



Belfast City Council

Report to: Licensing Committee

Subject: **Application for the Renewal and Variation of a Seven-day Annual Entertainments Licence - Beehive Bar, 193-195 Falls Road**

Date: 18th June 2014

Reporting Officer: Trevor Martin, Head of Building Control, ext. 2450

Contact Officer: Stephen Hewitt, Building Control Manager, ext. 2435

| 1 | Relevant Background Information | | | | | | |
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| 1.1 | <p>Applications have been received from Philip Bannon for the renewal and variation of a Seven-day Annual Entertainments Licence for Beehive Bar based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="0"><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Beehive Bar 193-195 Falls Road Belfast, BT12 6FB</td><td>WK/201301557</td><td>Philip Bannon 193-195 Falls Road Belfast, BT12 6FB</td></tr></tbody></table> | Premises and Location | Ref. No. | Applicant | Beehive Bar 193-195 Falls Road Belfast, BT12 6FB | WK/201301557 | Philip Bannon 193-195 Falls Road Belfast, BT12 6FB |
| Premises and Location | Ref. No. | Applicant | | | | | |
| Beehive Bar 193-195 Falls Road Belfast, BT12 6FB | WK/201301557 | Philip Bannon 193-195 Falls Road Belfast, BT12 6FB | | | | | |
| 1.2 | <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 280 persons | | | | | | |
| 1.3 | <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">▪ Sunday: 12.30pm to 12.00 midnight▪ Monday to Saturday: 11.30 am to 1.00 am the following morning | | | | | | |
| 1.4 | <p>The premises operate as a public house with entertainment currently provided in the form of a disco on a Friday, Saturday and Sunday.</p> | | | | | | |
| 1.5 | <p>The nature of the variation is to increase the hours during which entertainment may be provided on Thursday, Friday, Saturday and Sunday nights until 3.00am the following morning.</p> | | | | | | |

| 2 | Key Issues |
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| 2.1 | <p>Members are reminded that the normal process for dealing with Entertainments Licence renewals, which are not the subject of objections, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation.</p> |

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| 2.2 | <p>However, in light of the fact that the applicant has also applied for a variation to extend the hours of entertainment past 1.00 am, both applications are being presented to you for your consideration.</p> <p>Reasons for the variation</p> |
| 2.3 | <p>The licensee has stated that the variation to extend the permitted hours is required for the following reasons:</p> <ul style="list-style-type: none"> ▪ The industry is enduring hard times and it is a very competitive market. A 3.00 am licence on the requested days would enable them to remain competitive within the market they are placed. ▪ A 3.00am licence will provide a unique selling point for their venue in the area they are located. ▪ It would also place them in a better position to compete on an even playing field with competitors within the Greater Belfast area and the City Centre. |
| 2.4 | <p>In support of the application the licensee has advised that they employ extra door supervisors when entertainment is taking place and have an arrangement with a local taxi company to help ensure patrons disperse quickly after the bar closes. Initially, he is also proposing to only provide entertainment on Saturday until 2.00 am and Sundays until 1.00 am if the variation is granted.</p> |
| 2.5 | <p>A copy of an email from the applicant outlining the reasons for making the variation application is attached.</p> <p>Representations</p> |
| 2.6 | <p>No written representation has been lodged as a result of the public notices of the application.</p> <p>PSNI</p> |
| 2.7 | <p>The PSNI have been consulted and have no objection to the application. A copy of their correspondence is attached</p> <p>Health, safety and welfare inspections</p> |
| 2.8 | <p>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> |
| 2.9 | <p>The Environmental Protection Unit (EPU) has confirmed that they received one noise complaint about the premises on 23 August 2013. They have received no complaints since that date regarding noise disturbance due to noise/music breakout or from patron dispersal at the premises.</p> |
| 2.10 | <p>An acoustic report provided by the applicant advises that with the door to the smoking area open the predicted level at the facades of the nearest residential properties will be 44dB(A) LAeq which is still less than the measured background of 54.8dB(A) L90.</p> |
| 2.11 | <p>Whilst the report provided predicts that noise from entertainment will not have an impact on nearby residential properties EPU are concerned that if the smoking area is not properly managed noise from patrons could have an impact as the levels used are only predictions of "typical" noise levels associated with patrons using smoking areas.</p> |
| 2.12 | <p>An officer from EPU will be available at your meeting to answer any queries you may have about the proposal.</p> |

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| 2.13 | <p>Licensee</p> <p>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> |
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| 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> |

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

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| 5 | Recommendations |
| 5.1 | <p>Taking into account the information presented and the representations received you are required to consider the applications for the renewal and variation of this licence and to:</p> <ol style="list-style-type: none"> 1. Approve the renewal and variation applications to increase the hours during which entertainment may be provided on Thursday to Sunday to 3.00am the following morning, or 2. Approve the applications with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence, or 4. Refuse the applications for renewal and variation of the licence. |
| 5.2 | If the applications are 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. |
| 5.3 | Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined. |

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| 6 | Decision Tracking |
| <p>If the renewal and variation 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 you are of a mind to refuse the applications 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 Council's decision within 21 days of notification of that decision to the County Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p> | |

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| 7 | Documents Attached |
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Appendix 1 - Application form

Appendix 2 - Location map

Appendix 3 - PSNI comments

Appendix 4 - Rationale for extension of hours