



## Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Objections to the application for the renewal of a 7-day annual Entertainments Licence for Ligoniel and District Homing Pigeon Club</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

<b>1</b>	<b>Relevant Background Information</b>						
1.1	<p>An application was received on 10 May 2012 from Mr Roy Gordon for the renewal of a 7-day annual Entertainments Licence for Ligoniel and District Homing Pigeon Club 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><b>Premises and Location</b></th><th><b>Ref. No.</b></th><th><b>Applicant</b></th></tr></thead><tbody><tr><td>Ligoniel &amp; District Homing Pigeon Club 46A Glenbank Place Belfast, BT14</td><td>WK/2012/0736</td><td>Mr Roy Gordon</td></tr></tbody></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Ligoniel & District Homing Pigeon Club 46A Glenbank Place Belfast, BT14	WK/2012/0736	Mr Roy Gordon
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Ligoniel & District Homing Pigeon Club 46A Glenbank Place Belfast, BT14	WK/2012/0736	Mr Roy Gordon					
1.2	<p>The area of the premises licensed to provide entertainment is the:</p> <p>First Floor with a maximum capacity of 220 persons.</p>						
1.3	<p>The days and hours during which entertainment may be provided are:</p> <p>Monday to Saturday: 11.30am to 23.00pm, and Sunday: 12.30pm to 22.00pm</p>						
1.4	<p>Under the terms of the Registration of Clubs Order the Club is permitted to have 85 late extension licences per year which allows them to provide entertainment to 1.00am on Monday to Saturday or midnight on Sunday on those occasions.</p>						

<b>2</b>	<b>Key Issues</b>
2.1	<p>Members will recall that, at your meeting on 21 November 2012, you agreed that a Special Meeting be held to consider an objection to the application and to hear representations from the objectors, the applicant and/or their representatives.</p>

<p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p> <p>2.6</p> <p>2.7</p> <p>2.8</p>	<p>The nature of the objection relates to:</p> <ol style="list-style-type: none"> <li>1. Excessive loud music to all hours e.g. 3.00am.</li> <li>2. Noise from shouting in the smoking area and using the pavilion as a drum.</li> <li>3. Noise from patrons when leaving the premises and management unable to control patrons outside.</li> <li>4. Use of club to view football matches and noise on Sunday afternoons.</li> <li>5. The Club being unable to control patrons attending private parties.</li> <li>6. Constant attacks on residents of Clanmil apartments including windows being smashed and downpipes removed.</li> <li>7. Anti social incidents.</li> </ol> <p>A copy of the letter of objection is appended to this report for your information.</p> <p>Members are advised that Officers from the Service offered to facilitate a meeting between the objectors and club representatives in order to try and address the objectors concerns. However, the objectors declined this offer preferring that the application be brought before Committee for consideration.</p> <p>The objectors did agree to the suggestion that Officers of the Service meet with representatives from the club and Clanmil Housing and a meeting subsequently took place on 8 August 2012 at Clanmil Housing offices.</p> <p>Following that meeting the objectors were informed in writing of the outcome and of the measures the club have put in place, which included:</p> <ul style="list-style-type: none"> <li>▪ Introducing procedures to ensure the Club will be aware of who attends parties or functions at the premises.</li> <li>▪ Appropriate steps being taken to minimise noise from patrons leaving the Club, such as notices advising patrons that it is a residential area, encouraging taxis drivers not to sound horns, encouraging patrons to disperse quickly and not hang about outside the Club.</li> <li>▪ After football matches patrons are encouraged to leave quickly so that the premises are cleared before 7.00 pm.</li> <li>▪ An assurance that they will take action against any member who does not adhere to Club rules (The Club have also offered their CCTV to be available to the Council should we wish to view it to observe any alleged breach of entertainment licensing).</li> <li>▪ Confirmation that the Club have met with residents and explained that the bottles are not from the Club.</li> </ul> <p>At the meeting officers from Clanmil Housing confirmed that they had no record of windows being smashed or other damage. However, they did state that residents often contact head office directly regarding repairs. They also confirmed that a request had been made by a resident for a fence under their planned maintenance programme but decided it was not required.</p> <p>The Club have indicated they are keen to maintain a harmonious relationship with all of their neighbours and offered to undertake the following actions in order to resolve the objectors concerns. They will:</p> <ul style="list-style-type: none"> <li>▪ Continue to adhere to the permitted hours of their Entertainments Licence;</li> <li>▪ Provide the Clanmil Scheme Co-ordinator with dates when entertainment will be provided beyond 11.00 pm;</li> <li>▪ Ensure noise from patrons in the smoking area is not excessive;</li> <li>▪ Provide contact details to ensure no bookings are made for those dates when the objectors' grandchildren visit.</li> </ul>
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2.9	A copy of our letter to the objectors advising of these measures is appended to this report for your information.
	<b>PSNI</b>
2.10	The Police Service of Northern Ireland has been consulted about the application and the issues highlighted by the objectors and have no objection to the application.
2.11	Police have carried out informal inspections of the premises on 4 April 2012 and on the 5 December 2012 and on each occasion found no issues. They have also confirmed that there have been no incidents in the last 2 years either noted by police or reported to police. The most recent incident recorded on 1 January 2011 when a female was assaulted outside the premises by another female. The incidents before this were from 2010 and beyond.
2.12	Police have not witnessed any of the issues raised by the residents of Harmony Court in their letter of objection and state that overall the club appears to be well run and is one of the quieter club establishments in the district.
2.13	A copy of the PSNI response is appended to this report for your information.
	<b>Building Control</b>
2.14	Building Control has received two complaints regarding the premises since the renewal application was received. The complaints, received via EPU, relate to noise from entertainment music and patrons outside in the smoking shelter.
2.15	In addition to the meetings about the application, Officers from the Service have also carried out two during performance inspections at the premises since 1 June 2012. During one inspection the conditions of licence were being adhered to with the exception of the log sheet not being completed. On the other occasion no entertainment was taking place.
	<b>Environmental Protection Unit</b>
2.16	EPU received six complaints regarding noise from the premises over the past 12 months. See appendix.
2.17	On the occasions where noise was witnessed emanating from the club Officers were unable to determine if the levels observed breached Noise Act legislation as the complainants did not provide access to EPU in order for them to take noise readings.
2.18	Members are advised that on each occasion noise was witnessed, Officers from Health & Environmental Services spoke to the management of the bar.
2.19	An Officer from the Environmental Protection Unit will be available at the meeting to answer any queries Members may have in relation to noise disturbance issues.
2.20	<b>Licensee</b> The applicant and / or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
2.21	<b>Objectors</b> The objectors and / or their representatives have also been invited to attend your meeting so that you may hear their representations relating to the application.

<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	Having regard to the information presented and the representations made in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Approve the application for the renewal of the licence, or</li> <li>2. Approve the application for the renewal with special conditions, or</li> <li>3. Refuse the application for the renewal of the licence.</li> </ol>
5.2	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 Recorders Court. In the case that you refuse to renew the licence and the applicant subsequently decides to appeal entertainment may be provided in accordance with the terms of the current licence until any such appeal is determined.

<b>6</b>	<b>Decision Tracking</b>
<p>If the application is granted, 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 the 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>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>▪ PSNI response</li> <li>▪ Letter of objection</li> <li>▪ Letter from Service to objectors</li> <li>▪ Location map</li> <li>▪ Details of complaints received by the Council's Noise Service</li> </ul>	