



Subject:	Application for the Variation of a 7-Day Annual Outdoor Entertainments Licence for The Topsy Bird, 96-100 Ann Street.
Date:	17 January 2024
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"/>
Some time 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 or Summary of main Issues						
1.1	To consider an application for the variation of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions, to provide outdoor musical entertainment for: <table><tr><td>Area and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH</td><td>WK/2022/02837</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF</td></tr></table>	Area and Location	Ref. No.	Applicant	Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/02837	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF
Area and Location	Ref. No.	Applicant					
Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/02837	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF					
1.2	A location map is attached as Appendix 1						

2.0	Recommendations
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> <ol style="list-style-type: none"> a) Approve the application for the variation of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or b) Approve the application for the variation with special conditions, or c) Refuse the application for the variation of the 7-Day Annual Outdoor Entertainments Licence.
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>
3.0	Main report
	<p><u>Key Issues</u></p>
3.1	<p>Members are reminded that, at your meeting on 16 August 2023, due to concerns raised by Translink you agreed to approve the application for the grant of the 7-Day Annual Entertainments Licence for the Topsy Bird, subject to terms and conditions in relation to the management of sound.</p>
3.2	<p>The following special conditions relating to noise were attached to the outdoor licence:-</p> <ol style="list-style-type: none"> 1. Entertainment provided to the outdoor area must be no greater than 75dB LAeq at 1m from the loudspeaker. 2. Licensee to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level and keep a regular check on volume levels at noise sensitive facades. 3. Music must be provided through the in-house sound system. 4. Provide good management practice to ensure that no excessive noise levels are generated from patrons in the beer garden. 5. If noise disturbance is caused by Entertainment the noise level may require to be reduced to ensure that it does not impact on local properties.
3.3	<p>The applicant has applied to vary the hours during which entertainment may be provided, within the outdoor area.</p>
3.4	<p>The days and hours during which entertainment may be provided under the terms of the current Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Friday 4:00 pm to 10.30pm • Saturday 2:00 pm to 8.30pm • Sunday 2:00 pm to 8.30pm
3.5	<p>The days and hours proposed to provide entertainment within the outdoor area pursuant to the application to vary the outdoor licence are:</p> <ul style="list-style-type: none"> • Monday - Saturday 11:30 am to 11.00pm • Sunday 12:30 pm to 11.00pm
3.6	<p>A layout plan is attached as Appendix 2.</p>

<p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p>	<p>Members are reminded that all applications for an Outdoor Entertainments Licences must be brought before Committee for consideration.</p> <p><u>Representations</u></p> <p>Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p> <p>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.</p> <p>A copy of their response is included as Appendix 3 to this report.</p> <p><u>NIFRS</u></p> <p>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.</p> <p><u>Health, safety and welfare</u></p> <p>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.</p> <p><u>Noise</u></p> <p>No noise complaints have been received by the Service since the outdoor entertainment licence was issued on 16 August 2023.</p> <p><u>Applicant</u></p> <p>The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.</p>
<p>4.0</p> <p>4.1</p>	<p>Financial & Resource Implications</p> <p>None</p>
<p>5.0</p> <p>5.1</p>	<p>Equality or Good Relations Implications/Rural Needs Assessment</p> <p>There are no issues associated with this report.</p>
<p>6.0</p>	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Layout plan • Appendix 3 – PSNI Comments