

Extract of the Licensing Committee Minutes of Wednesday, 19th January, 2022

Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

The Building Control Manager submitted for the Committee's consideration the following report:

"1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider how Article 44A extension liquor licence applications for non-City centre locations for dates in February prior to the Committee meeting on 16th February, and, in particular, St. Valentine's night, are dealt with.**

2.0 Recommendations

- 2.1 The Committee is asked to consider if authority should be delegated to officers to deal with any Article 44A extension applications for non-City centre locations for dates up to and including 16th February 2022, in a similar way to that agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December 2021.**
- 2.2 This would again be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.**
- 2.3 In such instances, the application would be presented to the Committee for consideration.**

3.0 Background

- 3.1 At the meeting on 15th December, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021. The outcome is set out below:**

Pubs and Hotels – City Centre Locations

- 3.2 The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:**
- i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and**
 - ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for City centre venues where they are in possession of an**

entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

- 3.3 It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

Pubs and Hotels – Non-City Centre Locations

Biddy Duffy's, 133 Andersonstown Road/

Horatio Todd's, 406 – 408 Upper Newtownards Road

- 3.4 The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 31st January 2022 and that each applicant be requested:
- i. to agree to withdraw all Article 44A extension applications beyond 31st January, to allow officers to provide at the Committee meeting in February an update on any issues which had arisen from the operation of the premises during the month of January, given that both premises were located in close proximity to residential accommodation; and
 - ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

Pubs and Hotels – Non-City Centre Locations Generally

- 3.5 The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between this meeting and 31st January 2022, officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, as long as they did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.
- 3.6 In such instances, the application would be presented to the Committee for consideration.

Police Service of Northern Ireland

Authorisations for Additional Hours

- 3.7 The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:
- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),
 - b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and

c. **Building Regulation or other Council statutory enforcement issues.**

3.8 The minute from the meeting of 15th December has been circulated.

4.0 Key issues

- 4.1 Members will be aware that new Coronavirus restrictions came into force on 26th December 2021 which, amongst other measures, required nightclubs to close and prohibited dancing in all other licensed premises.**
- 4.2 Should these restrictions be lifted prior to the Committee meeting on 16th February, there is a possibility that a number of pubs and hotels in non-City centre locations may wish to apply for an Article 44A order for additional permitted hours to serve alcohol until 2.00 am for St. Valentine's night and/or the weekend nights leading up to it.**
- 4.3 As your decision in relation to any Article 44A extension applications for non-City centre locations only covers the period to 31st January 2022, that would preclude officers from making any delegated decision in relation to applications associated with St. Valentine's night or any other application for dates from 1st February to 16th February.**
- 4.4 Given the additional impact on the hospitality sector that the latest restrictions have created and the fact that any venues that have applied for extension licences will have had limited opportunity to utilise them to date, the Committee may wish to consider reviewing how any extension applications for dates prior to your meeting on 16th February, and in particular St. Valentine's night, are dealt with.**

Financial and Resource Implications

4.5 None.

Equality or Good Relations Implications/ Rural Needs Assessment

4.6 None."

After discussion, the Committee agreed:

- i. to delegate authority to the Director of Planning and Building Control, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances, those applications will be presented to the Committee for consideration;
- ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and

- iii. that the report on pubs and hotels in City centre locations, the operation of Biddu Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.

Licensing and Registration of Clubs (Amendment) Act (NI) 2021

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

To update Members on a three-month trial, where authority was delegated to Council officers, to deal with any Article 44A extension applications for non-City centre locations and to report on pubs and hotels in City centre locations, the operation of Biddy Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours.

Recommendations

Given the limited uptake in Article 44A extension applications and Police Service of Northern Ireland authorisations for additional hours Members are asked to consider either:

- I. Extending the trial period whereby authority is delegated to officers to deal with all such applications in the manner previously agreed for a timeframe to be determined; OR
- II. Delegating authority to officers to deal with all such applications in the manner previously agreed until such times as there are sufficient applications made and evidence of any issues arising therefrom, if any, are such that would require those matters to be brought back to Committee for further consideration.

For either option this would be on the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.

In such instances, these applications would be presented to the Committee for consideration.

3.1 Main report

Background

At your meeting of 19th January, the Committee considered a report on the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 and agreed:

- i. to delegate authority to Council officers, on a three-month trial basis, to deal with any Article 44A extension applications for non-City centre locations in a similar way to that which had been agreed for Biddy Duffy's and Horatio Todd's at the meeting on 15th December, 2021, with the proviso that such applications did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past. In such instances those applications will be presented to the Committee for consideration;
- ii. that a report on the outcome of the aforementioned trial period be presented to the Committee for consideration; and
- iii. that the report on pubs and hotels in City centre locations, the operation of Biddy Duffy's and Horatio Todd's and on Police Service of Northern Ireland Authorisations for Additional Hours, which was due to be presented to the meeting in February, be submitted at the same time as that relating to non-City centre premises.

Summary position following January Committee

**Biddy Duffy's, 133 Andersonstown Road
Horatio Todd's, 406 – 408 Upper Newtownards Road**

The Committee agreed to offer no objection to Article 44A extension applications for Biddy Duffy's and Horatio Todd's up to 13th April 2022 and that each applicant be requested:

- i. to agree to withdraw all Article 44A extension applications beyond 13th April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that both premises were located in close proximity to residential accommodation; and
- ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

Pubs and Hotels – Non-City Centre Locations Generally

The Committee agreed that, should any further Article 44A extension applications for non-City centre locations be received between the January meeting and 13th April 2022, officers should deal with them in a similar way as those for Biddy Duffy's and Horatio Todd's, in that each applicant would be requested:

- i. to agree to withdraw all Article 44A extension applications beyond 13th April, to allow officers to provide at the Committee meeting in April an update on any issues which had arisen from the operation of the premises during the 3-month trial period, given that they were located in close proximity to residential accommodation; and
- ii. to agree not to provide entertainment after 2.00 a.m., unless an Entertainments Licence was in place which expressly permitted entertainment to take place beyond that time.

This was provided that the application did not relate to premises where the provision of entertainment had been subject to significant objections or prosecution in the past.

In such instances, the application would be presented to the Committee for consideration.

Pubs and Hotels – City Centre Locations

The Committee agreed that Article 44A extension applications for pubs and hotels in City centre locations should continue to be dealt with by Council officers under delegated authority, as follows:

- i. to offer no objection to Article 44A extension applications which have been received to serve alcohol to 2.00am for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00am every night of the week, and
- ii. to confirm that, in principle, the Council has no objection to Article 44A extension applications which have been received to serve alcohol to 2.00 a.m. for city centre venues where they are in possession of an entertainments licence which permits entertainment to 3.00 a.m. only on specified nights of the week but advising the Court of the fact that the Entertainments Licence does not permit entertainment to 3.00am on some of the dates to which the extension applications relate.

It was noted that, in cases where Article 44A extension applications had been received for premises where the provision of entertainment had been subject to significant objections or prosecution, those would be presented to the Committee for consideration.

Police Service of Northern Ireland
Authorisations for Additional Hours

The Committee agreed that authority be delegated to Council officers to deal with Police Service of Northern Ireland authorisations for additional hours and that no representations be made unless there is reason to do so by virtue of any:

- a. restrictions placed upon the Entertainment Licence (if the premises associated with the application has an Entertainments licence),
- b. complaints regarding the operation of, or anti-social behaviour in and around, the premises, and
- c. Building Regulation or other Council statutory enforcement issues.

Key Issues

Summary of 3-month trial period

Biddy Duffy's, 133 Andersonstown Road
Horatio Todd's, 406 – 408 Upper Newtownards Road

To date neither licensee has availed of the additional hours of operation permitted by their Article 44A applications granted by the Courts. As we understand it both licensees currently only intend to use their additional hours for special occasions such as Christmas, Easter or other significant celebrations.

Given that the premises are close to residential properties the intention of the 3-month trial period was to consider whether the premises operating to the later hours, or any period immediately following their termination, led to undue inconvenience to persons residing in the vicinity.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of these bars selling alcohol to 2.00am on their local neighbourhood.

Pubs and Hotels – Non-City Centre Locations Generally

Since your meeting in January no other Article 44A extension applications for non-City centre locations have been received by the Council.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of pubs and hotels in other non-city centre locations selling alcohol to 2.00am on their local neighbourhood.

Pubs and Hotels – City Centre Locations

The Council has received 22 Article 44A extension applications for City centre pubs and hotels and these have been responded to as outlined in section 3.6 above.

To date we have not received any noise complaints in relation to any of these venues nor are we aware of any concerns that the PSNI have in relation to these properties.

Police Service of Northern Ireland Authorisations for Additional Hours

The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 introduced new, or amended existing, powers for police authorisations for additional hours which,

1. allows pubs which have an Article 44 licence to apply to the PSNI for ad-hoc late opening (11.00pm - 1.00am) up to 20 times per year for a day not covered by the article 44 Order,
2. increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 licence) can apply for late opening (11.00pm - 1.00am) from 20 to 104 times per year, and
3. increases the number of occasions registered clubs can apply for late opening (11.00pm - 1.00am) from 85 to 104 times per year.

The applicant must display notice of the application on or near their premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.

The Council has not received notification of any applications in relation to the Police Service of Northern Ireland authorisation for additional hours since your meeting last December.

There is therefore no evidence to provide for Committee in relation to the impact, if any, of any applications to the Police

for authorisation for additional hours on local neighbourhoods.

Conclusions

Coronavirus has had a significant impact on the licensed trade and it would seem that the introduction of new legislation to permit longer opening hours has not had the widespread uptake that might have been expected.

As trade in the industry and tourism generally begins to pick up again it is anticipated that there will be greater interest from pubs and hotels in availing of the opportunity to serve alcohol until 2.00am.

To date the introduction of the new legislation does not appear to have had any impact on the rights of local residents not to be subject to unacceptable disturbance. This situation will be kept under review as the licensed trade recovers from the impact of the pandemic.

Financial and Resource Implications

None

**Equality or Good Relations Implications/
Rural Needs Assessment**

None.”

The Committee agreed to extend the trial period for a further six months and delegated authority to the Director of Planning and Building Control to deal with all such applications in the manner which had been previously agreed.