



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Variation of a Seven-day Annual Entertainments Licence - Aether and Echo, 1-3 Lower Garfield Street
Date:	11th December, 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 has been received from Imbibe Limited for the variation of a Seven-day Annual Entertainments Licence for Aether and Echo (formerly The Deer's Head), based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Aether and Echo 1-3 Lower Garfield Street Belfast, BT1 1FP</td><td>WK/201301557</td><td>Imbibe Limited 10a Ann Street Belfast, BT1 4EF</td></tr></table>	Premises and Location	Ref. No.	Applicant	Aether and Echo 1-3 Lower Garfield Street Belfast, BT1 1FP	WK/201301557	Imbibe Limited 10a Ann Street Belfast, BT1 4EF
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1.2	Mr Brian McGeown of Imbibe Limited is also the licensee for Love and Death Inc, Ann Street.						
1.3	<p>The areas of the premises licensed to provide entertainment are the:</p> <ul style="list-style-type: none">• Ground floor, with a maximum capacity of 150 persons• First floor, with a maximum capacity of 220 persons						
1.4	<p>The days and hours during which the premises are currently licensed to provide entertainment on the ground floor are:</p> <ul style="list-style-type: none">• Monday to Thursday: 11.30 a m to 1.00 a m the following morning, and• Friday to Saturday: 11.30 a m to 3.00 a m the following morning, and• Sunday: 12.30 p m to 12.00 midnight						
1.5	The premise operates as a public house with entertainment provided in the form of DJ's or live bands on a Friday and Saturday on the ground floor and a nightclub on the first floor. On Monday, Thursday, Friday and Saturday entertainment is provided in the form of a DJ or live bands.						
1.6	The nature of the variation is to increase the hours as noted above during which entertainment may be provided on a Monday and Thursday night to 3.00am the following morning.						

2	Key Issues
	<p>Reasons for the variation</p> <p>2.1 The licensee has stated that the variation to extend the permitted hours is required for the following reasons:</p> <p>2.2 Due to the layout of the first floor, the Licensee believes that it is suitable for use as a wedding venue and they believe that offering entertainment to 3.00 am may make the venue more appealing.</p> <p>2.3 The licensee plans to 'gig share' with clubs in Dublin and Derry on a Thursday evening, which consists of guest DJ's for specialised events. The licensee believes that the 3.00 am licence will also enable them to secure the services of these DJ's and acts.</p> <p>2.4 As the first floor is essentially one large open space the licensee may also offer the space as a gallery for the local artists from the colleges. Other options include a comedy club on a Monday with DJ's playing at intervals and after the comedy shows or the introduction of a gay friendly night on a Monday or Tuesday, if there is a need.</p> <p>2.5 The licensee is hopeful that these ideas will attract more business to this area and in turn make their venture more sustainable, successful and eventually profitable.</p> <p>2.6 A copy of an email from the applicant outlining the reasons for making the variation application is attached at Appendix 4.</p> <p>Representations</p> <p>2.7 No written representation has been lodged as a result of the public notices of the application.</p> <p>PSNI</p> <p>2.8 The PSNI have been consulted and have no objection to the application. A copy of their correspondence is attached at Appendix 3.</p> <p>Health, safety and welfare inspections</p> <p>2.9 Since the transfer of the Entertainments Licence was completed in September 2013 one during performance inspection has been carried out on the premises by Officers from the Service. No entertainment was being provided on that occasion.</p> <p>Noise issues</p> <p>2.10 The Environmental Protection Unit of the Department have confirmed that over the past 12 months they have received no complaints regarding noise disturbance due to noise/music breakout or from patron dispersal at the premises.</p> <p>Licensee</p> <p>2.11 The applicant and/or his representatives will be available to discuss any matters relating to the variation of the licence should they arise during your meeting.</p>

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

4	Equality and Good Relations Considerations
4.1	There are no relevant equality or good relations issues.

5	Recommendations
5.1	<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"> 1. Approve the variation application to increase the hours during which entertainment may be provided on Monday and Thursday to 3.00 a m the following morning, or 2. Approve the variation application with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence.
5.2	<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>

6	Decision Tracking
<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>	

7	Documents Attached
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - PSNI comments</p> <p>Appendix 4 - Rationale for extension of hours</p>	