

Extract of Minutes of Meeting of 20th November, 2013

Application for the Renewal and Variation of a Seven-day Annual Indoor Entertainments Licence – The Menagerie, 130 University Street

The Committee was advised that an application had been received for the renewal and variation of a Seven-day Annual Indoor Entertainments Licence in respect of the above-mentioned premises. The Building Control Manager reported that, whilst the premises were licensed currently to provide entertainment from Monday to Saturday till 1.00 a.m. and on a Sunday till midnight, it was provided primarily on Thursday, Friday and Saturday nights and took the form of either a DJ or a live band. The applicant had sought to vary the Licence to enable him to offer entertainment from Monday to Saturday till 2.00 a.m., on the basis that it would enable The Menagerie to compete on an equal commercial footing with others in the City which operated till that time.

The Building Control Manager informed the Members that no written representations had been received in relation to the application and that the Police Service of Northern Ireland had not objected. In addition, the Council's Environmental Protection Unit had confirmed that it had not received any complaints over the course of the past year. Since the current Entertainments Licence had been renewed, officers of the Building Control Service had conducted four inspections of the premises whilst entertainment had been taking place, two of which had uncovered minor issues and had been addressed immediately by the licensee.

He drew the Members' attention to a map which highlighted the position of the premises in relation to residential properties in the area and pointed out that the Committee had, in the past, refused to vary Entertainments Licences for premises outside the City centre to enable entertainment to be provided beyond 1.00 a.m. Such decisions had been taken on the grounds that the premises were located close to residential properties and that there was potential for persons in the neighbourhood to be unreasonably disturbed by noise and due to the fact that no other licensed premises in the area were permitted to provide entertainment later than 1.00 a.m. He suggested that the Committee, in assessing the current application, might wish to have regard to those considerations.

The Committee agreed that it would be beneficial to obtain further information on the proposed variation and, accordingly, Mr. L. McCandless, the manager of the premises, who had attended on the applicant's behalf, was admitted to the meeting.

Mr. McCandless informed the Members that The Menagerie, like other licensed premises across the City, had experienced difficulties due to the current economic recession. He made the point that patrons were now waiting until 11.00 p.m. and beyond before visiting licensed premises, which limited the trading time available to licensees and, ultimately, their turnover. Accordingly, the applicant was seeking to vary the Entertainments Licence to enable entertainment to be provided till 2.00 a.m., which would permit him to compete commercially with others across the City which operated to that time.

He explained that The Menagerie differed from other licensed premises in the immediate vicinity in that it was not surrounded exclusively by residential properties, it was regarded as being a music venue rather than a bar, it catered for an older clientele, as opposed to students, and it did not sell draught beer. He stressed that the premises had never experienced problems with issues such as noise disturbance or anti-social behaviour which had necessitated intervention by the Police Service of Northern Ireland. Mr.

McCandless concluded by stating that the applicant would be prepared to accept the Entertainments Licence being varied for a trial period to permit entertainment to take place till 2.00 a.m. on Friday and Saturday nights only and for the premises to be monitored by Council officers during that time.

Having been thanked by the Chairman, Mr. McCandless retired from the meeting.

During discussion, several Members stated that the points which had been highlighted by Mr. McCandless, in terms of the premises' position in relation to residential properties, the nature of its clientele and the fact that it was a music venue rather than a bar and did not sell draught beer, confirmed that The Menagerie occupied a niche market in that part of the City and represented sufficient grounds on which to grant the variation. However, the Committee was of the view that it wished to ensure that the arrangement would not cause disturbance to residents and, therefore, the Licence should be varied for a probationary period and the extended hours which had been sought by the applicant should be limited to two nights per week.

Accordingly, it was

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to grant, for a period of six months, a variation of a Seven-day Annual Indoor Entertainments Licence in respect of The Menagerie, 130 University Street, with entertainment being permitted to take place till 2.00 a.m. on Friday and Saturday nights only and the premises being monitored by officers of the Building Control Service.