



Belfast City Council

Report to:	Licensing Committee
Subject:	Objection received to an application for the grant of a 14-Day Occasional Entertainments Licence
Date:	20 March 2013
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 was received on the 11 January 2013 from Mr Paul Langsford for the grant of a 14-day occasional Entertainments Licence for a marquee 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>El Divino Mays Meadow Belfast BT1 3PH</td><td>WK/201300044</td><td>Mr Paul Langsford</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	El Divino Mays Meadow Belfast BT1 3PH	WK/201300044	Mr Paul Langsford
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El Divino Mays Meadow Belfast BT1 3PH	WK/201300044	Mr Paul Langsford					
1.2	<p>The applicant proposes to provide entertainment inside a marquee with a maximum capacity of 500 persons which will be positioned in the car park to the side of El Divino.</p>						
1.3	<p>The applicant proposes to operate the marquee at the same time as that of the indoor Entertainments Licence and finish by 2.00am.</p>						
1.4	<p>The Applicant has advised that, if a licence is granted for the area, it is the intention to provide entertainment in the form of a band or DJ on 2 occasions per year, the dates of which are proposed for the 5 May and 25 August 2013.</p>						
1.5	<p>Public notice of the application was placed in the Irish News and Daily Mirror within 7 days of the application being made.</p>						

2	Key Issues
2.1	<p>However, as a result of the public notices, written representation has been received outside of the 28 day statutory period, objecting to the application.</p>
2.2	<p>The letter of objection has been received from a local resident. The nature of the objection relates to concerns regarding the noise associated with a previous outdoor event, the additional hours proposed for this event and the fact that the days following these events are working days for the objector.</p>

2.3	Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received inside the 28 day statutory period. Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections.
2.4	Members should note that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.
2.5	When deciding if you wish to consider the objections received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objections, the proximity of the objectors to the premises, how far outside the 28 day period the objections were received, or any other matters that appear important in the circumstances at hand.
2.6	A copy of the letter of objection is appended to this report for your information.
	PSNI
2.7	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 objection received and asked if they have any comments to make in regard to it. Any further information the PSNI may have relating to the application will be presented at your meeting.
2.8	A copy of the initial PSNI response is appended to this report for your information.

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 Implications
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	The current policy, laid down as a mandatory condition in the Order, is that, where representations have been made within 28 days of the date of application, an opportunity of appearing before and being heard by the Committee shall be given to the applicant and to persons who made representations, before any decision is made.
5.2	However, as objections against the application were received outside the 28 day period you are required to determine if you wish to exercise your discretion and afford the opportunity of appearing before, and being heard by, the Licensing Committee to any or all of the persons who made the representations outside the 28 day statutory period.
5.3	As it is possible that this matter may take some time to consider, you are required to set a suitable date and time to receive the person who made the representation, the applicants and/or their representatives and, after having received their submissions, make a recommendation regarding the application.

6	Decision Tracking
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Once the date is arranged for the Special Meeting all relevant parties will be notified of that meeting and the procedure that applies. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.

7	Documents Attached
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For your information, the following supporting documents are contained in the Appendix to this Report:-

- Letter of Objection
- PSNI response