



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Merchant Hotel, 16 Skipper Street
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application has been received from Mr Wosley for the grant of a Seven-day Annual Entertainments Licence for The Merchant Hotel, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table border="1"><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>The Merchant Hotel 16 Skipper Street Belfast</td><td>WK/20120309</td><td>Mr William Wosley</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	The Merchant Hotel 16 Skipper Street Belfast	WK/20120309	Mr William Wosley
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The Merchant Hotel 16 Skipper Street Belfast	WK/20120309	Mr William Wosley					
1.2	<p>The premises is currently licensed to provide indoor entertainment in the following areas with a maximum capacity of:</p> <ul style="list-style-type: none">• The Merchant Hotel 300 persons• The Cloth Ear 300 persons• Ollie's Nightclub 550 persons• Ollie's VIP 20 persons• Bert's 240 persons• Conference Room 1 100 persons• Conference Room 2 60 persons• Conference Room 3 60 persons• 4th Floor Lounge 40 persons						
1.3	<p>The days and hours during which the premises is licensed to provide entertainment are:</p> <p>Monday to Saturday: 11.30 a.m. to 01.00 a.m.</p> <p>Sunday: 12.30 p.m. to 12.00 midnight</p>						

1.4	In addition to the above hours, Ollie's nightclub is licensed to provide entertainment to 03:00 seven days a week.
1.5	The premises operate as follows: <ul style="list-style-type: none"> • The Merchant Hotel (The Great Room) with entertainment provided in the form of a pianist on Friday and Saturday nights. • The Cloth Ear with entertainment provided in the form of an acoustic guitar on Thursday and Sunday nights. • Ollie's nightclub with entertainment provided in the form of a DJ on Monday, Tuesday, Friday and Saturday nights. • Bert's Bar with entertainment provided in the form of jazz nightly. • Conference Rooms with entertainment provided ad hoc in the form of string quartet, harp or DJ when functions are provided.
1.6	There is an external area, to the front of the nightclub, which currently operates as a smoking area and it is this area that is proposed to be licensed to provide outdoor entertainment. The maximum permitted number for this area would be 60 persons.
1.7	If licensed, this area will not increase the maximum capacity of persons permitted on the indoor entertainment licence.
1.8	The days and hours the applicant has applied to provide outdoor entertainment are: Monday, Thursday, Friday and Saturday: 22:00 p.m. to 01:00 a.m.
1.9	The applicant has advised that, if a licence is granted, it is the intention to provide entertainment in the form of acoustic musicians.

2	Key Issues
2.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation. However, at your meeting on 21st September 2011, you agreed that all future applications for outdoor entertainment be brought before Committee for your consideration.
	Objections
2.2	No written representation has been lodged as a result of the public notices of the application.
	Building Control
2.3	Within the past 12 months three during performance inspections have been carried out in the premises by Officers from the Service regarding the provision of indoor entertainment. An inspection in June, 2011 revealed issues that were resolved. Subsequent inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.
2.4	The applicant, or a representative, will be available at your meeting to answer any queries you may have in relation to the application.
	PSNI
2.5	The Police Service of Northern Ireland has been consulted and has no objection to the application.

	<p>Environmental Protection Unit</p> <p>2.6 Members may be aware of a new piece of legislation which came into force in Northern Ireland on 1st April 2012, namely, the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. This legislation extends the Council's powers under the Noise Act 1996, which applies night time noise control between the hours of 11:00 p.m. and 07:00 a.m. for noise from residential dwellings to include night time noise control over any licensed premises and/or <i>any place</i> in relation to which entertainment may take place.</p> <p>2.7 While Council officers already investigate noise complaints for noise emanating from entertainment premises and/or places, this new legislation gives Council officers additional enforcement powers after 11:00 p.m.</p> <p>2.8 From April, 2012, Council officers investigating complaints about entertainment noise after 11:00 p.m. may issue a Warning Notice on a responsible person associated with the event and if this Notice is not complied with within 10 minutes of service, officers may, after taking appropriate noise measurements, issue a fixed penalty notice of £500 or decide to prosecute the promoter for non-compliance with the Warning Notice.</p> <p>2.9 An acoustic report has been submitted by the applicant. The acoustic report advises that the outdoor area to be used is within a commercial area in close proximity to other entertainment premises and bars. The report identifies the nearest sensitive premises as the bedrooms of the Merchant Hotel itself and the Premier Inn, approximately 80m away. The application proposes to provide live entertainment comprising of a person playing a guitar or a guitar and amplifier for patrons using the smoking area or queuing to get into the night club. The noise report advises that there are guest bedrooms in the hotel that face onto this area so music noise levels will be low in order to avoid disturbance to hotel guests. The nearest noise sensitive residential premises are identified in the noise report as Custom House apartments, approximately 90m away with a number of intervening buildings providing an element of screening. The report concludes that there will be no negative noise impact on the nearest noise sensitive premises based on a music noise level of 75 dB L_{Aeq} at 1m from the speakers. The Environmental Protection Unit of the Department has been consulted in relation to the acoustic report and advise that the following condition be attached to an entertainment licence: "the music noise level in this outdoor area must not exceed 75 dB A Leq measured 1 m from the speakers after 23:00 hours."</p> <p>2.10 The applicant has confirmed that regular sound checks will be undertaken to ensure that the noise level does not exceed this measurement after 23:00 hours.</p> <p>NIFRS</p> <p>2.11 The Northern Ireland Fire and Rescue Service were also consulted and have no objection to the application. However, a management system must be in place to prevent those persons using the designated area from re-entering the premises in the event of a fire. The evacuation strategy must also include provision for the evacuation of people from the designated area.</p>
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3	Resource Implications
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	<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"> 1. approve the application for the grant of a Seven-day annual outdoor licence, or 2. approve the application for the grant with special conditions, or 3. refuse the application for the grant of the licence
5.2	<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>

6	Decision Tracking
<p>If the licence is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within seven days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days notification of that decision to the Magistrates Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Key to Abbreviations
<p>EPU: Environmental Protection Unit NIFRS: Northern Ireland Fire and Rescue Service PSNI: Police Service of Northern Ireland</p>	

8	Documents Attached
<p>For your information, the following supporting documents are appended to this report:</p> <ul style="list-style-type: none"> • application form • location map • correspondence from PSNI 	