



<b>Subject:</b>	<b>Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH</b>
<b>Date:</b>	16 August 2023
<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	To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions, to provide outdoor musical entertainment for:  <table><tr><td><b>Area and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH</td><td>WK/2022/00374</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF</td></tr></table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/00374	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/00374	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF					
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 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 grant of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or</li> <li>b) Approve the application for the grant with special conditions, or</li> <li>c) Refuse the application for the 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, outdoor 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>
3.1	<p>The applicant has applied to provide musical entertainment in the form of live musical one or two person acts, within an outdoor area. The premises has an existing Indoor Entertainments Licence. The area is located to the rear of the venue and opens onto Princes Street.</p>
3.2	<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"> <li>• Monday to Saturday 11.30am to 03.00am, and</li> <li>• Sunday 12.30pm to 03.00am.</li> </ul>
3.3	<p>The days and hours proposed to provide entertainment within the outdoor area are:</p> <ul style="list-style-type: none"> <li>• Friday 4:00 pm to 10.30pm</li> <li>• Saturday 2:00 pm to 8.30pm</li> <li>• Sunday 2:00 pm to 8.30pm</li> </ul>
3.4	<p>A layout plan is attached as Appendix 2.</p>
3.5	<p>The maximum occupancy of the proposed outdoor area will be in the region of between 120 and 180 people. The exact figure will be determined when all technical matters related to the application are resolved to the satisfaction of the Service. Members are advised that the number of persons to be accommodated in the new outdoor area is included in the existing overall maximum occupancy of the indoor area of 430 persons; they are not in addition to this occupancy.</p>
3.6	<p>Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.</p>
	<p><b><u>Representations</u></b></p>
3.7	<p>An objection to the application was received. Further to negotiations between both parties a noise impact assessment was carried out by acoustic consultants acting on behalf of the applicant and the objector. The assessment identified that the limited noise levels had a</p>

	minimal impact on the Translink Control Room and communication has now been received confirming that the objection has been withdrawn.
3.8	A copy of the email from Translink withdrawing their objection is included as appendix 3 to this report.
3.9	However, the objector has concerns that these noise tests were not carried out during a live performance with patrons present. The Objector has requested that a special condition is attached to the licence to ensure that if noise arising from live entertainment impacts on the Translink Control Room operations then further monitoring of the noise levels will be carried out by the Applicant to establish an acceptable noise level.
	<b><u>PSNI</u></b>
3.10	The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.
3.11	A copy of their response is included as appendix 4 to this report.
	<b><u>NIFRS</u></b>
3.12	The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application.
	<b><u>Health, safety and welfare</u></b>
3.13	The premises have been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.
	<b><u>Noise</u></b>
3.14	The applicant has provided the Service with a noise impact assessment report from an acoustic consultant for the outdoor area. This has been provided to the Environmental Protection Unit for evaluation.
3.15	If Members are of the mind to grant the Outdoor Entertainments Licence, delegated authority is sought to attach any terms and conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.
	<b><u>Applicant</u></b>
3.16	The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	None
<b>5.0</b>	<b>Equality or Good Relations Implications/Rural Needs Assessment</b>
5.1	There are no issues associated with this report.
<b>6.0</b>	<b>Appendices – Documents Attached</b>

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|  | <ul style="list-style-type: none"><li>• Appendix 1 – Location map</li><li>• Appendix 2 – Layout plan</li><li>• Appendix 3 - A copy of the email from Translink</li><li>• Appendix 4 – PSNI Comments</li></ul> |
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