, agreed to renew the Entertainments Licences and that, on the two occasions over the past year on which each of the premises had been inspected, officers had found that all management procedures were being implemented effectively.

He confirmed that no written representations had been received in relation to the applications and that the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had offered no objections.

The Committee agreed, in its capacity as Licensing Authority, to renew the Annual Indoor Entertainments Licences in respect of Flame Restaurant, 46 Howard Street and the Red Devil Bar, 194-198 Falls Road, Belfast.

**Review of Stationary Street Trading Licences –  
Fountain Lane and Fountain Street**

The Committee was reminded that, at its meeting on 16th May, it had agreed that it was minded to revoke two Stationary Street Trading Licences held by Mr. J. Kerr for designated sites in Fountain Lane and Fountain Street, on the basis that he had failed to pay the annual licence fee for each site and that he be invited to make representation to the Committee regarding that decision.

The Committee was reminded further that, at its meeting on 15th August and 16th September, it had, due to Mr. Kerr's inability to attend on each occasion, agreed to defer the matter.

The Building Control Manager informed the Members that Mr. Kerr had, again, been invited to address the Committee. However, he had, that afternoon, submitted an email stating that, due to ill health, he would be unable to attend and setting out the reasons for the delay in paying the fees for his two licences and not utilising his sites fully. The Building Control Manager pointed out that Mr. Kerr's debt now stood at £2515.06 and that he had, in his email, stated that, should the Committee be minded to allow him to continue trading, he would seek to establish a payment plan to eradicate the arrears and to keep up to date with future payments.

In response to questions raised by the Members, the Regulatory Services Manager confirmed that the Street Trading Licences for Fountain Street and Fountain Lane were due to be renewed on 18th January, 2019 and 20th March, 2019 respectively. He pointed out that should the Committee decide to revoke a licence, other traders could apply to trade at that site.

After discussion, the Committee agreed:

- (i) to revoke the Stationary Street Trading Licence for Fountain Street, on the basis that it was the least utilised of Mr. Kerr's two sites; and
- (ii) agreed to defer, until its meeting in November, consideration of the site in Fountain Lane, to allow Mr. Kerr to establish a plan for the repayment of his outstanding licence fees.

The Committee noted that Mr. Kerr could, at any time before the expiration of the period of twenty-one days from the date on which notice of the decision was given by the Council, appeal the decision through the Magistrates' Court.

#### **Licensing Committee Protocol and Overview of Licensing**

Following the conclusion of the meeting, the Building Control Manager, the Regulatory Services Manager and the Divisional Solicitor delivered a training session for Members which focused primarily upon the following topics:

- an overview of the different types of regulatory functions for which the Committee was responsible;
- the Licensing Committee protocol and representation process;
- the legal principles governing the decision-making process; and
- alcohol licensing matters and its relationship to entertainments licensing.

Chairperson