

Public Document Pack

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



**Belfast
City Council**

11th October, 2018

MEETING OF LICENSING COMMITTEE

(To which all Members are invited in relation to item 3)**

(It is envisaged that training will commence at 5.30 pm.)

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 17th October, 2018 at 5.00 pm, 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) Applications Approved Under Delegated Authority (Pages 1 - 4)
 - (b) Applications for the Renewal of Entertainments Licences with Previous Convictions – Flame Restaurant/Red Devil Bar (Pages 5 - 18)
 - (c) Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street (Pages 19 - 24)
3. Licensing Committee Protocol and Overview of Licensing



Subject:	Applications Approved Under Delegated Authority
Date:	17th October, 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 or 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	Recommendations
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.

3.0	Main report			
3.1	<u>Key Issues</u>			
	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.			
	Premises and Location	Type of Application	Hours Licensed	Applicant
	Beechlawn House Hotel, 4 Dunmurry Lane, Dunmurry, BT17 9RR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Roisin McIlhone
	Cardinal O'Donnells GAC, 43 Whiterock Road, Belfast, BT12 7PF.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Gerard Martin Sloan
	Castlereagh Glentoran Supporters Club, 8a Grand Parade, Belfast, BT5 5HH.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Gary Campbell
	Culturlann McAdam O'Fiach, 216 Falls Road, Belfast, BT12 6AH.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Aisling Ni Labhraí
	Duke of York, 11-13 Commercial Court, Belfast, BT1 2NB.	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Mr Willie Jack, Commercial Court Inns Ltd
	Dunmurry Golf Club, 91 Dunmurry Lane, Belfast, BT17 9JS.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Colin Adair
	Dunmurry Recreation Football Club, 23 Ashley Park, Dunmurry, BT17 9EH.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Ivor Moore
	Europa Hotel, 11 Great Victoria Street, Belfast, BT2.	Renewal	Sun - Sat: 08.00 - 03.00	Mr J E Carson, Moyola Cellars Ltd
	Grand Central Hotel, 9-15 Bedford Street, Belfast, BT2 7FF.	New Application	Sun 12.30 – 00.00 Mon - Sat: 11.30 - 01.00	Mr John Carson, Moyola Cellars Ltd
	Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr James Hanna
	Irish National Foresters, 14-18 Albert Street, Belfast, BT12 4HJ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 08.00 - 01.00	Mr Gerry Lappin
	Lamh Dhearg CLG, 168 Upper Springfield Road, Belfast, BT17 0LZ.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Michael Boyle
	Linfield Supporters Club, Jumna Street, Belfast, BT13 1NX.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Charles Butler
	McGlones Bar, 131-133 Kingsway, Dunmurry, BT17 9NS.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Joseph McGlone
	Ryans, 116-118 Lisburn Road, Belfast, BT7 3GG.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Gavin Bates, Barel Ltd
	Premises and Location	Type of	Hours Licensed	Applicant

	Application		
Sandy Row Rangers Club, 37-41 Donegall Road, Belfast, BT12 5JL.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Daniel Bloomer
Spectrum Centre, 331-333 Shankill Road, Belfast, BT13 3AA.	Renewal & Variation	Sun - Sat: 08.00 - 01.00	Mr Robert Foster
St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7 3HX.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr Brian Compston
The Ivory Restaurant/Bar, Unit 41 Victoria Square, Belfast, BT1 4QG.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Adam Stockman, Spirit Restaurants Ltd
Turf Lodge Tenants Association, 35A Norglen Gardens, Belfast, BT11 8EL.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 11.30 - 23.00	Ms Jean Russell
W5, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Sun - Sat: 08.00 - 01.00	Mr Richard Gapper

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

Premises and Location	Type of Application	Hours Licensed	Applicant
Oasis Gaming Centre, 19 North Street, Belfast, BT1 1NA.	Renewal	Sun: 10.30 - 00.00 Mon - Sat: 09.00 - 00.00	Mr Gerald Steinberg, Oasis Retail Service Ltd
Oasis Gaming Centre, 7 Wellington Place, Belfast, BT1 6GB.	Renewal	Sun - Sat: 00.00 - 00.00	Mr Gerald Steinberg, Oasis Retail Service Ltd
Twilight Zone, 44 Cregagh Road, Belfast, BT6 9EQ.	Renewal	Sun - Sat: 08.00 - 10.00	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
Knocknagoney, Sydenham, Braniel, Cregagh, Castlereagh, Ballymacarett and Ballynafeigh	Mobile	Ice cream, confectionery, non-alcoholic beverages	Mon – Sun: 14.00 – 21.00	Mr Raymond Joy
Titanic Belfast site next to SS Nomadic	Temporary	Hot food, non- alcoholic beverages	12/09/2018 10.30 – 15.30	Mr Wayne McCall
Donegall Quay	Stationary	Hot food, non- alcoholic beverages	Mon – Sun: 11.30 – 21.00	Mr Gary Quinn

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Tullycarnet, Braniel, Knocknagoney, Strandtown, Belmont and Sydenham	Mobile	Ice cream, confectionery, non-alcoholic beverages	Mon – Sun: 11.00 – 20.30	Mr Robert Neill
Outside Salt Bistro, Saint Annes Square	Temporary	Hot food, non-alcoholic beverages	Culture Night 21/09/2018 15.00 – 22.30	Mr Donal Cooper, Salt Bistro
Outside The Mac, Saint Annes Square	Temporary	hot food, non-alcoholic beverages	Culture Night 21/09/2018 16.00 – 23.00	Mrs Marianne Hood, The Mac
i) North Street ii) Writer's Square iii) Donegal Quay iv) Buoys Park v) Talbot Street car park	5 Temporary	Hot and cold food, non-alcoholic beverages	Culture Night 21/09/2018 15.00 - 22.00	Miss Claire Leonard, Cathedral Quarter Trust
Donegall Quay	Stationary	Hot food, non-alcoholic beverages	Mon – Sun: 08.00 – 17.00	Mr Stephen Hughes

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
Arthur Street	Fashion Show	13/09/2018 07.00 – 21.00	Ms Cathy Martin
City Centre	Belfast Half Marathon	23/09/2018 04.00 – 14.00	Mr Stephen Burns
City Centre	Belfast Culture Night	21/09/2018 14.00 – 22.00	Ms Claire Leonard
Townsend Street	Street party	22/09/2018 8.00 – 17.00	Mr Robert McClenaghan
Rosetta Road/Mount Merrion Avenue	Filming	30/09/2018 6.00 – 13.00	Mr David Cooke
City Centre	Ciclovia	07/09/2018 8.00 – 12.30	Mr Conal Heatley

3.5 Financial & Resource Implications

None

3.6 Equality or Good Relations Implications/Rural Needs Assessment

There are no issues associated with this report.

4.0 Documents Attached

None.



Subject:	Applications for the Renewal of Entertainments Licences with Previous Convictions – Flame Restaurant/Red Devil Bar
Date:	17th October, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Fiona Millen, Building Control Surveyor, Ext. 2572

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 or 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	<p>Taking into account the information presented, you are required to consider the applications and to:-</p> <ol style="list-style-type: none"> 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																			
	<u>Key Issues</u>																			
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.																			
3.3	<table border="1"> <thead> <tr> <th data-bbox="272 553 579 667">Premises and Location</th> <th data-bbox="579 553 791 667">Applicant</th> <th data-bbox="791 553 981 667">Application Type</th> <th data-bbox="981 553 1230 667">Offence Details</th> <th data-bbox="1230 553 1458 667">Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 667 579 938"> Flame Restaurant 46 Howard Street, Belfast, BT1 6PG </td> <td data-bbox="579 667 791 938">Charlotte Smyth</td> <td data-bbox="791 667 981 938">Renewal</td> <td data-bbox="981 667 1230 938"> July 2014 Entertainment without a Licence </td> <td data-bbox="1230 667 1458 938"> 3rd February 2015 £150 and £69 Court costs </td> </tr> <tr> <td data-bbox="272 938 579 1375"> Red Devil Bar 194-198 Falls Road Belfast, BT12 6AG </td> <td data-bbox="579 938 791 1375">EMC Properties (NI) Limited</td> <td data-bbox="791 938 981 1375">Renewal</td> <td data-bbox="981 938 1230 1375"> November 2012 Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection. </td> <td data-bbox="1230 938 1458 1375"> 11th February 2014 £500 and £69 Court costs </td> </tr> </tbody> </table>					Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty	Flame Restaurant 46 Howard Street, Belfast, BT1 6PG	Charlotte Smyth	Renewal	July 2014 Entertainment without a Licence	3rd February 2015 £150 and £69 Court costs	Red Devil Bar 194-198 Falls Road Belfast, BT12 6AG	EMC Properties (NI) Limited	Renewal	November 2012 Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.	11th February 2014 £500 and £69 Court costs
Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty																
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Red Devil Bar 194-198 Falls Road Belfast, BT12 6AG	EMC Properties (NI) Limited	Renewal	November 2012 Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.	11th February 2014 £500 and £69 Court costs																
3.4	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.																			
3.5	<u>Application history</u> Previous applications for the aforementioned premises were considered by the Committee as follows:																			
3.6	Flame Restaurant This is the fifth time an application for the premises has been considered since the applicant was convicted on 3 February 2015. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015, 17 August 2016 and 18 October 2017 and, after consideration, you agreed to renew the licence.																			
3.7	Since the previous renewal, the premises have been subject to one during performance inspection as well as the renewal inspection to ensure that there has been no recurrence of																			

	<p>the previous issue or any other safety issues and we have found that management procedures are being implemented effectively.</p>
3.8	<p>Red Devil Bar</p> <p>This is also the fifth time an application for the premises has been considered since the applicant was convicted on 11 February 2014. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015 and 19 October 2016 and 18 October 2017 and, after consideration, you agreed to renew the licence.</p> <p>Since the previous renewal, the premises have been subject to one during performance inspection as well as the renewal inspection to ensure that there has been no recurrence of the previous issue or any other safety issues and we have found that management procedures are being implemented effectively.</p>
3.9	<p>Representations</p> <p>Public notice of the applications have been placed and no written representations have been lodged as a result of the advertisements.</p>
3.10	<p>PSNI</p> <p>The PSNI has been consulted and has confirmed that they have no objections to the applications.</p>
3.11	<p>NIFRS</p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and confirmed that they have no objections.</p>
3.12	<p>Applicants</p> <p>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 the respective application forms for the premises are attached as Appendix 2.</p>
3.13	<p>Financial and Resource Implications</p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p>
3.14	<p>Equality and Good Relations Implications</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 – PSNI Correspondence • Appendix 2 – Application Forms

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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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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:	Review of Stationary Street Trading Licences - Fountain Lane and Fountain Street
Date:	17th October, 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 or Summary of main Issues
1.1	The Committee is reminded that you agreed to defer, at your meeting of 19 September 2018, consideration of the revocation of two Stationary Street Trading Licences previously granted to Mr Joseph Kerr. The Licences are for:
1.2	1. Fountain Lane (45ft from its junction with Donegall Place) For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 08.00hrs to 22.00hrs.
1.3	2. Fountain Street (20ft from its junction with Wellington Place) For the sale of confectionery, jewellery, bus tour tickets, Halloween costumes and accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories. The licence permits trading from Monday to Saturday from 08.30hrs to 21.30hrs and on Sunday from 08.30hrs to 18.30hrs.

<p>1.4</p> <p>1.5</p> <p>1.6</p> <p>1.7</p>	<p>The Committee, after considering the matter at your meeting of 16 May 2018, agreed that it was minded to revoke the Licences held by Mr Kerr in respect of both designated sites and that he be invited to make representation to the Committee regarding that decision.</p> <p>At your meeting of 19 September the Committee, having been notified that Mr Kerr was unable to attend due to adverse weather, agreed to defer the matter until its meeting in October and agreed also that officers inform Mr. Kerr of its intention to reach a final decision at that meeting and again invite him to make representation.</p> <p>Mr Kerr has been notified of the Committee decision but to date, no representation has been received and no payments have been made.</p> <p>The outstanding debt is currently £2515.06.</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented and after considering Mr Kerr's representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Confirm your decision of 16 May 2018 and revoke either or both the Street Trading Licences, or 2. Reverse your decision of 16 May 2018 and decide not to revoke the Street Trading Licences. <p>If Committee decides not to revoke the Licence, Members are asked to consider making it a requirement upon renewal that Mr Kerr must pay his Licence fee in full, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually.</p> <p>If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged the Licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal. The Council will recover the outstanding debt.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u> The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.</p> <p>The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.</p> <p>Attached is a copy of the minute from your meeting of 19 September 2018.</p> <p><u>Financial and Resource Implications</u> If these Licences are revoked, there will be a loss in annual Licence Fees of £2500. However, it is anticipated that there will be sufficient interest in these sites that the vacancies will be filled within a short time.</p>

3.5	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no issues associated with this report.
4.0	Documents Attached
	Minute from Licensing Committee 19 September 2018.

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Extract - Licensing Committee

Wednesday, 19th September, 2018

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 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.

The Building Control Manager explained that Mr. Kerr had been invited to address the Committee on 15th August. However, as he had been on holiday at that time, he had been unable to do so and the Committee had agreed to defer the matter for a further month. In the meantime, Mr. Kerr's debt had continued to rise and now stood at £2,410.90.

He reported that Mr. Kerr had been invited to attend this meeting. However, he had, earlier in the day, confirmed that, due to the adverse weather conditions associated with Storm Ali, he would not be present and had requested a further deferral.

After discussion, the Committee agreed to defer the matter until its meeting in October and agreed also that officers inform Mr. Kerr of its intention to reach a final decision at that meeting and again invite him to make representation.

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