



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the renewal of a 7-day annual Entertainments Licence for Teach Na Monagh
Date:	20 February 2013
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application has been received from Mr Patrick Donnelly of Regent House Mews Ltd. for the renewal of a 7-day annual Entertainments Licence for Teach Na Monagh.</p> <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Teach Na Monagh 2A Monagh Grove Belfast, BT11 8EJ</td><td>WK/201101409</td><td>Regent House Mews Ltd</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Teach Na Monagh 2A Monagh Grove Belfast, BT11 8EJ	WK/201101409	Regent House Mews Ltd
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2	Key Issues
2.1	<p>Offence</p> <p>An Officer of the Service carried out a during performance inspection of the premises on 18 May 2012 and witnessed the following breaches of licence:</p> <ol style="list-style-type: none">1. A final exit had been locked at the rear of the premises,2. A designated emergency escape route had been partially obstructed, and3. The log book to demonstrate that appropriate pre-event safety checks had been carried out was not available at the time of the inspection.
2.2	<p>The licensee, Mr Donnelly was subsequently made aware that a prosecution would be taken.</p>
2.2	<p>Following legal proceedings, at Belfast Magistrate's Court on 29 January 2013, Regent House Mews Ltd pleaded guilty to the offence of 18 May 2012 and was fined a total of £800 and ordered to pay court costs of £66 in relation to the 3 separate offences.</p>
2.3	<p>Under the terms of the Local Government (Miscellaneous Provisions) (NI) 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 an offence under the Order within the period of 5 years immediately preceding the date when the application was made.</p>
2.4	<p>Objections</p> <p>No objections have been received in relation to the application for the renewal of the licence as a result of the public notices of application.</p>

2.5	<p>PSNI</p> <p>The PSNI has been consulted and has no objection to the application.</p>
2.6	<p>Building Control Inspections</p> <p>Officers of the Service have carried out two during performance inspections at the premises over the last 12 months. On both occasions entertainment was taking place and officers were satisfied that the premises was operating suitably, with the exception of one minor issue, which was quickly followed up and resolved.</p>
2.7	<p>Additionally, given the need for legal action, the Service also engaged with the licensee in order to ensure that the problems discovered were addressed and offered advice and guidance on preventative measures to put in place. Two meetings have taken place with the licensee and the Service is now satisfied that they have the appropriate new measures in place.</p>
2.8	<p>The licensee has also confirmed that they have dismissed the Manager in charge on the night that the breaches were discovered and other staff has been warned that any future similar incident would result in instant dismissal.</p>
2.9	<p>Environmental Protection Unit</p> <p>The Environmental Protection Unit of the Department has confirmed that throughout the past 12 months they have received only one complaint regarding patron noise on 30 June 2012.</p>
2.10	<p>Licensee</p> <p>Representatives for the applicant, Regent House Mews Ltd, will be available to discuss any matters relating to the renewal of the licence at your meeting.</p>
2.11	<p>Committee Powers</p> <p>The Committee has a number of options open to it. Notwithstanding the opportunity to refuse the renewal on any other grounds, the Council may revoke an application for an Entertainments Licence on the grounds that the holder has been convicted of an offence under the Order. It may also decide to approve the renewal or add special conditions.</p>

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

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

5	Recommendations
5.1	<p>Based on the information presented, Committee is required to either:-</p> <ol style="list-style-type: none"> 1. Revoke the Entertainments Licence on the grounds that the licence holder has been convicted of offences under the Order, or

5.2	<ol style="list-style-type: none"> 2. Approve the application for renewal, or 3. Approve the application for renewal with special conditions; in addition to the standard conditions, or 4. Refuse the application for the renewal of the licence. <p>If the application is revoked, 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. If the applicant decides to appeal, the Licence will continue with its present conditions until the Appeal is determined.</p>
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6	<p>Decision Tracking</p> <p>If the application is granted, Mr Donnelly will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you are of a mind to revoke, refuse or attach special conditions to the licence, within 7 days from the date of the Council's decision the applicant will be advised in writing of their right to appeal. The person responsible for this action is Henry Downey, Democratic Service Officer, Chief Executive's Department.</p>
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7	<p>Documents Attached</p> <p>For your information, the following supporting documents are contained in the Appendix to this Report:-</p> <ul style="list-style-type: none"> • Application form
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