



## Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the Variation of a 7-Day Annual Entertainments Licence for Filthy McNasty's, Dublin Road</b>
<b>Date:</b>	20 February 2013
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application has been received from Bachus Inns Limited for the variation of a 7-day Annual Entertainments Licence for Filthy McNasty's based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="1"><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD</td><td>WK/201201381</td><td>Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD	WK/201201381	Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD
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Filthy McNasty's 41-45 Dublin Road Belfast, BT2 7HD	WK/201201381	Bachus Inns Limited 45 Dublin Road Belfast, BT2 7HD					
1.2	<p>The director of Bachus Inns Limited is Mr Paul Langsford, who is also the licensee for El Divino, Mays Meadow.</p>						
1.3	<p>The areas currently licensed to provide entertainment are:</p> <p>Filthy McNastys, ground floor, with a maximum capacity of 60 persons Gypsy Lounge, first floor, with a maximum capacity of 300 persons.</p>						
1.4	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <p>Monday to Saturday: 11.30am to 2.00am the following morning, and Sunday: 12.30pm to 12.00 midnight</p>						
1.5	<p>The premises operates as a public house with low key entertainment provided in the form of individual or small groups of acoustic musicians from Tuesday to Sunday inclusive on the ground floor and a nightclub on the first floor with entertainment being provided in the form of DJ's on Thursday, Friday and Saturday.</p>						
1.6	<p>The nature of the variation is to extend the hours during which entertainment may be provided to the first floor as follows:</p>						

	Monday to Saturday: 11.30am to 3.00am the following morning, and Sunday: 12.30pm to 3.00am the following morning
1.7	The Committee previously agreed to grant a variation application for the premises on 17 October 2012, which was to extend the hours during which entertainment may be provided from 1.00am to 2.00am from Monday to Saturday.

<b>2</b>	<b>Key Issues</b>
	<p><b>Reasons for the variation</b></p> <p>2.1 The applicant has advised that the extra hours are required to allow them to compete with the high concentration of licensed premises, which are mainly nightclubs, in the vicinity.</p> <p>2.2 The increase in hours until 3.00am will enable the premises to operate on a 'level playing field' with other premises and prevent customers leaving their premises to gain entry to other venues with 3.00am Entertainments Licences and therefore boost revenue.</p> <p>2.3 A copy of an email from the applicant outlining the reasons for making the variation application is appended to this report for your information.</p> <p><b>Objections</b></p> <p>2.4 Members will recall that, at your meeting on 23 January 2013, you were made aware of objections that were received from residents of Shaftesbury Court, 3 Marcus Ward Street regarding the application and therefore agreed to consider representation from the objectors, the applicants and/or their representatives.</p> <p>2.5 The objections related to concerns over:</p> <ul style="list-style-type: none"> <li>• Noise nuisance and anti-social behaviour from patrons at 3.00am.</li> <li>• If granted, entertainment may be provided to 3.00am 7 nights per week.</li> </ul> <p>2.6 Subsequent to your meeting last month an additional objection from a resident of Shaftesbury Court has been received outside the 28 day statutory period which relates to noise nuisance emanating from entertainment being provided in the premises.</p> <p>2.7 In order to try and reduce the potential for noise outbreak from the premises, the licensee has changed the position of speakers and proposed taking noise readings in the objector's apartment. Due to the repositioning of the speakers, the noise disturbance has been reduced and the objector has postponed the noise assessment as he feels that it may not now be required. However, the objector also advised that he would like to maintain his objection until he is satisfied that the measures implemented by the licensee will alleviate the problems.</p> <p>2.8 Copies of the letters of objection are appended to this report for your information and the applicant has also been advised of the nature of the objections.</p> <p>2.9 A deputation representing the objectors and / or their representatives has been invited to attend your meeting so that you may hear their representations relating to the application.</p> <p><b>Liaison Meeting</b></p> <p>2.10 A liaison meeting was held in Filthy McNastys on 23 January 2013 between a representative of the residents, the applicant, Officers of the Environmental Protection Unit and the Building Control Service.</p> <p>2.11 At this meeting the residents' representative stated that their main issue was regarding noise nuisance associated with patron dispersal.</p>

2.12	The licensee highlighted that the Dublin Road is a busy road not just because of the 300 patrons from the Gypsy Lounge but also due to eateries on the road staying open to around 4:00am, which attract patrons from other late night venues such as The Limelight and Stiff Kitten. The licensee proposed that patrons leaving the premises via the side door onto Ventry Street and the taxi queuing arrangement on this street should alleviate the resident's concerns.
2.13	However, no agreement was reached arising from this meeting and the objectors have maintained their objections.
	<b>PSNI</b>
2.14	The Police Service of Northern Ireland has been consulted and has no objection to the application. However, they have subsequently been made aware of the nature of the objections and asked if they have any comments to make in regard to them. Any further information the PSNI may have relating to the application will be presented at your meeting.
	<b>Building Control</b>
2.15	Since February 2012 five during performance inspections have been carried out in the premises by Officers from the Service regarding the provision of both outdoor and indoor entertainment. The inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.
	<b>Environmental Protection Unit</b>
2.16	The Environmental Protection Unit (EPU) has confirmed that, since February 2012, they have received 2 complaints from a resident of Shaftesbury Court, 3 Marcus Ward Street relating to the Outdoor Entertainments Licence at the premise. However, there have been no complaints received in relation to the indoor Entertainments Licence. Should the objector proceed with the noise assessment suggested by the licensee both EPU and Building Control will be in attendance to ensure any issues arising are satisfactorily resolved.
	<b>Licensee</b>
2.17	The applicant and/or his representative will be available to discuss any matters relating to the variation of the licence should they arise during your meeting.

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

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

<b>5</b>	<b>Recommendations</b>
5.1	Members must first decide if you wish to consider the additional objection which was received outside the 28 day period and, should you be minded to do so, agree the reasons

	for taking the objection into account.
5.2	<p>Taking into account the information presented and the representations received you are required to consider the application for the variation of this licence and to:-</p> <ol style="list-style-type: none"> <li>1. Approve the variation application to extend the hours during which entertainment may be provided on Monday to Sunday to 3:00am the following morning, or</li> <li>2. Approve the variation application with special conditions; in addition to the standard conditions, or</li> <li>3. Refuse the application for the variation of the licence.</li> </ol>
5.3	<p>If the 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. Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.</p>

<b>6</b>	<b>Decision Tracking</b>
<p>If the application is granted, assuming all outstanding technical matters have been dealt with, the applicant 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 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 of 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>	

<b>7</b>	<b>Key to Abbreviations</b>
<p>NTNT: Night Time Noise Team</p>	

<b>8</b>	<b>Documents Attached</b>
<p>For your information, the following supporting documents are contained in the Appendix to this Report:-</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Location map</li> <li>• Rationale for extension of hours</li> <li>• Letters of Objection</li> <li>• PSNI response</li> </ul>	