



## Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Dirty Onion and Yardbird, 42 Waring Street</b>
<b>Date:</b>	18th June, 2014
<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 has been received from Mr Conall Wolsey for the grant of a Seven-day Annual Outdoor Entertainments Licence for The Dirty Onion and Yardbird.</p> <table border="0"><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>The Dirty Onion and Yardbird 42 Waring Street Belfast, BT1 2ED</td><td>WK/201400469</td><td>Mr Conall Wolsey Cathedral Leisure Ltd</td></tr></tbody></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	The Dirty Onion and Yardbird 42 Waring Street Belfast, BT1 2ED	WK/201400469	Mr Conall Wolsey Cathedral Leisure Ltd
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
The Dirty Onion and Yardbird 42 Waring Street Belfast, BT1 2ED	WK/201400469	Mr Conall Wolsey Cathedral Leisure Ltd					
1.2	Mr Conall Wolsey is a director of Cathedral Leisure Ltd.						
1.3	The applicant proposes to provide entertainment in the external beer garden, which is located to the front of The Dirty Onion and Yardbird. The occupancy of the area has still to be finalised but will be approximately 250 persons. It is expected that this technical issue will be resolved shortly as part of ongoing discussions.						
1.4	Members are advised that the maximum indoor occupancy for the premise is 240 persons and this will be considered in conjunction with the persons that may be accommodated in the outdoor area and how both areas are managed.						
1.5	<p>The days and hours during which entertainment is proposed to be provided are as per the indoor Entertainments Licence as follows:</p> <table border="0"><tr><td>Monday to Saturday</td><td>11.30 am to 1.00 am the following morning, and</td></tr><tr><td>Sunday</td><td>12.30 pm to 12.00 am the following morning.</td></tr></table>	Monday to Saturday	11.30 am to 1.00 am the following morning, and	Sunday	12.30 pm to 12.00 am the following morning.		
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Sunday	12.30 pm to 12.00 am the following morning.						
1.6	The applicant has advised that, if a licence is granted for the area, it is the intention to provide entertainment in the form of live bands or a DJ through the in-house speaker system.						
1.7	Layout plans of the outdoor area are attached.						

<b>2</b>	<b>Key Issues</b>
2.1	Members are reminded that the normal process for dealing with Entertainments Licence applications 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.
2.2	However, at your meeting on 21 <sup>st</sup> November 2012, you agreed that all future applications for the grant of outdoor entertainments licences be brought before Committee for your consideration.
	<b>Representations</b>
2.3	Public notices of the application were placed in the newspapers and no objections were received within the 28 day statutory period.
	<b>PSNI</b>
2.4	The Police Service of Northern Ireland has been consulted and has no objection to the application.
	<b>Health, safety and welfare inspections</b>
2.5	A total of 2 during performance inspections have been carried out on the premises by Officers from the Service regarding the provision of indoor entertainment since the opening of the premises in November 2013.
2.6	The inspections revealed that the conditions of the Entertainments Licence were being adhered to and the Officers were satisfied that all operational and management procedures were being implemented effectively.
	<b>Noise Issues</b>
2.7	Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, either due to noise breakout or from patron activity, was requested.
2.8	An acoustic report has only recently been received by the Service and has been forwarded to the Environmental Protection Unit (EPU) for assessment. Due to the limited time available for them to assess the report their comments are currently outstanding but an Officer from EPU will be in attendance at your meeting to answer any queries you may have regarding noise.
	<b>Licensee</b>
2.9	Representatives for the applicant will be available to discuss any matters relating to the application at your meeting.

<b>3</b>	<b>Resource Implications</b>
3.1	<b><u>Financial</u></b> None
3.2	<b><u>Human Resources</u></b> None
3.3	<b><u>Asset and Other Implications</u></b> 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	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the grant of a 7-day Annual Outdoor Entertainments Licence, or</li> <li>2. Approve the application for the grant with special conditions, or</li> <li>3. Refuse the application for the grant of the licence.</li> </ol>
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. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>

<b>6</b>	<b>Decision Tracking</b>
<p>If the licence is granted, subject to all outstanding technical matters having 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 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 Executives Department.</p>	

<b>7</b>	<b>Documents Attached</b>
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - Layout Plans</p> <p>Appendix 4 - PSNI comments</p>	