



Belfast City Council

| | |
|---------------------------|--|
| Report to: | Licensing Committee |
| Subject: | Applications for the Renewal and Renewal/Variation of Seven-day Annual Entertainments Licences – Botanic Inn/Eglantine Inn/ Wellington Park Hotel |
| 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>Applications have been received for the renewal of Seven-day annual Entertainments Licences for the under-noted premises:</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Wellington Park Hotel 19-21Malone Road</td> <td>WK/2012/00555</td> <td>Dunadry Development Company Limited</td> </tr> <tr> <td>Botanic Inn 23-27 Malone Road</td> <td>WK/2012/00320</td> <td>Mr Gordon Harvey Botanic Inns Limited</td> </tr> <tr> <td>Eglantine Inn 32-40 Malone Road</td> <td>WK/2011/00338</td> <td>Mr Robert Davis Wine Inns Limited</td> </tr> </tbody> </table> | Premises and Location | Ref. No. | Applicant | Wellington Park Hotel 19-21Malone Road | WK/2012/00555 | Dunadry Development Company Limited | Botanic Inn 23-27 Malone Road | WK/2012/00320 | Mr Gordon Harvey Botanic Inns Limited | Eglantine Inn 32-40 Malone Road | WK/2011/00338 | Mr Robert Davis Wine Inns Limited |
| Premises and Location | Ref. No. | Applicant | | | | | | | | | | | |
| Wellington Park Hotel 19-21Malone Road | WK/2012/00555 | Dunadry Development Company Limited | | | | | | | | | | | |
| Botanic Inn 23-27 Malone Road | WK/2012/00320 | Mr Gordon Harvey Botanic Inns Limited | | | | | | | | | | | |
| Eglantine Inn 32-40 Malone Road | WK/2011/00338 | Mr Robert Davis Wine Inns Limited | | | | | | | | | | | |
| 1.2 | In addition, an application for the variation of the licence in respect of the Botanic Inn has been received. | | | | | | | | | | | | |
| 1.3 | <p>Members are reminded that, at your meeting on 24th October 2011, the Committee, in its capacity as Licensing Authority, granted the renewal of Seven-day annual Entertainments Licences in respect of the Botanic Inn, the Eglantine Inn and the Wellington Park Hotel. The renewals were subject to:-</p> <ul style="list-style-type: none"> (i) each licensee, as agreed at the meeting, adhering to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions; and (ii) quarterly meetings between the Building Control Service, the Lower Malone Residents' Association and the Police Service of Northern Ireland being facilitated by the Council's Community Safety Unit to address issues relating to the overall cleanliness of the area and the dispersal of patrons from the premises following closing time. | | | | | | | | | | | | |

Wellington Park Hotel

1.4 An application has been received from Dunadry Development Company Limited for the renewal of a Seven-day annual Entertainments Licence for the Wellington Park Hotel based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

1.5 The areas currently licensed to provide entertainment are the:-

1. Piper Bistro, ground floor, with a maximum capacity of 120 persons
2. Mooney and Brasserie Bars, ground floor, with a maximum capacity of 600 persons.
3. Blackshaw Lounge, ground floor, with a maximum capacity of 360 persons.
4. Dillon Room, first floor, with a maximum capacity of 50 persons.
5. Middleton Room, first floor, with a maximum capacity of 200 persons.
6. McWilliams Suite, first floor, with a maximum capacity of 500 persons.

1.6 The days and hours during which the premises are currently licensed to provide entertainment are:-

Monday – Saturday: 11.30 a. m to 1.00 a. m. the following morning
Sunday: 12.30 p. m. to 10.00 p. m.

1.7 The premise operates as a hotel with entertainment being provided for private functions from Monday to Saturday. Public discos are held in the Mooney and Brasserie Bars on Saturday nights.

Botanic Inn

1.8 An application has been received from Botanic Inns Limited for the renewal and variation of a 7-day annual entertainments licence for the Botanic Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of the like kind.

1.9 The areas currently licensed to provide entertainment are the:-

1. Ground floor, with a maximum capacity of 550 persons
2. First Floor, with a maximum capacity of 500 persons

1.10 The days and hours during which the premises are currently licensed to provide entertainment are:-

Monday & Tuesday: 11.30 a.m. to 11.00 p.m.
Wednesday to Saturday: 11.30 a.m. to 1.00 a.m. the following morning
Sunday: 12.30 p.m. to 12.00 midnight

1.11 With a special condition being attached to the Licence permitting entertainment to 12.30am on Easter Monday and if Christmas Eve, New Year's Eve, St. Patrick's day or Halloween fall on Monday or Tuesday night.

1.12 The nature of the variation applied for is to amend the hours of entertainment to permit entertainment to be provided as follows:-

Monday to Saturday: 11.30 a. m. to 1.30 a.m. the following morning
Sunday: 12.30 p.m. to 12.30 a.m. the following morning

1.13 Currently the premise operates as a public bar and nightclub with entertainment being provided on the ground floor on Wednesday to Sunday in the form of DJs and live bands. Entertainment is provided on the first floor on Wednesday to Saturday in the form of a DJ.

| | |
|------|--|
| 1.14 | <p>The licensee has stated that the variation to extend the permitted hours is required for the following reasons:-</p> <ol style="list-style-type: none"> 1. to facilitate the winding down of the crowd at the end of the night to ensure an orderly and controlled exit of the premises thus preventing a mass exodus causing crowding of exits 2. to help hold the crowd and stop the poaching of customers by the late night clubs in the City centre through promotion teams canvassing customers when they currently leave early as required by existing licence times 3. to provide flexibility to compete with late night City centre venues and provide entertainment to a reasonable time on other nights that do not clash with these venues 4. to give the Botanic Inn more equal hours of entertainment with the licensed premises in the greater University area <p><u>Eglantine Inn</u></p> |
| 1.15 | <p>An application has been received from Mr Robert Davis for the renewal of a 7-day annual entertainments licence for the Eglantine Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of the like kind.</p> |
| 1.16 | <p>The areas currently licensed to provide entertainment are:-</p> <ol style="list-style-type: none"> 1. Ground floor lounge, with a maximum capacity of 300 persons 2. First Floor lounge, with a maximum capacity of 300 persons |
| 1.17 | <p>The days and hours during which the premises are currently licensed to provide entertainment are:-</p> <p style="margin-left: 40px;">Monday and Tuesday: 11.30 a.m. to 11.00 p.m. Wednesday to Saturday: 11.30 a.m. to 1.00 a.m. the following morning Sunday: 12.30 p.m. to 12.00 midnight</p> |
| 1.18 | <p>With a special condition being attached to the Licence permitting entertainment to 12.30am on Easter Monday and if Christmas Eve, New Year's Eve, St. Patrick's day or Halloween fall on Monday or Tuesday night.</p> |
| 1.19 | <p>Currently the premise operates the ground floor as a public bar and first floor as a nightclub. Entertainment is provided on the ground floor in the form of a band on a Friday night only and the first floor in the form of a DJ from Wednesday to Saturday.</p> |
| 1.20 | <p>Since these 3 licences were granted they have been subject to many objections and complaints which have resulted in numerous Committee meetings and special meetings. Additionally, a number of decisions of the Council have been, in the past, appealed by the applicants and heard at Belfast Recorders Court.</p> |

| | |
|----------|---|
| 2 | Key Issues |
| 2.1 | <p><u>Representations</u></p> <p>No objections have been received in relation to the renewal applications or to the application for the variation of the licence as a result of the public notices of application. However, given the history of objections associated with the premises it was deemed appropriate to bring the applications to your attention for consideration. In addition, Members are advised that the condition of licence restricting the hours of entertainment on Monday and Tuesday nights, which the Botanic Inn is now seeking to vary, was imposed by the Court some years ago.</p> |

| | |
|------|---|
| 2.2 | <p><u>PSNI</u> The Police Service of Northern Ireland has offered no objection to these applications.</p> |
| 2.3 | <p><u>Community Safety Report on Liaison Meetings</u> The first meeting, Chaired by Community Safety, took place on 28th February 2012 and was attended by representatives of Lower Malone Residents Association, Botanic Inn, Eglantine Inn, Wellington Park Hotel and PSNI.</p> |
| 2.4 | <p>At the meeting, the residents group expressed the view that the meetings were not functioning properly and that relationships between the residents and licensees continued to be difficult. Residents appeared extremely frustrated and felt there was nothing to be gained from the liaison meetings. They stated that there was little to no co-operation and commitment from the Licensees to address their concerns about alcohol related anti-social behaviour in the area, which they believe is directly linked to the licensed premises, and believed their issues were being ignored when the Licensing Committee considered the renewal of the licences for the premises.</p> |
| 2.5 | <p>From the licensees point of view they also felt some frustration about the liaison meetings but made it clear they were willing to continue with the meetings and engagement with residents. Police were happy to continue attending the meetings and felt that some communication was better than no communication.</p> |
| 2.6 | <p>It appeared that the meetings were delivering very little and that both parties, residents and licensees, were very much entrenched in their positions.</p> |
| 2.7 | <p>It was agreed that all parties involved would provide Community Safety with feedback and indicate whether or not they saw merit in continuing the liaison meetings. A commitment was given from Community Safety that they were happy to continue facilitation of the meetings. However the final decision on whether or not to continue was left with the parties around the table.</p> |
| 2.8 | <p>Feedback from the licensees has indicated that they are happy to continue with the meetings. However, residents have again expressed their frustration with the meetings and confirmed that they saw no merit in continuing with them. Instead they have expressed a preference to work directly with the Community Safety Unit in an attempt to resolve some of the ASB problems they are experiencing. The responses from participants of the liaison meetings are appended to this report.</p> |
| 2.9 | <p>The Community Safety Unit has agreed to work directly with residents and licensees to address any problems they raise. Any matters directly related to the entertainments licences for the premises can be raised at the Licensed Premises Group and, if necessary, brought to the attention of Committee.</p> |
| 2.10 | <p><u>Building Control</u> Since the Licensing Committee meeting in October 2011, two during performance inspections have been carried out on the Eglantine Inn, Wellington Park Hotel and the Botanic Inn, by Officers from the Service. Generally these inspections revealed that the conditions of licences were being adhered to and that the management of the premises was satisfactory.</p> |
| 2.11 | <p><u>Licensees</u> The applicants for all three premises have been invited to attend your meeting should you wish to hear any representations relating to their entertainment licence applications.</p> |

| | |
|----------|---|
| 3 | Resource Implications |
| 3.1 | <u>Human Resources</u> None |
| 3.2 | <u>Financial</u> None |
| 3.3 | <u>Asset and Other Implications</u> None |

| | |
|----------|---|
| 4 | Equality Implications |
| 4.1 | There are no equality or good relations issues. |

| | |
|----------|--|
| 5 | Recommendation |
| 5.1 | <p>Taking into account the information presented and any representations received you are required to consider each of these applications for the renewal of an entertainments licence in turn and to:</p> <ol style="list-style-type: none"> 1. approve the applications for renewal, or 2. approve the applications for renewal with special conditions; in addition to the standard conditions, or 3. refuse the applications for the renewal of the licence. |
| 5.2 | <p>Thereafter, taking into account the information presented and any representations received you are required to consider the application for the variation of an entertainments licence for the Botanic Inn and to:-</p> <ol style="list-style-type: none"> 1. approve the application for variation, or 2. approve the application for variation with special conditions; in addition to the standard conditions, or 3. refuse the application for the variation of the licence. |
| 5.3 | <p>If the applications are refused, or special conditions are attached to the licences to which the applicants do not consent, then the applicants may appeal the Council's decision within 21 days of notification of that decision to the County Court. If the applicant decides to appeal, the Licence will continue with its present conditions until the Appeal is determined.</p> |
| 5.4 | <p>In the light of the discussion in relation to the usefulness of the liaison meetings and the opinions of the residents group the Committee may well decide to remove the condition of licence requesting that these meetings be held.</p> |

| | |
|--|--------------------------|
| 6 | Decision Tracking |
| <p>If the applications are granted, assuming all outstanding technical matters have been dealt with, the Licensees will be sent a copy of the licences within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If any or all of the applications are refused, or special conditions are attached to the licences to which the applicants do not consent they will be advised in writing within 7 days of their right to appeal the Council's decision within 21 days of notification of that decision to the County Court. The person responsible for this action is Henry Downey, Democratic Services Officer.</p> | |

| | |
|----------|-----------------------------|
| 7 | Key to Abbreviations |
|----------|-----------------------------|

| |
|--|
| LMRA: Lower Malone Residents Association PSNI: Police Service of Northern Ireland |
|--|

| | |
|----------|---------------------------|
| 8 | Documents Attached |
|----------|---------------------------|

| |
|--|
| For your information, the following supporting documents are appended to this report:- |
|--|

- | |
|---|
| <ul style="list-style-type: none">• Responses from participants in liaison meeting• Application forms• Location map |
|---|