

Licensing Committee

Wednesday, 18th June, 2014

MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Aldermen Browne, McCoubrey and Stalford;
Councillors M.E. Campbell, Clarke,
Groves, Hussey, Magee and Reynolds.

In attendance: Mr. T. Martin, Head of Building Control;
Mr. S Hewitt, Building Control Manager;
Ms. N. Largey, Solicitor; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman Webb and Councillors Cunningham and Ó Donnghaile.

Minutes

The minutes of the meeting of 16th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st May, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Non-Delegated Matters

Working Group on Review of Entertainments Licensing Legislation

The Head of Building Control reminded the Committee that the Department of the Environment had responsibility for the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and under Article 3 of, and Schedule 1 to, that Order, Entertainments Licences were administered by local authorities.

He pointed out that the legislation had been introduced almost 30 years ago and in many cases the provisions contained within it had been superseded by changes in the manner in which the entertainments industry operated. Additionally, the experience of administering the legislation for that length of time had informed the Council that there might be alternative ways to administer the legislation in a way that would deliver efficiencies and make it more cost effective both for the Council and the applicant. It would therefore be prudent to look at updating both the legislation and the Model Terms and Conditions to remove the provisions that no longer had beneficial effect and introduce new ones to deal with innovative issues. He explained that, in the wake of the

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Joby Murphy tragedy, the Council had written to the Environment Minister in March, 2012 requesting a review of the legislation and offering the assistance of Council officers. More recently, submissions had been made by officers to the Minister highlighting the need to address those issues.

The Head of Building Control reported that, the Minister, Mark H. Durkan, MLA, had asked his officials to convene a working group to review the existing legislation, including the associated Model Terms and Conditions and report to him within six months. He had asked also, in addition to reviewing the existing legislation, that the group address the anomaly between the differing hours during which entertainments might be provided and the sale and consumption of alcohol. In recognising the experience gained from the wide range of premises which provided entertainment in the Belfast area, and the many court actions which the Council had taken, the Minister had requested that the Council nominate a member of its staff to sit on the group.

Whilst the letter had been sent to the Head of Building Control, many of the issues that the group would deal with would be of a legal nature. Given the vast range of experience gained by the Council's Legal Services Section, he indicated that the Committee might also think it useful to offer that knowledge and experience to the working group. The group would also have representation from the Police Service of Northern Ireland, the Northern Ireland Fire and Rescue Service, as well as representatives from Pubs of Ulster, the Federation of Clubs and Belfast City Centre Management.

The Committee agreed to accept the invitation on behalf of the Council and to nominate the Head of Building Control and, if agreed, to offer the services of a Legal Officer from the Council to sit on the Working Group.

Institute of Licensing National Training Event

The Committee was advised that the Institute of Licensing was the professional body for licensing practitioners in local government, the police, private sector and the legal profession. The Institute had been established to provide education and training and to disseminate knowledge in all matters relating to licensing. It operated throughout England, Wales and Northern Ireland and to a lesser extent in Scotland. The Committee was advised that the Council was a Corporate Member affiliated to the Northern Ireland region of the Institute and Mr. J. Cunningham, Regulatory Services Manager within the Building Control Service, was the Chairman of the Institute of Licensing (Northern Ireland Branch) and a Director and Trustee of the Institute.

The Head of Building Control reported that this year the Institute would be holding its National Training Event at the Holiday Inn, Birmingham, from 12th till 14th November. The training event would address topics such as licensing developments within Northern Ireland, licensing policy, public health in licensing, gambling, elected member training and case law updates. The total cost per delegate of attendance would be £695 plus VAT. Accordingly, he recommended that the Committee authorise the attendance at the conference of the Chairman, the Deputy Chairman, the Director of Health and Environmental Services and the Head of Building Control (or their nominees)

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and, in recognition of his work in attaining the position of Chairman of the Northern Ireland branch, to approve also the attendance at the conference of Mr. J. Cunningham.
The Committee adopted the recommendation.

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON 1ST MAY
2007 IN ACCORDANCE WITH STANDING ORDER 46**

Licences Issued Under Delegated Authority

The Committee noted the list of licensing applications which had been granted under the delegated authority of the Director of Health and Environmental Services.

**Application for the Transfer and Renewal of a 7-Day Annual Entertainments
Licence – Villa, 2-6 Dunbar Street**

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will recall that, at your meeting on 16 April, you were advised that an anonymous objection had been received against the applications for the transfer and renewal of the Entertainments Licence for Mynt nightclub.**

<u>Premises and Location</u>	<u>Ref. No.</u>	<u>Applicant</u>
Villa (formerly Mynt) 2-6 Dunbar Street Belfast, BT1 2LH	WK/201201878	Lawrence Bannon 5 Donegall Park Avenue Belfast, BT15 4EU

- 1.2 The objection raised issues around the management of the premises and their links to Mr Ryan Morton and Mr Daniel Morton who had, in the past, been the subject of legal proceedings by the Council.**
- 1.3 After consideration, you agreed to exercise your discretion to consider the objection and to ascertain the roles of the various personnel involved in the operation and management of the business.**
- 1.4 The previous licensee for Mynt was also Mr Lawrence Bannon in his capacity as a director of Metropolitan Inns (NI) Limited. However, Members may recall that Metropolitan Inns (NI) Limited entered into administration in November 2012 hence the reason for the transfer application.**

2 **Key Issues**

- 2.1** In association with the transfer and renewal applications, extensive refurbishment works took place and the premises were closed for some time.
- 2.2** The works have recently been completed to the satisfaction of the Service and the venue reopened on 28 March 2014. A variation application was not required as there was no increase in occupancy or extension to the permitted hours to provide entertainment.
- 2.3** The Building Regulations application received for the refurbishment works is in the name of Ms Lauren Morton of Newgate Inns Limited. Ms Lauren Morton is the daughter of Mr Daniel Morton. The directors of Newgate Inns Limited are Ms Lauren Morton and Ms Alana Fox, who will both be working in the club.
- 2.4** Mr Bannon submitted a letter to the Service in response to the objection. A copy of this letter is attached.
- 2.5** Mr Bannon has confirmed that the new enterprise is a joint venture between himself and Newgate Inns Ltd. Whilst he is still the owner of the property he has leased the premises to Newgate Inns Limited for a period of 10 years to help with the business going forward and to provide some financial assistance. Whilst it is a joint venture he will be the operations director, responsible for the 'day to day' running and management of the business including entertainment licensing and all compliance matters.
- 2.6** Mr Bannon has also confirmed that both he and Newgate Inns Limited will make joint financial decisions including staff appointments and dismissals.
- 2.7** The Service has also been advised that Mr Ryan Morton's only role will be promoting the club and that both Mr Daniel Morton and Mr Ryan Morton will play no part in the management of the club.
- 2.8** Mr Bannon has confirmed that he will be present at your meeting in order to address the Committee and answer any questions the Committee may have.
- Health, safety and welfare issues**
- 2.9** Since the premise reopened on 28th March 2014, 2 during performance inspections have been carried out which

revealed that the terms and conditions of the Entertainments Licence were being adhered to and that the management of the premises was satisfactory. Some minor issues were identified which were quickly rectified.

Noise Issues

2.10 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that they have received one complaint since the premise reopened on 28th March 2014.

2.11 The complaint related to noise emanating from the premise as a result of doors being left in the open position to allow patrons in the smoking area to avail of the entertainment. The Licensee has been made aware that this is a breach of the terms and condition of licence and has confirmed that he will ensure that this does not occur in future.

PSNI

2.12 The PSNI has been consulted and has no objection to the applications.

3 Resource Implications

Financial

3.1 None

Human Resources

3.2 None

Asset and Other Implications

3.3 None

4 Equality and Good Relations Considerations

4.1 There are no equality or good relations issues.

5 Recommendation

5.1 Taking into account the information presented and representations made in respect of the application you are required to make a decision to either:

1. Approve the applications for the transfer and renewal of the 7-day Annual Entertainments Licence, or
2. Approve the applications with special conditions, or

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3. Refuse the applications for the transfer and renewal of the 7-day Annual Entertainments Licence.

5.2 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."

It was reported that Mr. L. Bannon, the applicant, was in attendance and he was admitted to the meeting and welcomed by the Chairman. In response to a letter of objection which had been received regarding the application for an entertainments licence, Mr Bannon replied as follows:

- The entertainments licence had been applied for in his name and Newgate Inns Ltd. and he had over 10 years of experience in running busy licensed premises;
- He was the operations director with the company, with responsibility for the complete running of the bar covering all entertainment, licensing and staffing matters;
- Lauren Morton had over 8 years of experience in the licence trade and was more than capable of managing properly the entertainment on the premises even without his involvement;
- Lauren Morton was a Director of the company and Danny Morton was her father; and
- Ryan Morton had been employed as Public Relations and Marketing Manager.

In conclusion, he pointed out that it was his opinion that the letter of objection had been drafted so that it appeared to have come from a concerned parent, but was more likely to have been written by a competitor seeking to undermine a first class new venture which would give employment to over 60 people.

In answer to a number of questions from Members, Mr. Bannon clarified the relationship between himself and the directors of Newgate Inns Ltd. and that Andrea Bannon was his daughter. He confirmed that he was not an employee of the Morton family or any company which they owned and that Mr. Ryan Morton would be employed only as P.R. and Marketing Manager and would have no direct involvement in the operational management of the club. In addition, Mr Danny Morton would not be involved in the day to day running of or in the operation of the club.

The Chairman thanked Mr Bannon for attending and he retired from the meeting.

After discussion, the Committee agreed, in its capacity as Licensing Authority, to approve the applications for the transfer and renewal of the 7-day annual entertainments licence in respect of the Villa, 2-6 Dunbar Street.

Application for the Renewal and Variation of a 7-Day Outdoor Annual Entertainments Licence, Custom House Square

The Committee considered the undernoted report:

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“1.0 Relevant Background Information

1.1 Applications were received on 20th February from the Department for Social Development for the renewal and variation of the Seven-day Annual Outdoor Entertainments Licence for Custom House Square.

1.2 The outdoor licence is based on the Council’s standard conditions to provide outdoor musical entertainment. However, there is also an indoor Entertainments Licence in place at the venue to facilitate the holding of events in a marquee based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

Venue and Location	Ref. No	Applicant
Custom House Square Belfast, BT1 3GB	WK/201400221	Mr Michael Pettigrew (DSD) 4th Floor Oxford House 49-55 Chichester St. Belfast, BT1 4HL

1.3 Members are advised that both of these Entertainments Licences has been in place since the Square was redeveloped in 2005.

1.4 Members may recall that an objection was received last year to the renewal of the Outdoor Entertainments Licence from a resident of the Square acting on behalf of the Custom House Residence Management Board.

1.5 On 17th April, 2013, the Committee heard representations from the licensee and the objector and, having considered all the matters, agreed to renew the Licence subject to the following condition that:

- Entertainment be restricted to no more than three successive nights in any given seven day period, with exceptions being made for Bank and Public Holidays.**

1.6 However, due to information which came to light after your meeting ,you agreed to reconsider this decision at your meeting of 19 June 2013 and receive a delegation from the licensee and the promoter of the Belsonic event.

1.7 After reconsidering the application and information presented on 19 June 2013, you agreed to amend the original condition regarding the permitted number of nights of successive entertainment, as follows, that:

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- Entertainment be restricted to no more than three nights in any given seven day period, with an exception being made for Bank or Public Holidays when an additional night will be permitted in that seven day period.
- 1.8 Specifically for last year's Belsonic event, you also agreed that they could provide two additional nights of entertainment on Tuesday 20 and Wednesday 21 August in addition to the standard restriction relating to the provision of entertainment in any 7 day period. Entertainment was also permitted to be provided to midnight on Sunday 25 August, which was the bank holiday weekend.
- 1.9 The promoters of Belsonic have confirmed with the Service that, whilst this year they will not be providing entertainment beyond the standard hours, they would like the possibility of providing an additional night over and above the days as specified in para 1.7. They may not require this extra night but need the assurance that if they secure an act they can accommodate the extra night in their programme. If approved the number of nights this year will be less than granted in 2013.
- 1.10 The standard days and hours for both the Outdoor Entertainments Licence and Indoor Entertainment in a marquee are:
- Monday to Sunday: 11.30 a m to 11.00 p m.
- 1.11 It's recognised that Custom House Square has grown in popularity since its introduction in 2005 and is regarded by many as a premier outdoor event space, which contributes to the vibrancy of the night time economy. It has hosted numerous and varied musical and cultural events each year, including Belsonic, Lady Boys of Bangkok and the recent Cathedral Quarter Arts Festival.
- 1.12 A list of the events that took place in the Square last year along with those planned for this year are attached. It should be noted that not all of the events listed require to be licensed for entertainment.

2.0 Key Issues

Reasons for the variation

- 2.1 The licensee has stated that the application to vary the licence is being requested in relation to this year's Belsonic event to facilitate any potential request from the promoters to hold an 8th night of entertainment, which would thereby

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exceed the quota permitted as a condition on the Entertainments Licence.

- 2.2 The promoters of Belsonic have been in regular contact with Officers of the Service and have advised that this year's event will be held over 7 days. However, they have also indicated that they may wish to hold an 8th night and, following our advice, the licensee is applying for the variation as a measure to cover it should it take place.
- 2.3 At the time of writing this report the promoters of Belsonic have not yet confirmed any proposal to hold an 8th night. However, time is still available to them to do so as they traditionally don't release these dates until closer to the event. Members are advised that to date they have only released acts for 5 nights of their planned 7 night programme.
- 2.4 The promoter for Belsonic has also confirmed that they will not be operating beyond the standard hours of 11.00 pm.

Representations

- 2.5 Public notices of the applications were placed in the Belfast Telegraph and the Irish News within 7 days of the application being made and no objections have been received.

PSNI

- 2.6 The Police have been consulted about the applications and have confirmed they have no objections.
- 2.7 They state that they have been involved with events at the venue since it was first opened in conjunction with Officers of the Council and have not witnessed any incidents or received any reports of incidents from members of the public.
- 2.8 They also advised us that overall, each event has been well run and they have had a good relationship with each of the organisers that have used the venue. PSNI comments regarding the applications are appended to this report for your information.

Health, safety and welfare issues

- 2.9 Officers of the Service have been extensively involved with licensed events at the venue and throughout this time have experienced no difficulties with the licensee or event organisers who have used the Square.
- 2.10 Officers have also attended the events to carry out during performance inspections and noted no incidents of

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significance relating to the health, safety or welfare of those present at the events.

- 2.11 The Service has however received noise complaints as a result of events at the venue, which were received via the Night Time Noise Team and EPU, as outlined below.

Noise Issues

- 2.12 The Environmental Protection Unit (EPU) has been consulted in relation to the applications.

- 2.13 Due to the various residential developments situated in close proximity to the venue, EPU feel it is important to protect the night time period between 11.00pm and 7.00am for residents. They are supportive of all events aimed at improving the attractiveness and diversity of the City but that this should be achieved while in compliance with the relevant legislation and recognising and respecting the rights of residents to enjoy their property by exercising appropriate control of such events, as is expected by the public.

- 2.14 EPU has confirmed that they have received a number of complaints regarding the use of the Outdoor Entertainments Licence at Custom House Square but no formal action was deemed necessary in relation to these complaints. A summary of the complaints received are as follows:

- **Belsonic: A total 4 complaints were received last year. 3 were received over the course of the 8 days and one after the event. In 2012 the event generated a total of 2 complaints.**

- 2.15 An Officer from the Environmental Protection Unit will be available at the meeting to answer any queries Members may have in relation to noise issues.

Licensee

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

3.0 Resource Implications

Financial

- 3.1 None

Human Resources

- 3.2 None

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- 3.3** **Asset and Other Implications**
None.
- 4.0** **Equality and Good Relations Considerations**
- 4.1** There are no equality or good relations issues.
- 5.0** **Recommendations**
- 5.1** Taking into account the information presented you are required to consider the application for the renewal and variation of this licence and to:
- 1. Approve the applications for the renewal and the variation to amend the current condition regarding the number of successive nights of entertainment over a 7 day period, or**
 - 2. Approve the applications with special conditions; in addition to the standard conditions, or**
 - 3. Refuse the application for the variation of the licence, or**
 - 4. Refuse the applications for renewal and variation of the licence**
- 5.2** If the 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.
- 5.3** In the case that you refuse to renew the licence, and the applicant subsequently decides to appeal, entertainment may still be provided until any such appeal is determined."

After discussion the Committee agreed, in its capacity as Licensing Authority, to approve the applications for the renewal and the variation to amend the current condition regarding the number of nights of entertainment over a 7 day period.

Application for the Renewal of a 14-Day Occasional Outdoor Entertainments Licence – Boucher Road Playing Fields

The Head of Building Control submitted for the Committee's consideration the undernoted report:

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“1.0 Relevant Background Information

- 1.1 An application was received on the 13th May from the Parks and Leisure Department of the Council for the renewal of a fourteen-day Occasional Outdoor Entertainments Licence for the Playing Fields on the Boucher Road.**

<u>Venue for Licence</u>	<u>Ref. No.</u>	<u>Applicant</u>
Boucher Road Playing Fields	WK/201400850	Ms Rose Crozier Parks & Leisure Department

- 1.2 The current days and hours during which outdoor musical entertainment is permitted to be provided are:**

- **Monday to Sunday: 11.30 a m to 11.00 pm.**

- 1.3 In addition, there are special conditions attached to the licence which:**

- 1. Enables a maximum occupancy figure to be set by the Building Control Service depending upon individual concert set up proposals, and**
- 2. Requires a promoter, at least one month in advance of any event, to submit a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and must demonstrate that noise from the event will not cause unreasonable disturbance to nearby residential properties. The noise management plan must be agreed to the satisfaction of Council officers and any failure to comply with the requirements set out therein shall be considered to be a breach of the licensing conditions, and**
- 3. Allows the licensee to apply for additional hours, later than 11.00pm, which may or may not be granted by Committee dependent upon any noise issues which may have arisen from previous events.**

- 1.4 Last year’s Tennents Vital took place on Wednesday 14th, Thursday 15th and Friday 16th August and featured world class acts including Kings of Leon, Snow Patrol and Avicii.**

- 1.5 A total of 23 complaints were received last year with 17 received during the 3 days of the concerts and the remaining 6 arriving after the event. The majority of complaints were received from residents within the immediate areas around**

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the venue. This was significantly less than the 231 complaints received from the 2 day event held in 2012.

1.6 The complaints related to noise disturbance from the concerts and anti-social behaviour, mainly as a result of the Friday night Avicii concert, which had a considerable number of young patrons attending.

2.0 Key Issues

2.1 Members may be aware that the Parks and Leisure Committee have already been informed of this year's event and, at their meeting of the 10th April 2014, agreed for MCD to hold up to 3 concerts at the venue between the 21st and 25th August 2014.

2.2 This was subject to and on condition that the event organisers resolve all operational issues to the Council's satisfaction, that an appropriate legal agreement is completed and that the event organisers meet all statutory requirements including entertainment licensing.

Tennents Vital 2014

2.3 For this year's event The Killers will perform on Thursday 22nd August and on Sunday 24th August the headline act will be David Guetta. All headline acts will be supported by a number of other acts such as Bastille and Steve Angello. Other supporting acts have still to be confirmed.

2.4 30,000 tickets have been made available for sale on each night. Gates are scheduled to be opened at 4.30 pm with entertainment planned to commence soon after and finish by 11.00 pm.

2.5 The promoter has extensive experience of organising outdoor events of this scale which includes previous Tennents Vital Concerts at this venue, Botanic Gardens and Ormeau Park.

Representations

2.6 As a result of the public notices written representation was received outside the 28 day statutory period objecting to the application.

2.7 The nature of the objection relates to music being too loud from the concerts and music festivals held at the venue, for such a residential area. It also states that the music can be heard a considerable distance away.

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- 2.8 Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received inside the 28 day statutory period. Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections.**
- 2.9 Members should note that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.**
- 2.10 When deciding if you wish to consider the objection received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objection, the proximity of the objector to the venue, how far outside the 28 day period the objection was received, or any other matters that appear important in the circumstances at hand.**
- 2.11 The objector has confirmed in writing that he is unable to attend due to being out of the country and that he wishes his objection to be considered by the Licensing Committee.**
- 2.12 A copy of each letter from the objector is attached.**

PSNI

- 2.13 The PSNI has been consulted about the application for the renewal of the Entertainments Licence and have advised that as the promoter for the event is very reputable, experienced in their field and to date have included police in all of their planning meetings they have no concerns at this stage.**
- 2.14 As with all such events a series of detailed planning meetings will be held, some of which have begun, to look at traffic management, transport and any wider operational policing issues. Anti-social behaviour which occurred in the Stockman's Lane area as people disembarked buses is an aspect that will given due consideration at the planning meetings.**

NIFRS

- 2.15 The Northern Ireland Fire and Rescue Service, as with other agencies, will be invited to attend a pre-event meeting and will be provided with all relevant documentation in advance of that meeting.**

Health, safety and welfare issues

- 2.16 Officers of the Service were closely involved with the planning, running and subsequent review of the outdoor events held at the venue last year. We have experienced no difficulties in working with the event organiser.
- 2.17 Following the anti-social behaviour issues that arose from the Avicii concert held on the final night of last year's event the promoter recognises the need to increase their provisions for this year's event, particularly for the David Guetta concert being held on Sunday 24th August, which has a similar audience profile to Avicii.
- 2.18 Additional stewards will be in place around the venue, car and coach parks and along the route to the venue in order to appropriately protect resident's properties. This operation will be carried out in conjunction with Officers of the PSNI.
- 2.19 Appropriate toilet facilities will also be provided at stages along the route and within the car and coach parks. Appropriate first aid and ambulance provisions will also be provided, where required.
- 2.20 The Service will also coordinate the work of Community Safety Officers and Park Wardens to provide support to the promoter and PSNI regarding alcohol enforcement for the event.

Noise issues

- 2.21 The Environmental Protection Unit (EPU) has been consulted in relation to the application and the proposals for this year's Tennents Vital event.
- 2.22 The Unit is supportive of all events aimed at improving the attractiveness and diversity of the City and are committed to working with licensees to ensure these events are successful and achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
- 2.23 Following the significant number of complaints received in 2012, Council Officers and the promoter worked extensively in order to manage the noise generated and minimise the potential for noise disturbance. The promoter worked closely with Officers throughout the event and a protocol was in operation to record and communicate complaints received.
- 2.24 Similar procedures will be implemented this year to raise awareness of the event and minimise the noise disturbance.

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2.25 Members should also recognise that noise generated by large scale outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.

2.26 An officer from EPU will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.

Licensee

2.27 The applicant has been informed of the objection and has been invited to attend your meeting so that you may hear their representations relating to the renewal of the Licence.

3.0 **Resource Implications**

Financial

3.1 Officers will be required to carry out inspections at both events but this is catered for within existing budgets.

Human Resources

3.2 None

Asset and Other Implications

3.3 None

4.0 **Equality and Good Relations Considerations**

4.1 There are no equality or good relations issues.

5.0 **Recommendations**

5.1 The current policy, laid down as a mandatory condition in the Order, is that where representations have been made within 28 days of the date of application, an opportunity of appearing before, and being heard by, the Committee shall be given to the applicant and to persons who made representations before any decision is made.

5.2 However, the objector has already informed the Service that he is unable to attend this meeting due to being out of the country but that he wishes his objection to be considered by the Licensing Committee.

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- 5.3 Therefore, as the objection was received outside the 28 day statutory period, you are required to determine if you wish to consider the objection.**
- 5.4 If you do wish to consider the objection you are required to hear from the applicant and, after taking into account all information presented in respect of the application, to make a decision to either:**
- 1. Approve the application for the renewal of a 14-day Occasional Outdoor Entertainments Licence, or**
 - 2. Approve the application for the renewal with special conditions in addition to those as set out in paragraph 1.3, or**
 - 3. Refuse the application for the renewal of the Entertainments Licence.**
- 5.5 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 outdoor entertainment may still be provided until any such appeal is determined."**

After consideration of the objection which had been received and the additional measures which the promoter intended to put in place for the Tennents Vital event this year, it was

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to the renewal of the 14-Day occasional outdoor entertainments licence in respect of the Boucher Road Playing Fields and to the holding of events at the times and dates outlined, subject to the conditions as outlined in paragraph 1.3 of the report.

Application for Additional Hours – Feile an Phobail, Falls Park

The Committee was advised that an application had been received from the organisers of Feile an Phobail to hold a 10 day music event within a marquee at the Falls Park from 1st till 10th August. The event would be promoted as a celebration of community, creativity, arts and sports. It had operated from different venues in West Belfast since 1988 but had been established in the Falls Park for the previous 3 years. The Falls Park currently had a 7-day annual outdoor entertainments licence and a 14-day occasional licence for a marquee and both had been used to hold numerous types of events. The licences were held by the Parks and Leisure Department of the Council and were transferred to the promoter for the duration of their events.

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The Head of Building Control pointed out that the days and hours during which entertainment might be provided, both outdoors and in a marquee, were Monday – Sunday from 11:30a.m. – 11.00p.m. In addition, special conditions had been attached to the licence in respect of capacity and in relation to the organisers dealing with any complaints arising from events and the actions to be taken by the Council should complaints be received.

The Head of Building Control reported that the organisers had requested that the Committee give consideration to permit 5 nights of entertainment to run beyond 11.00p.m. until 12.00 midnight on 1st, 2nd, 7th, 8th and 9th August. He pointed out that that was marginally less additional hours than the licence had been granted for in relation to the previous year's event.

After discussion, the Committee agreed, in its capacity as Licensing Authority, that, subject to all technical requirements being met to the satisfaction of Council officers, the standard hours on the 14-day occasional outdoor entertainments licence for the Falls Park be extended to enable entertainment to take place within a marquee on 1st, 2nd, 7th, 8th, and 9th August, 2014, till 12.00 midnight.

**Application for the Renewal of a 7-Day Annual Outdoor Entertainments Licence/
Request for Additional Hours – Holy Cross Boys' Primary School – Brookfield
Street**

The Committee was advised that an application had been received from the Ardoyne Fleadh Project for the renewal of the 7-day annual outdoor entertainments licence for the Holy Cross Boys' Primary School. The licence was based on the Council's standard conditions to provide outdoor musical entertainment and the standard days and hours were Monday – Sunday, 11:30a.m. – 11:00p.m.

The Head of Building Control reported that, in addition to the renewal application, the applicant was also requesting permission to run each night of this year's event beyond the standard hours of 11.00p.m. until 12.00 midnight. The organisers proposed to hold the event over 3 days from Friday, 22nd – Sunday, 24th August, 8.00p.m. – 12.00 midnight. The organisers had advised that the primary purpose of the licence was to provide a facility for the school and local Community Centre to hold outdoor events and provide entertainment in a controlled, managed and safe environment. He pointed out that the Ardoyne Fleadh Project was now in its 23rd year and played host to a number of local acts of music, drama, comedy and family entertainment. The organisers had informed the Building Control Service that the acts for this year's event had still to be confirmed, however, they were expected to be of the same nature and genre as in previous years.

The Head of Building Control reported that public notices of the applications had been placed and that no objections had been received within the 28 day statutory period. However, the Police Service of Northern Ireland had been consulted also and at present its response was outstanding.

After discussion, it was

Moved by Councillor M.E.Campbell,

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Seconded by Councillor Beattie,

That the Committee agrees, in its capacity as Licensing Authority, to defer consideration of the renewal of a 7-day annual outdoor entertainments licence until a response had been received from the Police Service of Northern Ireland but that the application for additional hours be granted under the current licence, with entertainment being permitted until midnight on the nights of Friday 22nd, Saturday 23rd and Sunday 24th August, 2014.

On a vote by show of hands five Members voted for the proposal and five against. There being an equality of votes the Chairman (Councillor Ekin) exercised his second and casting vote for the proposal and it was accordingly carried.

Application for the Renewal and Variation of a 7-Day Annual Entertainments Licence – Beehive Bar, 193-195 Falls Road

The Committee was advised that an application had been received from Mr. P. Bannon for the renewal and variation of a 7-day annual entertainments licence for the Beehive Bar based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

The Committee was advised that the area of the premises licensed to provide entertainment was the ground floor, with a maximum capacity of 280 persons. The days and hours during which the premises were currently licensed to provide entertainment on the ground floor were Sunday 12:30p.m. – 12.00 midnight and Monday - Saturday 11:30a.m. – 1:00a.m. the following morning.

The Committee was advised that the premises operated as a public house with entertainment currently provided in the form of a disco on a Friday, Saturday and Sunday. The nature of the variation was to increase the hours during which entertainment might be provided on Thursday, Friday, Saturday and Sunday night until 3.00a.m. the following morning.

The Committee was reminded that the normal process for dealing with Entertainments Licence renewals, which were not subject to objections, was that the Director of Health and Environmental Services would grant the licence as provided for within the Council's Scheme of Delegation. However, in light of the fact that the applicant had also applied for a variation to extend the hours of entertainment past 1.00a.m., both applications were being presented to the Committee for consideration.

The applicant had stated that the variation to extend the permitted hours was required for the following reasons:

- The industry was enduring hard times and it was a very competitive market;
- A 3.00a.m. licence on the requested days would enable the venue to remain competitive within the market it was placed;
- A 3.00a.m. licence would provide a unique selling point for the venue in the area it was located; and

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- It would also place the venue in a better position to compete on an even playing field with competitors within the Greater Belfast Area and the City Centre.

In support of the application, the applicant had advised that he would employ extra door supervisors when entertainment was taking place and would have an arrangement with a local taxi company to help ensure patrons dispersed quickly after the bar closed. Initially, the applicant was also proposing to only provide entertainment on Saturdays until 2.00a.m. and Sundays until 1.00a.m. if the variation was granted. The Committee was informed that no written representations had been received in relation to the application and that the Police Service of Northern Ireland had not objected.

It was reported that the applicant, Mr. P. Bannon, was in attendance and he was admitted to the meeting and welcomed by the Chairman.

In response to a question from a Member, Mr Bannon reiterated the reasons for requesting the variation to the licence. In addition, he indicated that he was willing to accept, on a trial basis, lesser hours, that is, opening until 2.00a.m. on Thursday, Friday and Saturday and until 1.00a.m. on Sunday. He outlined the types of entertainment which would be provided and requested the Committee to consider the application favourably.

The Chairman, on behalf of the Committee, thanked Mr Bannon for attending and he retired from the meeting.

After discussion, it was

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to the renewal of the 7-day annual outdoor entertainments licence for the Beehive Bar, 193-195 Falls Road, and to the variation of the licence for a 6 month period, with entertainment being permitted to take place until 2.00a.m. on Friday and Saturday nights and 12 midnight on Sundays.

**Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence –
The Dirty Onion and Yardbird, 42 Waring Street**

The Committee was advised that an application had been received for the grant of a 7-day annual outdoor entertainments licence for the Dirty Onion and Yardbird. The applicant proposed to provide entertainment in the external beer garden which was located to the front of the premises. The capacity of the area had still to be finalised but would be approximately 250 persons. It was expected that technical issues would be resolved shortly as part of ongoing discussions. The Committee was advised that the maximum indoor occupancy for the premises was 240 persons and that would be considered in conjunction with number of patrons which might be accommodated in the outdoor area and how both areas were to be managed.

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The Head of Building Control reported that the days and hours during which entertainment was proposed to be provided were the same as were applicable to the indoor Entertainments Licence and were as follows:

Monday – Saturday - 11.00a.m. till 1.00a.m. the following morning; and
Sunday - 12:30p.m. till 12.00a.m. the following morning.

The applicant had advised that, if a licence was granted for the outdoor area, it was his intention to provide entertainment in the form of live bands or a DJ through the in-house speaker system.

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to approve the application for the grant of a 7-day Annual Outdoor Entertainments Licence for the Dirty Onion and Yardbird, 42 Waring Street.

Application for the Renewal of a 7-Day Annual Entertainments Licence – Ulster Maple Leaf Sports Social Club, 41-43 Park Avenue

The Committee was advised that an application had been received from Mr. F Brady for the renewal of a 7-day annual entertainments licence for the Ulster Maple Leaf Sports and Social Club based on the Council's standard conditions to provide music, singing, dancing or other entertainment of a like kind.

The Committee was advised that under the terms of the Local Government (Miscellaneous Provisions) Northern Ireland Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the applicant of any offence under the Order within the period of 5 years immediately preceding the date when the application was made. The Head of Building Control advised the members that Mr. F. Brady, Honorary Secretary of the Club, had been convicted of an offence under the Order at the Belfast Magistrates Court on 20th April, 2010, after a performance inspection had found that two of the final exits had been blocked, which would have prevented a safe means of escape from the premises in the event of an emergency. As a result, Mr. Brady had been fined £500 and the Council awarded costs of £66 for the offence. He pointed out that previous applications to renew the Entertainments Licence had all been approved.

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to approve the application for the renewal of the 7-Day Annual Entertainments Licence for the Ulster Maple Leaf Sports and Social Club, 41-43 Park Avenue.

Review of a Stationary Street Trading Licence – Berry Street

The Committee was reminded that, at its meeting on 16th October, 2013, it had granted a stationary street trading licence to Miss M. Szczesna to sell various goods from a traditional market stall from Monday till Sunday at Berry Street. The annual fee for the licence was £1017 and on being granted the licence Miss Szczesna had agreed to pay the fees on a monthly basis which was £84.75 per month.

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The Head of Building Control reported that, however, shortly after the licence had been granted the Department for Social Development had commenced works on the redevelopment of Bank Square in January, 2014 and Berry Street had been utilised as an access area for the works for approximately 3 months. As a result, the street trading sites located in the area were unavailable for use, Miss Szczesna had been advised that when she had made her application, in line with Council policy, where circumstances might arise which renders a street trading pitch unsuitable, including when road works do not permit trading, alternative available designated sites might be offered. However, Miss Szczesna did not avail of any of those sites offered and instead had chosen not to trade during the period.

The Head of Building Control explained that the Berry Street site had been unavailable from January, 2014 to March, 2014 and she had not been charged for her licence fee for that period. In April, 2014 she had been advised further that the site was now available and she could commence trading again and that her monthly licence fees would resume. However, Miss Szczesna did not resume trading and was currently not responding to telephone calls, emails or letters. She was licensed until December, 2014 and no payments had been received. As a consequence, the amount owed was now £254.25. He explained that the Street Trading Act (N.I.) 2001 stipulated that, at any time after a licence had been granted, the Council could, in certain circumstances, revoke a licence. Such circumstances included, as in this case, the non-payment, without reasonable explanation, of fees and charges due to the Council. He explained that should the Committee be minded to pursue that course of action, the aforementioned act required that she be provided with advance notification to that effect and be invited to either make representation to the Council or attend a future meeting in person.

After discussion, the Committee agreed that it was minded to revoke the Mobile Street Licence held by Miss Szczesna permitting her to trade in Berry Street and agreed that she be invited to make representation to the Committee regarding its decision.

Revocation of Street Trading Licences – Fountain Lane/Fountain Street

The Committee was reminded that, at its meeting on 19th March, it had agreed that it was minded to revoke Stationary Street Licences held by Mr. J. Kerr, in respect of the designated sites at Fountain Lane and Fountain Street and agreed that he be invited to make representation to the Committee regarding its decision.

The Committee was advised further that, since that decision, all outstanding payments had now been made and a representative for Mr. Kerr was in attendance should the Committee wish to receive her.

After discussion, the Committee agreed to rescind its decision of 19th March and agreed further not to revoke the Street Trading Licences held by Mr. J. Kerr for Fountain Lane and Fountain Street.

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**Revocation of a Mobile Street Trading License –
Malone/Ormeau/Skegoneill/Windsor**

The Committee was reminded that, at its meeting on 19th March, it had agreed that it was minded to revoke the Mobile Street Licence held by Mr. T. Horner permitting him to trade in the Ormeau, Malone, Windsor and Skegoneill areas and agreed that he be invited to make representation to the Committee regarding its decision. Mr. Horner had since been advised of the Committee's decision but no written representation had been received. However, since the meeting on 19th March, when the Committee had been advised that the amount outstanding had been £626.00, it was reported that the amount owed stood now at £145.00.

The Committee agreed to defer consideration of the matter for a period of two months to enable Mr Horner to complete the payment of the arrears on the Mobile Street Trading Licence.

**Revocation of Mobile Steet Trading Licence –
Andersontown/Ladybrook/Suffolk/Turf Lodge**

The Head of Building Control reminded the Committee that, at its meeting on 19th March, it had agreed that it was minded to revoke the Mobile Street Trading Licence held by Mr. T. Seenan permitting him to trade in the Andersontown, Ladybrook, Suffolk and the Turf Lodge areas and agreed that he be invited to make representation to the Committee. Mr. Seenan had been informed of the Committees decision and, to date, no written representation had been received. The amount which remained outstanding had since increased from £623.37 to £843.87.

The Committee agreed to affirm its decision of 19th March and revoke the Street Trading Licence held by Mr. T. Seenan for the sale of ice cream, confectionary and non-alcoholic beverages in the Ladybrook, Turf Lodge, Suffolk and Andersontown areas.

**Application for the Grant of an Amusement Permit –
Onassis Amusements, 2nd Floor, 25-41 Botanic Avenue**

The Committee agreed to the holding of a special meeting to consider representations to an application for the grant of an Amusement Permit at Onassis Amusements, 2nd Floor, 25-41 Botanic Avenue and that the applicant and/or his representative, together with any objectors, be invited to attend.

Chairman