



Subject:	Applications for the Variation of Seven-Day Annual Indoor Entertainments Licences – Botanic Inn and Wellington Park Hotel /Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence – Wellington Park Hotel
Date:	19th April, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To consider applications for the variation of the Seven-Day Annual Indoor Entertainments Licences for the Wellington Park Hotel and the Botanic Inn, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind where objections have been received.
1.2	Members are also requested to consider an application for the grant of a Seven-Day Annual Outdoor Entertainments Licence for the Wellington Park Hotel, based on the Council's standard conditions to provide outdoor musical entertainment where objections have been received.

	Premises and Locations	Ref. Nos.	Applicant
	Wellington Park Hotel 19-21 Malone Road Belfast BT9 6RU	WK/201602412 WK/201600883	Mr. Felix Mooney Dunadry Development Company Ltd Wellington Park Hotel 19-21 Malone Road Belfast BT9 6RU.
	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	WK/201602416	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU.
1.3	The variation applications for both premises were received on 22nd November, 2016 and the outdoor grant application for the Wellington Park Hotel was received on 3rd May, 2016.		
1.4	The outdoor grant application was delayed pending the outcome of an application made to the Planning Service to vary one of the conditions of the planning permission, which had been originally granted on 19th May 2016, which prevented amplified music from being played within the outdoor area.		
1.5	The matter has now been resolved and amplified music can be provided in the outdoor area.		
1.6	Both premises currently hold Entertainments Licences and have previously been considered by the Licensing Committee as a result of objections to the applications although none have been received in recent years.		
2.0	Recommendations		
2.1	As the objection against the applications was received outside the 28 day statutory period, you are required to determine if you wish to exercise your discretion to consider it and, if so, give the objectors and the applicant an opportunity of appearing before and being heard by the Committee.		
2.2	Members will recall that, at your meeting on 18th January 2017, you considered a report regarding representations received outside the 28 day statutory period and agreed to adopt the following criteria when considering late objections: <ol style="list-style-type: none"> 1. has a reasonable explanation been provided, in writing, by the objector on why their representation was not made within the 28 day period; 2. does the representation provide substantially different additional information to that already contained within representations that have been received within the 28 day period; 3. how far outside the 28 day period were the representations received; 4. the proximity of the objectors to the premises; 5. the number of other representations received outside the 28 day period; and 6. whether there are any other material considerations which would warrant consideration of the objection. 		

<p>2.3</p> <p>2.4</p> <p>2.5</p> <p>2.6</p>	<p>A copy of an email explaining why the objection from the Lower Malone Residents Association is outside the 28 day period and explaining why Members should take it into account is attached at Appendix 1.</p> <p>A factor which Members may also wish to take into consideration is the previous history of objection, Committee hearings and court cases associated with these premises and the fact that the Entertainments Licences for both premises currently have conditions which require the licensee to attend liaison meetings between Belfast City Council, the Lower Malone Residents Association and the PSNI.</p> <p>If you decide not to take the late representation into account then the indoor applications will be dealt with under the Scheme of Delegation and the outdoor application will be brought before you at a future meeting for your consideration.</p> <p>However, should you exercise your discretion, you are required to set a suitable date and time to receive the persons who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the applications.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u></p> <p>Written representation objecting to the applications has been received from the Lower Malone Residents' Association. This was received outside the 28 day statutory period in the form of an email.</p> <p>The nature of the objection relates to the following:</p> <ul style="list-style-type: none"> • the ability of the premises to operate to 3.00 am would have very serious detrimental effects on residential amenity in and beyond the immediate vicinity of the premises; • Wellington Park is designated as a 'residential area' for planning purposes, and an increasing number of properties in the area close by are occupied by residents. The extension of an Entertainments Licence until 3.00 am will result in a prolongation of the noise and other concomitant nuisances produced by late night revelry until well beyond that time; • noise would be bad enough at weekends, but to have the disturbance going on for most of the night during the working week will make life intolerable for residents, who have to get up to go to work in the morning or to take their children to school; • in the long term it would also make it difficult to resist similar extensions in other establishments nearby. It is one thing to have a night-time economy, but this proposes what is effectively an all-night economy in a residential area; and • the density of residential occupation is increasing, and the area is wholly inappropriate for this type of Entertainments Licence. <p>A copy of the email of objection from Lower Malone Residents' Association is attached at Appendix 2.</p> <p>Members are advised that we are currently mediating with all parties to try and resolve the issues.</p>

3.5	<u>Financial and Resource Implications</u> None
3.6	<u>Equality or Good Relations Implications</u> None
4.0	Documents Attached
	<ul style="list-style-type: none">• Appendix 1 – Explanation from Lower Malone Residents' Association re statutory period• Appendix 2 – E-mail of Objection