



<b>Subject:</b>	<b>Application for the Provisional Grant of an Outdoor Entertainments Licence for The Marcus Ward, Bankmore Square.</b>
<b>Date:</b>	17 August 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>			
1.1	<p>To consider an application for the provisional grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.</p> <table><tr><td><b>Area and Location</b> The Marcus Ward 1 Bankmore Square Belfast BT7 9DH</td><td><b>Ref. No.</b> WK/2020/00281</td><td><b>Applicant</b> Mr Lawrence Bannon Tobar Inns Limited 1 Bankmore Square Belfast, BT7 9DH</td></tr></table>	<b>Area and Location</b> The Marcus Ward 1 Bankmore Square Belfast BT7 9DH	<b>Ref. No.</b> WK/2020/00281	<b>Applicant</b> Mr Lawrence Bannon Tobar Inns Limited 1 Bankmore Square Belfast, BT7 9DH
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1.2	A location map is attached as Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> <li>a) Approve the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence, or</li> <li>b) Approve the application for the provisional grant with special conditions, or</li> <li>c) Refuse the application for the provisional grant of the 7-Day Annual Outdoor Entertainments Licence.</li> </ul>
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 County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.</p>
<b>3.0</b>	<b>Main report</b>
	<p><b><u>Key Issues</u></b></p> <p><b><u>Provisional grant of a licence</u></b></p> <p>3.1 There is provision within the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) to make application for the grant of an entertainments licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered.</p> <p>3.2 If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.</p> <p>3.3 This is described as the provisional grant of a licence.</p> <p>3.4 Should the Council grant a provisional licence the Order states that, when it is satisfied that the premises have been completed in accordance with the plans deposited, the Council shall then issue the licence.</p> <p>3.5 Should Members be of mind to grant the licence provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p><b><u>Details of the Premises and Proposals</u></b></p> <p>3.6 The premises will be a newly formed outdoor events space located on the current hardstanding area on the corner of Bankmore Square and Dublin Road where the Movie House Cinema was demolished. The perimeter to the event space is to be formed with shipping containers. The maximum numbers within the event space will be agreed by the Building Service and may vary depending on individual concert set-up proposals.</p> <p>3.7 The days and hours during which entertainment is proposed to be provided are:</p>

- Monday to Saturday: 11.30am to 11.00pm and
- Sunday: 12.30pm to 11.00pm

3.8 The applicant proposes to provide an area for the consumption of food and alcohol which will include the provision of live music.

3.9 Layout plans of the premises are attached as Appendix 2.

**Representations**

3.10 Public notice of the application has been placed and one objection was received from a local resident on 9 May 2022. Further to the objection both parties attended a liaison meeting organised by the Service on 24 June 2022. The Licensee advised that the main use of the space was for the consumption of food and drink with entertainment being provided on Thursday to Sunday and that a sound barrier was being constructed along the perimeter of the premises adjacent to Marcus Ward Street. Following these discussions, the objector agreed to withdraw the objection.

**PSNI**

3.11 The Police Service of Northern Ireland have been consulted in relation to the application and has confirmed that they have no objection to the application. A copy of their correspondence is attached at Appendix 3.

**NIFRS**

3.12 The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and have confirmed that they have no objection to the application.

**Health, safety and welfare**

3.13 Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete to ensure compliance, amongst other matters, with all fire safety, structural and access requirements.

3.14 All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.

**Noise**

3.15 The applicant has been asked to submit an acoustic report for the outdoor area which will then be provided to the Environmental Protection Unit (EPU) for evaluation. As with other technical requirements associated with the provisional application any appropriate acoustic measures will also require to be implemented before the grant of the licence can be confirmed.

3.16 Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.

**Applicant**

3.17 The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

3.18	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.19	<p>There are no issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location map</li> <li>• Appendix 2 – Layout Plans</li> <li>• Appendix 3 – PSNI Response</li> </ul>