



<b>Subject:</b>	<b>Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence - St. Malachy's College Old Boys' Association, 442 Antrim Road</b>
<b>Date:</b>	16th November 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Monica Gallagher, Senior Building Control Surveyor, ext 2567

<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>Sometime 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/Summary of Main Issues</b>						
1.1	To consider an objection to the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence for St. Malachy's College Old Boys' Association						
1.2	At the meeting on 19 <sup>th</sup> October, the Committee agreed to defer consideration of this report due to a declaration of interest by the Interim City Solicitor/Director of Legal Civic Services.  <table><tr><td><b>Area and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>St. Malachy's College Old Boys' Association 442, Antrim Road Belfast BT15 5BG</td><td>WK/2020/02479</td><td>Mr. Conor Cassidy Club Chairman</td></tr></table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	St. Malachy's College Old Boys' Association 442, Antrim Road Belfast BT15 5BG	WK/2020/02479	Mr. Conor Cassidy Club Chairman
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
St. Malachy's College Old Boys' Association 442, Antrim Road Belfast BT15 5BG	WK/2020/02479	Mr. Conor Cassidy Club Chairman					
1.3	A location map is attached at Appendix 1.						

<b>2.0</b>	<b>Recommendations</b>
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> <ul style="list-style-type: none"> <li>a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence, or</li> <li>b) approve the application for the renewal with special conditions, or</li> <li>c) refuse the application for the renewal of the 7-Day Annual indoor 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.</p>
2.3	<p>Should the applicant decide to appeal, the existing Licence will continue with its present conditions until the appeal is determined.</p>
<b>3.0</b>	<b>Main Report</b>
	<p><b><u>Details of the Premises</u></b></p> <p>3.1 St. Malachy's Old Boys' Association has held a Seven-Day Annual Indoor Entertainment Licence since 1998.</p> <p>3.2 The current days and hours during which entertainment can be provided are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 11.00 pm and</li> <li>• Sunday: 12.30 pm to 11.00 pm</li> </ul> <p>3.3 Under the provisions of the Licensing and Registration of Clubs (Amendment Act) (Northern Ireland) 2021, in addition to the normal hours shown above, the club may apply for up to 104 extensions a year to sell alcohol until 01.00 am on any day of the week. These are authorised at the discretion of the Police Service of Northern Ireland (PSNI) and, if granted, these also enable entertainment to be provided to the end of the drinking up period on those nights. The drinking up period extends to 2.00 am on those nights that an extension licence has been approved by the PSNI.</p> <p>3.4 The areas currently Licensed to provide indoor entertainment and their occupancies are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor lounge bar with a maximum capacity of 45 people</li> <li>• Ground Floor Main Function Hall with a maximum capacity of 200 people</li> <li>• Ground Floor Darts room with a maximum capacity of 38 people</li> <li>• First Floor Recreation room with a maximum capacity of 50 people.</li> </ul> <p>3.5 The Function Hall is used on an adhoc basis for family parties and charity functions which usually involve a late licence to 1:00am with music provided by a DJ operating via their noise limiting device.</p> <p>3.6 The Club has advised that it has not had entertainment scheduled since before Covid-19.</p>

## **Licensing History**

3.7 An application for an Entertainments Licence for this premises was first received in 1997, and, while objections were received for the initial grant and first renewal, the licence was renewed under delegated authority, with no objections having been received, for the years 2000-2008.

3.8 In March 2009, an objection to the renewal of the licence was received by the Service. This objection was resolved through a resident meeting with the Club and with special conditions being added to the licence following a special meeting of the Licensing Committee on 29th April 2009. The licence subsequently has been renewed under delegated authority with no objections received on each subsequent year until the present.

3.9 At the Licensing Committee in April 2009, the Club agreed to the following special conditions being attached to its licence:

1. Bottle bins to be moved to a location away from the wall adjacent to residential property.
2. Fire doors at the rear of the function room to be used only in emergency situations and not to be used at any other time.
3. Smoking area restricted to that part of the alleyway immediately adjacent to the premises.
4. Patrons discouraged from using the rear yard immediately adjacent to residential property.
5. Regular meetings be established between the club committee and officers from the Service in order to deal with any problems which might arise in respect of the licence.

## **Representations**

### **Objector's Representation**

3.10 One written representation was received as a result of the public notices of application from a local resident. This was received within the 28-day statutory period.

3.11 The letter of objection is attached at Appendix 2.

3.12 The objector submitted video clips on two memory sticks to support their objection. The video clips were dated from 2nd July, 2021 to 27th May, 2022. The issues arising from these videos relate to:

- Patron conversations in the rear garden
- Beer bottle delivery and collections causing noise
- Damage to wall at objector's property alleged to be from beer bottle collections
- Patrons at rear garden of premises calling objector's name as she videos.

3.13 The Building Control Service sent a letter offering to facilitate a meeting between the objector and applicant, but this offer was not accepted. The Service also offered to meet with the objector independently, but this too has not been accepted.

3.14 The objector's Representation Form is attached as Appendix 3 and it has been provided to the applicant, as required by the protocol.

3.15 In general, the representation relates to concerns as follows:

- noise nuisance and abusive behaviour from patrons gathering at the rear of the premises
- nuisance caused by beer deliveries and collections
- failure to comply with conditions attached to the entertainment licence.

3.16 The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.

**Applicant's Representation**

3.17 The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response along with letters of support is attached as Appendix 4.

3.18 The applicants Representation Form has also been provided to the objector, as required by the protocol.

3.19 A summary of the applicant's representation is as follows:

- They have not been made aware of any complaints about the club and had they been aware of any problems they would have investigated these with a view to taking any reasonable steps to address them.
- They have had no complaints raised with them by either the PSNI or the Council's noise team.
- They are open to discussion on any steps they can take to address the objector's concerns.
- Other residents in the area are supportive of the club and have no complaints.

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

**Counter Representations**

3.21 No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.

**PSNI**

3.22 The Police Service of Northern Ireland has been consulted and confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 5.

**NIFRS**

3.23 The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.

**Health, Safety and Welfare**

3.24 There are no issues relating to health, safety and welfare in relation to this renewal application.

3.25	<p><b><u>Noise and Complaints</u></b></p> <p>There have been no complaints communicated to the Environmental Protection Unit's night-time noise team and the Service has no record of any other complaints concerning the premises in the past 12 months.</p>
4.0	<p><b>Financial and Resource Implications</b></p>
4.1	<p>None</p>
5.0	<p><b>Equality or Good Relations Implications/Rural Needs Assessment</b></p>
5.1	<p>There are no issues associated with this report.</p>
6.0	<p><b>Documents Attached</b></p> <ul style="list-style-type: none"> <li>• Appendix 1 - Location map</li> <li>• Appendix 2 - Letter from Objector</li> <li>• Appendix 3 - Objector's Representation Form</li> <li>• Appendix 4 - Applicant's Representation Form and Letters of Support</li> <li>• Appendix 5 - PSNI Comments</li> </ul>