



<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Thompson's Garage, 3 Patterson's Place</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext 6446

**Restricted Reports**

Is this report restricted?

Yes

No

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

**Call-in**

Is the decision eligible for Call-in?

Yes

No

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	To consider an application for the grant of a Seven-Day Annual Outdoor Entertainments Licence for Thompsons Garage, based on the Council's standard conditions to provide outdoor musical entertainment.  <table><tr><td><b>Premises and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>Thompsons Garage 3 Patterson's Place Belfast BT1 4GW</td><td>WK/201600933</td><td>Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast</td></tr></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201600933	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201600933	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.						

<b>2.0</b>	<b><u>Recommendations</u></b>
2.1	Taking into account the information presented and any representations received, you are required to consider the application in light of the legal proceedings against the applicant and determine if you wish to refuse the application for an Outdoor Entertainments Licence on the grounds that the applicant has been convicted of offences under the Order.
2.2	Should Members be satisfied that the application need not be refused you are then required to:
	<ol style="list-style-type: none"> <li>1. approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or</li> <li>2. approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence with special conditions.</li> </ol>
2.3	If the licence 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 Recorders Court.
2.4	In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.
<b>3.0</b>	<b><u>Main Report</u></b>
	<b><u>Key Issues</u></b>
3.1	Members will recall that, at the meeting on 19th April, the Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licence, with a condition attached requiring the licensee to attend meetings with the PSNI, the Security Industry Authority and other relevant parties, as and when required. These meetings would be facilitated by the Council in order to discuss any issues arising from the operation of the premises.
	<b><u>Details of the Premises and Proposals</u></b>
3.2	The areas currently licensed to provide entertainment are: <ul style="list-style-type: none"> <li>• Ground Floor Bar, with a maximum capacity of 225 persons.</li> <li>• Mezzanine Floor, with a maximum capacity of 190 persons.</li> </ul>
3.3	The days and hours during which the premises are currently licensed to provide entertainment are: <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 3.00 am the following morning</li> </ul>
3.4	The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.
3.5	The applicant proposes to provide entertainment within the external beer garden, which is located to the rear of Thompsons Garage, towards Donegall Square East.
3.6	The proposed occupancy of the external beer garden will be 104 persons.
3.7	Members are advised that the maximum indoor occupancy for the premise of 415 persons will be managed in conjunction with the agreed maximum occupancy of the external area to ensure numbers do not exceed capacity.

<p>3.8</p>	<p>The days and hours during which entertainment is proposed to be provided within the external area, is as follows:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11.30 am to 11.00 pm, and</li> <li>• Sunday 12.30 pm to 11.00 pm.</li> </ul>
<p>3.6</p>	<p>The applicant has advised that, if a licence is granted for the area, it is his intention to provide entertainment in the form of solo performers, live bands or a DJ through the in-house speaker system.</p>
<p>3.7</p>	<p>The proposed area is covered by the existing Liquor Licence. Layout plans of the proposed external area are attached to this report for your information at Appendix 3.</p>
	<p><b><u>Previous Convictions</u></b></p>
<p>3.8</p>	<p>The application is also being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985 at Belfast Magistrates' Court, on two occasions: 13 May 2014 and 24 May 2016.</p>
	<p><b>First Conviction</b></p>
<p>3.9</p>	<p>The first conviction on 13th May, 2014 arose following breaches of the terms and conditions of the Entertainments Licence in that they failed to manage the permitted occupancy and migration between licensed areas. They also failed to ensure that the permitted numbers for the Smoking Area was limited to 50 persons as the area was found to be overcrowded.</p>
<p>3.10</p>	<p>As a result, Mr Stephen Boyd and Endless Music Limited were fined a total of £800 and ordered to pay court costs of £69.</p>
	<p><b>Second Conviction</b></p>
<p>3.11</p>	<p>The second conviction on 24th May, 2016 arose following breaches of the terms and conditions of the Entertainments Licence in that the 2nd Floor of the premises was found to be overcrowded and in excess of the permitted occupancy.</p>
<p>3.12</p>	<p>As a result, Endless Music Limited were fined £750 and ordered to pay court costs of £66.</p>
<p>3.13</p>	<p>Following these offences, officers met with Mr Boyd and his representatives to review all their procedures to ensure that appropriate measures were in place to prevent a recurrence.</p>
<p>3.14</p>	<p>Members may recall that details of the first conviction was brought to your attention previously and both convictions were recently considered at your meeting in April 2017 in relation to the application for the renewal of the Indoor Entertainments Licence and, after consideration, you agreed to renew the licence.</p>
<p>3.15</p>	<p>The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.</p>
	<p><b><u>Representations</u></b></p>
<p>3.16</p>	<p>Notice of the application has been advertised and no written representation has been lodged.</p>

3.17	<p><b><u>PSNI</u></b></p> <p>The PSNI has been consulted and has confirmed that it has no objections to the application and has previously discussed the details of it when dealing with previous matters. A copy of its correspondences is attached at Appendix 4.</p>
3.18	<p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections to the application.</p>
3.19	<p><b><u>Health, Safety and Welfare Inspections</u></b></p> <p>Members are advised that officers have carried out a total of 7 During Performance Inspections on the premises since 20th April 2016. On each occasion, all technical matters were satisfactory and the appropriate measures and management procedures were being implemented effectively.</p>
3.20	<p>Extensive meetings have also been held with the applicant regarding previous matters associated with the renewal application, future plans to improve the access and egress from the venue and how the applicant proposes to manage the migration of patrons between the relevant areas.</p>
3.21	<p><b><u>Noise Issues</u></b></p> <p>Given the nature of the entertainment at the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU).</p>
3.22	<p>EPU has recommended that, in the event that an Entertainments Licence being granted, the Committee consider the inclusion of a condition requiring the applicant to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level of 79dB<sub>L<sub>Aeq5minutes</sub></sub> and to keep a regular check on volume levels at noise sensitive facades when outdoor entertainment is being provided.</p>
3.23	<p>Members are advised that the applicant has agreed to this condition being added to any Entertainments Licence being granted and officers will ensure that the technical noise matters are addressed before the Entertainments Licence is granted.</p>
3.24	<p>Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.</p>
3.25	<p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p>
3.26	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>

<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Plan of the Outdoor Area</p> <p>Appendix 4 – PSNI Correspondence</p>