

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



**Belfast
City Council**

10th January, 2019

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 16th January, 2019 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 - Ardoyne Working Men's Club and Bootleggers (Pages 5 - 18)
- (c) Applications for the Renewal of a 7-Day Annual Entertainments Licence - 14 Tomb Street (Pages 19 - 34)
- (d) Temporary Street Trading Licence - Donegall Place (Pages 35 - 42)



Subject:	Licences Issued Under Delegated Authority
Date:	16th January, 2019
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 that have been issued under the Scheme of Delegation.

3.0	Main report																																																												
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Type of Application</th> <th>Hours Licensed</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3EA.</td> <td>Renewal</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr Stephen Biggerstaff</td> </tr> <tr> <td>Beechlawn House Hotel, 4 Dunmurry Lane, Belfast, BT17 9RR.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mrs Roisin McIlhone, Ethril Ltd</td> </tr> <tr> <td>Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.</td> <td>Renewal</td> <td>Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00</td> <td>Mr Padraic Brennan, Pacon Inns Ltd</td> </tr> <tr> <td>Catch My Pal Billiards & Snooker Club, 191 Kingsway, Belfast, BT17 9RY.</td> <td>Grant</td> <td>Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00</td> <td>Mr Samuel Brown</td> </tr> <tr> <td>Dan's Bar, 221-223 Springfield Road, Belfast, BT12 7DD</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Ms Sinead Keenan, MMK (Belfast) Ltd</td> </tr> <tr> <td>Elliott Hall, Knock Presbyterian Church, 53 Knock Road, Belfast, BT5 6JH.</td> <td>Renewal</td> <td>Mon - Fri: 08.00 - 01.00 Sat: 08:00 – 00:00</td> <td>Mr Andrew Spratt</td> </tr> <tr> <td>Finaghy Community Centre, Geeragh Place, Belfast, BT10 0ER.</td> <td>Renewal</td> <td>Sun - Sat: 08.00 - 01.00</td> <td>Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td>Gandey's Greatest Snowman Circus, Hope Street, Belfast, BT12 5EE.</td> <td>Grant</td> <td>Sun - Sat: 11.30 - 23.00</td> <td>Ms Barbara Stanton, Exchange Events Ltd</td> </tr> <tr> <td>Glen Park, 12-18 Ardoyne Avenue, Belfast, BT14 7DA.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Ms Dorothea Burns, ADN NI LTD</td> </tr> <tr> <td>Harland & Wolff Football & Social Club, 18-20 Dee Street, Belfast, BT4 1FT.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr John Davidson</td> </tr> <tr> <td>Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ.</td> <td>Renewal</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Mr Patrick Magee</td> </tr> <tr> <td>Kelly's Cellars, 32 Bank Street, Belfast, BT1 1HL.</td> <td>Outdoor Renewal & Transfer</td> <td>Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00</td> <td>Ms Elizabeth Mulholland, Kelly's Cellars Ltd</td> </tr> <tr> <td>Kelly's Cellars, 32 Bank Street, Belfast, BT1 1HL.</td> <td>Renewal</td> <td>Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00</td> <td>Ms Elizabeth Mulholland, Kelly's Cellars Ltd</td> </tr> <tr> <td>Premises and Location</td> <td>Type of</td> <td>Hours Licensed</td> <td>Applicant</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3EA.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Stephen Biggerstaff	Beechlawn House Hotel, 4 Dunmurry Lane, Belfast, BT17 9RR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Roisin McIlhone, Ethril Ltd	Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr Padraic Brennan, Pacon Inns Ltd	Catch My Pal Billiards & Snooker Club, 191 Kingsway, Belfast, BT17 9RY.	Grant	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Samuel Brown	Dan's Bar, 221-223 Springfield Road, Belfast, BT12 7DD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Sinead Keenan, MMK (Belfast) Ltd	Elliott Hall, Knock Presbyterian Church, 53 Knock Road, Belfast, BT5 6JH.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08:00 – 00:00	Mr Andrew Spratt	Finaghy Community Centre, Geeragh Place, Belfast, BT10 0ER.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Catherine Taggart, Belfast City Council	Gandey's Greatest Snowman Circus, Hope Street, Belfast, BT12 5EE.	Grant	Sun - Sat: 11.30 - 23.00	Ms Barbara Stanton, Exchange Events Ltd	Glen Park, 12-18 Ardoyne Avenue, Belfast, BT14 7DA.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Dorothea Burns, ADN NI LTD	Harland & Wolff Football & Social Club, 18-20 Dee Street, Belfast, BT4 1FT.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr John Davidson	Havana Bank Square, 56-58 Berry Street, Belfast, BT1 1FJ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Patrick Magee	Kelly's Cellars, 32 Bank Street, Belfast, BT1 1HL.	Outdoor Renewal & Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Elizabeth Mulholland, Kelly's Cellars Ltd	Kelly's Cellars, 32 Bank Street, Belfast, BT1 1HL.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Ms Elizabeth Mulholland, Kelly's Cellars Ltd	Premises and Location	Type of	Hours Licensed	Applicant
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	Application		
Kremlin Bar, 96 Donegall Street, Belfast, BT1 2GW.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Ms Anthea Wilson, Anthology N.I. Ltd
McHughs Bar, 29-31 Queens Square, Belfast, BT1 3FG.	Renewal	Sun: 11.00 - 01.00 Mon - Sat: 11.00 - 03.00	Mr Henry Downey, Eagle-Glen Ltd
Morton Community Centre, Lorne Street, Belfast, BT9 7DU.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Catherine Taggart, Belfast City Council
Newforge Country Club, 18b Newforge Lane, Belfast, BT9 5NW.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 23.00	Mr Alistair McGowan
Stormont Hotel, 587 Upper Newtownards Road, Belfast, BT4 3LP.	Renewal	Sun - Sat: 08.00 - 01.00	Mr John Edward Carson
Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4 1NY.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Linda Smyth
The Fitzwilliam Hotel, Great Victoria Street, Belfast, BT2 7BQ.	Renewal & Variation	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Cian Landers, Graffan Properties Ltd
The Lonely Poet Bar and Grill, King's Square, King's Road, Belfast, BT5 7EA.	Transfer	Sun: 16.00 - 22.00 Mon - Sat: 12.00 - 01.00	Mr Gary McCalmat, Clinker Pubs Ltd
The Menagerie, 130 University Street, Belfast, BT7 1HH.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Sam Spain
The Pump House, HMS Caroline, Queens Road, Belfast, BT3 9DT.	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Jamie Wilson
The SSE Arena Belfast Carparks, Queens Quay & Arc Public Realm areas, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Sun - Sat: 11.30 - 23.00	Mr Robert Fitzpatrick, The Odyssey Trust Company
Titanic Belfast, 1 Olympic Way, Belfast, BT3 9DP.	Renewal	Sun: 11.30 - 23.00	Ms Judith Owens, Titanic Belfast Ltd
Titanic Hotel, Queens Road, Belfast, BT3 9DT.	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 11.30 - 01.00	Mr Adrian McNally, Titanic Hotel Belfast Ltd
Windsor Lawn Tennis Club, 37 Windsor Avenue, Belfast, BT9 6EJ.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Ms Maxine Pauley
Youth Action NI, 14 College Square North, Belfast, BT1 6AS.	Grant	Sun - Sat: 08.00 - 01.00	Ms June Trimble

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
Little Vegas, 163 Stranmillis Road, Belfast, BT9 5AJ.	Renewal	Sun - Sat: 00.00 - 00.00	Mr Conor Forbes, Little Vegas (NI) Limited

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
Balmoral Road, outside former B&Q, left hand side of road.	Grant	Hot and cold food and non- alcoholic beverages	Monday-Saturday 0730hrs to 1600hrs	Mr Chris Hamill

Financial & Resource Implications

3.4 None

Equality or Good Relations Implications/Rural Needs Assessment

3.5 There are no issues associated with this report.



Subject:	Consideration of Entertainments Licences where the applicant has been convicted of an offence
Date:	16th January, 2019
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	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 each application and to:- <ol style="list-style-type: none"> 1. Approve the application, or 2. Should you be of a mind to refuse the application, or approve the application with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.

3.0	Main report															
3.1	<p><u>Key Issues</u></p> <p>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.</p>															
3.2	<p>However, as the applicant or their company 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.</p>															
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3.3	<p>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.</p> <p><u>Application history</u></p> <p>Ardoyne Working Men's Club</p> <p>This is the fourth time an application for the premises has been considered by the Committee since the applicant was convicted on 28 July 2015. The previous renewal applications were considered by the Committee in relation to the conviction on 12 November 2015, 14 December 2016 and 17 January 2018 and, after consideration, you agreed to renew the Licence.</p>															

<p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p>	<p>Since the previous renewal the premises has been subject to one further during performance inspection as well as the recent renewal inspection to ensure that there has been no recurrence of the breach or any other safety issues. We have found that management procedures are being implemented effectively.</p> <p>Bootleggers</p> <p>This is the third time an application for this premises have been brought before Committee as you previously considered the application at your meeting of 15 March 2017 and 21 March 2108 and, after consideration, you agreed to renew the Licence.</p> <p>Since the previous renewal the premises has been subject to one further during performance inspection as well as the recent renewal inspection to ensure that there has been no recurrence of the breach or any other safety issues. We have found that management procedures are being implemented effectively.</p> <p><u>Representations</u></p> <p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p> <p>The PSNI has been consulted and has confirmed that they have no objections to the applications. A copy of their correspondence is attached as Appendix 1.</p> <p><u>Applicants</u></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the applications. A copy of the application form for the premises is attached as Appendix 2.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report</p>
<p>4.0</p>	<p>Appendices – 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, 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for the Renewal of a 7-Day Annual Entertainments Licences for Fourteen Tomb Street
Date:	16th January, 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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	<p>To consider an application for the renewal of the 7-Day Annual Indoor and outdoor Entertainments Licences for 14 Tomb Street, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind and outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Premises and Location Fourteen Tomb Street, 10-14 Tomb Street, Belfast, BT1 3AS.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Applicant Patrick Fegan, Energizinn Ltd, 14 Tomb Street.</p> </td> </tr> </table>	<p>Premises and Location Fourteen Tomb Street, 10-14 Tomb Street, Belfast, BT1 3AS.</p>	<p>Applicant Patrick Fegan, Energizinn Ltd, 14 Tomb Street.</p>
<p>Premises and Location Fourteen Tomb Street, 10-14 Tomb Street, Belfast, BT1 3AS.</p>	<p>Applicant Patrick Fegan, Energizinn Ltd, 14 Tomb Street.</p>		
1.2	A location map of the premises is included as Appendix 1.		

2.0	<u>Recommendations</u>
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainment Licences, or 2. Approve the applications for the renewals with Special Conditions, or 3. Refuse the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainment Licences.
2.2	<p>If an application is refused, or Special Conditions are attached to the Licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.</p>
3.0	Main report
	<p><u>Key Issues</u></p> <p><u>Details of the Premises and Proposals</u></p> <p>3.1 Currently the premises operates as a Nightclub on the Ground Floor and First Floor and has an Outdoor Entertainments Licence for the smoking area located at the side of the premises.</p> <p>3.2 A copy of each of the current Entertainments Licences is attached to this report as Appendix 2.</p> <p>3.3 The areas where entertainment is currently provided are the:</p> <ul style="list-style-type: none"> • Ground Floor, with a maximum capacity of 220 persons. • First Floor, with a maximum capacity of 220 persons. • External Smoking Area, with a maximum capacity of 250 persons. <p>3.4 The days and hours during which entertainment is proposed to be provided are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30am to 3.00am the following morning and • Sunday: 12.30pm to 3.00am the following morning <p>3.5 Layout plans of the premise are attached as Appendix 3.</p> <p><u>Drinks Promotions</u></p> <p>3.6 Members are reminded that, at your meeting on 19th September 2018, the issue of a cut-price drinks promotion being advertised by Fourteen Belfast was raised, which had been brought to the attention of a number of Members by concerned parents.</p> <p>3.7 Whilst liquor licensing is the responsibility of the Police Service of Northern Ireland the Committee has, in the past, as part of the Entertainments Licensing process, requested a number of licensees to agree to adhere to the Pubs of Ulster's voluntary code of practice on irresponsible drinks promotions.</p>

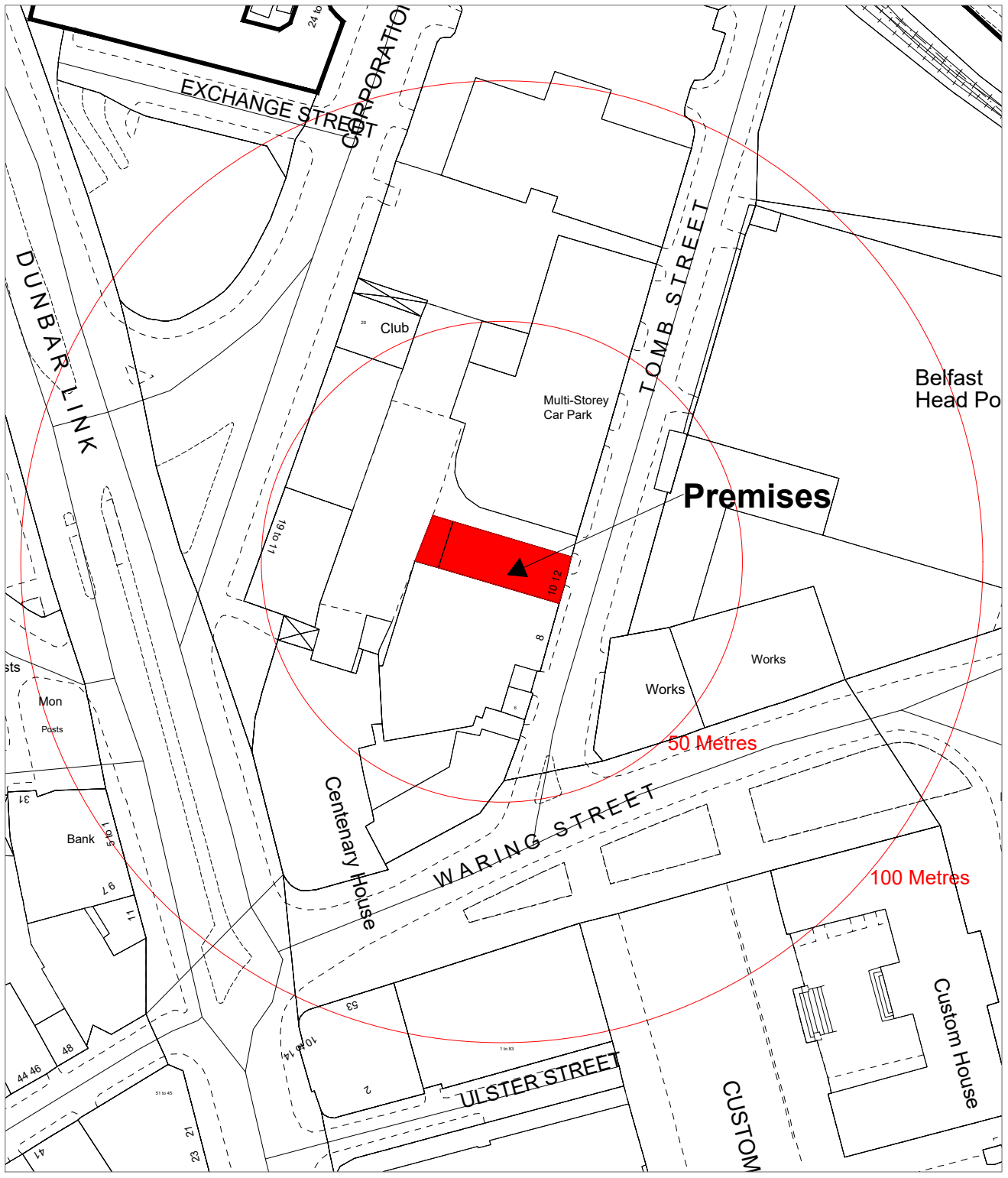
3.8	After discussion, the Committee agreed that the Chief Executive of Hospitality Ulster be advised of its concerns around the drinks promotions associated with Fourteen Belfast and agreed also that the Licensee be invited to attend the meeting at which the renewal of his Entertainments Licences' were being considered.
3.9	<p>The Licensee has confirmed that the details of the promotions are as follows:-</p> <ul style="list-style-type: none"> • 666 - Entry £6, 60p a spirit, 60p a mixer, 60p one selected bottled beer. It is available on a Monday night from 10pm to 11.30pm. House spirits include vodka, gin and rum. • Bottomless - This promotion is run with terms and conditions as attached in Appendix 4. It is available on Friday and Saturday nights until 11pm. It was priced at £25 but increased to £30 on 1st January. The terms and conditions are provided upon request by a customer. • Other drinks promotions at the premises are £3 drinks and £5 doubles on a Friday night until 12 midnight and 2-4-1 pints on a Saturday from 4pm - 9pm.
3.10	Hospitality Ulster were consulted in relation to the promotions and have advised that the sale of one drink, albeit at a very low price, does not contravene the responsible retailing code. In relation to the bottomless promotion, it is limited to a maximum of 14 drinks and various conditions that mean it too does not contravene the code, as it is not actually bottomless.
3.11	The Licensee has advised that all staff are provided with an induction into the work place which includes drinkaware training to ensure that all promotions are run safely and lawfully. A strict policy is also implemented to prevent drunk persons from gaining admission.
3.12	The Licensee is available should Members wish to hear from him in relation to the operation of the premises.
<u>Representations</u>	
3.13	Notice of the application has been advertised and no written representation has been received.
<u>PSNI</u>	
3.14	The PSNI has been consulted and confirmed that they have no objections to the applications. However they have expressed concerns about drinks promotions at the venue. A copy of their correspondence is attached as Appendix 5 and the police have been invited to your meeting should Members wish to hear from them.
<u>NIFRS</u>	
3.15	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections.
<u>Health, safety and welfare inspections</u>	
3.16	A total of two during performance inspections have been carried out on the premises by Officers from the Service within the past 12 months and Officers of the Service are satisfied with all safety measures and management procedures.
An inspection by officers from the Building Control Service and the Environmental Health	

3.17	Food Safety Section on 17 th September 2018 had identified no issues with the operation of Fourteen Belfast. The Officers from Food Safety viewed invoices from reputable suppliers and took samples of different types of alcohol which were tested and the results confirmed that the alcohol was genuine.
3.18	The premises will continue to be inspected as part of our During Performance Inspection regime to ensure the applicant adheres to their Licence Conditions.
	<u>Noise issues</u>
3.19	The Environmental Protection Unit (EPU) has been consulted in relation to the application and advised that three noise complaints have been received in the last 12 months. Only one of these noise complaints resulted in the Night Time Noise Team approaching the management and asking for the noise levels to be reduced and a door to be kept closed.
3.20	Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Financial and Resource Implications</u>
3.21	Officers carry out during performance inspections on premises providing entertainment, but this is catered for within existing budgets.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.22	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Entertainments Licences • Appendix 3 – Plans of the Premises • Appendix 4 – Terms and Conditions of the drinks promotion • Appendix 5 – PSNI Correspondence



Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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DATE 07/01/2019

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Fourteen Tomb Street

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BELFAST CITY COUNCIL

TEL: 02890 270432

CHIEF EXECUTIVE'S DEPARTMENT

BUILDING CONTROL SERVICE, CITY HALL, BELFAST, BT1 5GS

ENTERTAINMENTS LICENCE

Local Government (Miscellaneous Provisions) (N.I.) Order 1985

Article 3, Schedule 1 – Licensing of Places of Entertainment

The Council of the City of Belfast, in pursuance of the provisions of Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, hereby grants

a licence to **Patrick Fegan, Energizinn Limited**

Ref: LN/200200472

hereinafter referred to as the Licensee, for the use of the place

known as **Fourteen Tomb Street**

and situated at **10-14 Tomb Street, Belfast, BT1 3AS**

from **1st November 2017** until **31st October 2018** inclusive,

in the said City for the purpose of the entertainments listed in the Schedule hereunder and subject to any restrictions or special conditions as may be also listed hereunder, unless the same shall have been previously transferred, cancelled, varied, suspended or revoked; provided that the Licence is granted on the terms and conditions and subject to the restrictions as are specified in the Conditions thereof and shall be liable to be revoked if the Licensee is convicted of an offence in respect of the Place being used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the Licence is held and shall be liable to be suspended if it appears to the Council that the provision of any entertainment at the Place is causing or is likely to cause a serious threat to public order or public safety.

Schedule Public House 7 day

Areas Licensed	Maximum Numbers	Activity
Ground Floor	220	All 220
First Floor	220	All 220

Hours	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
From	12:30	11:30	11:30	11:30	11:30	11:30	11:30
To	03:00	03:00	03:00	03:00	03:00	03:00	03:00

The special conditions below are set in addition to the standard terms, conditions and restrictions as stipulated in the Belfast City Council Rules of Management.

See reverse for Special Conditions/Restrictions.

Date: 20 April 2018

Signed:

(Stephen Hewitt)

Building Control Manager

Special Conditions/Restrictions

The following conditions shall apply -

1. Measures are to be taken to control the movement of people between floors to ensure that maximum occupancies are not exceeded on each floor at any time.
2. Roller shutter outside emergency exit doors to be secured open at a height that it will not impede the opening of the doors.
3. Premises to be managed in accordance with the requirements set out within the agreed Fire Safety Manual & Fire Safety Plan, as amended November 2013.
4. Adhere to the undertakings provided within the statement of intent, in terms of the following:-
 - (a) Controlling the occupancy within the premises as per Special Condition 1.
 - (b) Ensure advertising and fly posting is in accordance with the legal requirements and council recommendations.
 - (c) The adherence to the Pubs of Ulsters voluntary Code of Practice in relation to drinks promotions.



ENTERTAINMENTS LICENCE

Local Government (Miscellaneous Provisions) (N.I.) Order 1985

Article 3, Schedule 1 – Licensing of Places of Entertainment

The Council of the City of Belfast, in pursuance of the provisions of Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, hereby grants

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Ref: LN/201400009

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from **1st November 2017** until **31st October 2018** inclusive,

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Schedule Out Door 7 day

Areas Licensed	Maximum Numbers	Activity
External smoking area	250	

Hours	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
From	12:30	11:30	11:30	11:30	11:30	11:30	11:30
To	03:00	03:00	03:00	03:00	03:00	03:00	03:00

The special conditions below are set in addition to the standard terms, conditions and restrictions as stipulated in the Belfast City Council Rules of Management.

Special Conditions/Restrictions

1. Entertainment must be played through the 'in house' speakers in the smoking area.
2. Premises to be managed in accordance with the requirements set out within the agreed Fire Safety Manual, as amended July 2014.

Date: 20 April 2018

Signed:

(Stephen Hewitt)

Building Control Manager

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of the Local Government Act (Northern Ireland) 2014.

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Fourteen Belfast 666 promo Monday Nights

- Student Promoted night
- £6 Entry - NO Reduced Entry
- 60p house spirits - Vodka, Rum, Gin
- 60p mixer
- 60p one selected beer
- 2 drinks at a time max
- Any sign of intoxication NO ENTRY
- £2.50 Drinks from 10pm
- ALL STAFF DRINKAWARE trained
- medic door staff



Fourteen Belfast 'Bottomless' Drinks Package T&C

- Choose from: Vodka, Gin, Pink Gin, Whiskey, Beer, or Prosecco - you may not mix spirit types.
- You will be provided with a stamp card with 14 spaces. Your card will be stamped each time you go to the bar to get a drink.
- A single measure and mixer is marked as one stamp / a double measure and mixer is two stamps.
- You may purchase a maximum of two single measures or one double measure at a time.
- Packages are limited to one per person.
- Staff reserve the right to decline service / revoke a bottomless drinks package if the customer appears to be intoxicated.

drinkaware.co.uk
for the facts

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	To consider a Temporary Street Trading Licence for Donegall Place.
Date:	16th January, 2019
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	Following the Bank Buildings fire in August a number of businesses in the immediate area were not able to trade due to the very dangerous condition in which the building was left. City Picnic, a burger restaurant, situated in Unit 5 McAuley House, 2-6 Castle Street has been one of those affected businesses, they still remain displaced from their premises and will remain so for a number of months to come.
1.2	As part of an assistance package from the Council City Picnic have been trading from a trailer as part of the Christmas Continental Market on Donegall Place. This was facilitated under the Council's Market Rights.
1.3	As the Market has now stopped trading, the only other mechanism that is available to permit lawful trading is through the granting of Temporary Street Trading Licences.

2.0	Recommendations
2.1	Based on the information presented and considering any representations received, the Committee is requested to consider the application and decide whether it is minded: <ol style="list-style-type: none"> 1. To grant and approve the Licence, or; 2. To grant and approve the Licence with additional conditions, or 3. To refuse the Licence application.
2.2	Members may attach any reasonable Conditions when granting a Street Trading Licence.
2.3	If Members are minded to grant the Temporary Licence, you are then requested to delegate to the Director of Planning and Building Control authority to grant any further Temporary Licences that may be required.
2.4	If the licence is refused, the applicant may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.
3.0	Main report
	<u>Key Issues</u>
3.1	Committee is reminded of a decision of the Council's Health and Environmental Services Committee on 10th December 2003, in which they refused to designate Donegall Place and Royal Avenue as places in respect of which it might grant stationary Street Trading Licences.
3.2	That decision was taken after a series of Special meetings of the Health and Environmental Services Committee from September 2003 to December 2003, when the Committee heard from applicants, statutory consultees, business representatives and professional independent experts. One of the key issues discussed was around the sale of hot food.
3.3	Committee had considered that cooking odours are an unavoidable consequence of hot food stalls/vans. Odour dispersal will be dependent on climatic conditions and experience showed that cooking smells cause annoyance and give rise to complaints from people living or working in the vicinity. There is also a potential for complaints to arise due to litter associated with a hot food stall/van.
3.4	It has been the Council's policy position since then that no street trading takes place on Donegall Place and Royal Avenue (more specifically the portion from the junction with North Street to Donegall Place).
3.5	Most recently, the Licensing Committee, at its meeting of 15th May 2013, upheld the policy decision and refused a Temporary Street Trading Licence for Royal Avenue outside Castle Court that was for the free distribution of popcorn by way of a promotion.
	<u>Legislative background for Temporary Street Trading</u>
3.6	The Street Trading Act (NI) 2001 Section 14 permits the Council to issue a Temporary Street Trading Licence where a full-term Licence may not be appropriate, for example, for special events such as festivals, fairs, etc. The Act permits temporary trading to take place in an undesignated street or in goods or services which are normally prohibited in that street.
3.7	There is a limitation on the duration of a Temporary Licence, it cannot be granted for a period exceeding 7 days and no more than 5 Temporary Licences may be issued to any one applicant in a year.

3.8	There is however, no prohibition on a new applicant applying for a Temporary Licence to allow trade to continue after the 5 Temporary Licences have expired.
3.9	The restrictions on the frequency and duration of Temporary Licences represent a balance between the number of days when special events/occasions may occur and the need to prevent an unreasonable level of trading in an area, which may not have been designated.
3.10	Members may be aware that the Council, through the Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences.
3.11	Applications to permit Temporary Street Trading are normally only permitted at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events.
3.12	The Committee is however entitled to depart from its usual policy where there are exceptional circumstances, which would warrant it to do so.
3.13	It is also important that the holder of a Temporary Licence should not have an unfair advantage over the holder of a full-term licence who may only trade in designated streets.
	Extenuating Circumstances
3.14	In considering this application, Members may wish to have regard to the exceptional circumstances relating to the Primark fire that have led to extreme financial and emotional hardship for the owners of City Picnic (and others) who were unable to operate at all for a number of weeks and had to lay off staff as a result.
3.15	It is also the case that as soon as the remedial works to Bank Buildings are complete City Picnic intend to return to their existing premises and resume trading. The latest indications from Primark are that Castle Street should be accessible to the public by Easter and we would expect City Picnic to be open and trading again by the end of April at the latest.
	Application
3.16	Mr Gavin Gregg of City Picnic has applied to sell hot and cold food and non-alcoholic beverages from a catering trailer. His proposed hours of operation are as follows:
	<ul style="list-style-type: none"> • Monday to Sunday - 24 hours a day.
	Consultation
3.17	DfI Roads, PSNI, Belfast One, Belfast City Centre Management have been asked for their views on the proposal. At the time of writing this report responses had only been received from DfI Roads, PSNI and Eason.
3.18	DfI Roads and the PSNI have no objections to the proposals. (Attached as Appendix 1)
3.19	Eason are located in 40-46 Donegall Place and have the City Picnic hot food van outside their premises. They have indicated that they are not in support of the application and have raised a number of points attached as Appendix 2. These include:
	<ul style="list-style-type: none"> • Eason's believed the street would have been cleared of all pre-Christmas trading.

	<ul style="list-style-type: none"> • They have a coffee shop in their store that serves hot food and its owner, who is also an independent trader, already has difficulty trading with M&S and Next also having coffee shops. • It seems strange that this Van is not located in a place where there are not as many food outlets. <p>Fee</p> <p>3.20 The Council's Economic Development Division of the Place and Economy Department have agreed that they will pay the Licence fees required for the duration of the applicant's stay at this location given the exceptional circumstances the applicant finds himself in. Depending on the success of the continued trading and the ongoing works at the Primark Building, the applicant may require up to 10 Temporary Street Trading Licences at a cost of £5,000. Members are asked to consider waiving the fee on this occasion, as the payment is an internal Council transaction.</p> <p>Delegated Authority</p> <p>3.21 Members are reminded that the normal process for dealing with a Temporary Street Trading Licence application, which is not the subject of objections is that the Director of Planning and Building Control will grant the Licence as provided for in the Council's Scheme of delegation. This application is before Committee as it is contrary to the Committee's current policy position in that it would permit trading in areas where street trading is not usually permitted and also involves the sale of hot food in the city centre.</p> <p>3.22 If Committee agree to grant the Licence for 7 days, it is requested that delegated authority be granted to the Director of Planning and Building Control to impose Conditions and grant any subsequent applications made by the applicant.</p> <p><u>Financial and Resource Implications</u></p> <p>3.23 If the Committee is of the mind to grant the applicant a Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £180, and • A Licence fee, for Monday to Sunday £320. <p>3.24 The fees will be met from the existing budget of the Council's Economic Development Division.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.25 There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – DfI Roads and PSNI Comments • Appendix 2 – Eason comments

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of the Local Government Act (Northern Ireland) 2014.

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