



Subject:	Application for the Renewal and Variation of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16-20 Dunbar Street
Date:	16th November, 2022
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	To consider an application for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence for Common Market, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.						
1.2	<table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Common Market 16-20 Dunbar Street Belfast, BT1 2LH</td><td>WK/2022/0950</td><td>Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH</td></tr></table>	Premises and Location	Ref. No.	Applicant	Common Market 16-20 Dunbar Street Belfast, BT1 2LH	WK/2022/0950	Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH
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1.3	A location map is attached at Appendix 1.						

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ol style="list-style-type: none"> a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence; and b) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am; and / or c) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence to increase the occupancy on the ground floor to 1200 persons, or d) approve the application for the variation of the Licence with special conditions, or e) refuse any or all of the applications.
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 to the later hours and the increase in occupancy will not be permitted until any such appeal is determined.</p>
3.0	Main Report
	<p><u>Key Issues</u></p> <p><u>Details of the Premises</u></p> <p>3.1 The applicant, Ms. Alana Fox of Carlisle Inns Ltd., has applied for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <p>3.2 Common Market is in the former Arnott's Fruit Market building and Ms. Fox is also the licensee for the building adjacent to Common Market known as 39 Gordon Street and Lux and situated at 2-16 Dunbar Street.</p> <p>3.3 Mr. Lawrence Bannon, who is consultant and advisor to Carlisle Inns Ltd., has been liaising directly with the Service in relation to the application.</p> <p>3.4 The areas currently licensed to provide indoor entertainment and their maximum occupancies are:</p> <ul style="list-style-type: none"> • Main Area (Ground Floor), with a maximum capacity of 290 persons • Mezzanine Floor, with a maximum capacity of 60 persons <p>3.5 The nature of the variation is to increase the occupancy of the Main Area of the ground floor to approximately 1260 persons.</p> <p>3.6 Although the venue can potentially accommodate approximately 1260 persons, due to limited exit capacity, when the licence was first granted the ground floor area was laid out as a seated area with large picnic tables and the occupancy was restricted to 290 persons.</p> <p>3.7 Floor plans showing the layout of the premises are attached at Appendix 2.</p>

3.8	The licensee plans to remove the picnic tables when events are to be held, therefore allowing for a significant increase in the occupancy capacity and Mr Bannon is currently negotiating with the Council to acquire permission for an additional emergency exit through the Council Depot on Dunbar Street, which would accommodate the increase in capacity.
3.9	If the Committee is minded to grant the variation to increase the occupancy capacity, it is advised that approval be on the basis that the extra numbers would not be permitted until an agreement is finalised between the Council and the licensee for the use and management of an additional emergency exit which passes through the adjacent Council depot.
3.10	<p>The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 12.00 p.m. to 1.00 a.m. the following morning, and • Sunday: 12.00 p.m. to 12.00 a.m.
3.11	The variation application also relates to a proposed extension to the hours during which entertainment can be provided on Monday to Sunday to 3.00 a.m. the following morning.
3.12	Members are reminded that applications to provide indoor entertainment beyond 1.00 a.m. are subject to consideration by Committee.
3.13	The applicant has stated that the extension of hours to 3.00 am is needed to compete with other City centre venues. The applicant's existing premises, 39 Gordon Street and Lux, which adjoins this venue currently holds a 3.00 am entertainments licence and this increase in operating hours would allow both venues to operate in harmony, allow the licensee to manage crowd control better and improve their safety management protocols.
<u>Representations</u>	
3.14	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
<u>PSNI</u>	
3.15	The PSNI has been consulted and has confirmed that it has no objection to the application.
3.16	A copy of its correspondence is attached at Appendix 3.
<u>NIFRS</u>	
3.17	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.
<u>Health, Safety and Welfare Inspections</u>	
3.18	This building was previously used by Arnott's for fruit and vegetable storage. The use of the building changed in 2021 to an assembly building and a Building Regulations completion certificate for the works was issued by the Service.
3.19	A during performance inspection was carried out on the premises by officers from the Service on 3rd October 2022. On this occasion, the licensee was operating his two premises as one 'super-club'. The two premises Common Market and 39 Gordon Street are adjoined. 39 Gordon Street operates as a bar on the ground floor and a nightclub on the first floor. This inspection revealed some operational issues. The management was made aware of these

	<p>issues and they advised that additional staff training and management procedures would be put in place prior to operating the venue in this manner in the future.</p>
3.20	<p>The licensee has confirmed that the proposed increase in occupancy will be implemented incrementally to ensure that adequate management procedures are developed.</p>
3.21	<p>The licensee has submitted a management plan for the premises and Officers from the service are liaising with the licensee to ensure that technical requirements and associated operational and management procedures are satisfactory.</p>
3.22	<p>The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.</p>
	<p><u>Noise Issues</u></p>
3.23	<p>An acoustic report was submitted to the Environmental Protection Unit prior to this Licence being granted in October, 2021. At this time, a noise limiting device was fitted and set at 90dB LAeq,t. The licensee has advised that all music will be played through the existing noise limiting device.</p>
3.24	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received three noise complaints in the past 12 months. These complaints were received on 26th September, 5th October and 2nd November 2022.</p>
3.25	<p>The licensee has recently carried out some works to improve the acoustic performance of the building, which includes forming an internal lobby and acoustic curtain to reduce the noise emanating through the large roller shutter door to the front of the premises.</p>
3.26	<p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.</p>
	<p><u>Financial and Resource Implications</u></p>
3.27	<p>None.</p>
	<p><u>Equality and Good Relations Implications/Rural Needs Assessment</u></p>
3.28	<p>There are no issues associated with this report.</p>
4.0	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Layout Plans • Appendix 3 – PSNI response